

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM FORTIN

Applicants

-and-

CITY OF GREATER SUDBURY

Respondent

APPLICATION RECORD

Volume 1 of 6

DATE: October 22, 2019

MUNICIPAL LAW CHAMBERS

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SUPERIOR COURT OF JUSTICE**

BETWEEN:

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM FORTIN

Applicants

-and-

CITY OF GREATER SUDBURY

Respondent

AMENDED NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page. THIS APPLICATION will come on for a hearing at a time and date to be agreed upon by both parties.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date:

Issued by

Local Registrar

Address of court office:

Superior Court of Justice - Civil
155 Elm St.
Sudbury, Ontario P3C 1T9

TO:

THE CITY OF GREATER SUDBURY

PO BOX 5000, Station 'A',
200 Brady St.
Sudbury, ON Canada
P3A 5P3

Respondent

APPLICATION

1. The Applicants make application for:

- a. An Order quashing the By-laws (as defined below) in whole or, in the alternative, in part, for illegality pursuant to s. 273 of the *Municipal Act*, 2001, S.O. 2001, c.25;
- b. An Order declaring the By-laws to be illegal, invalid, void, *ultra vires*, and unenforceable for reasons which include the following:
 - i. Improper fettering of discretion;
 - ii. Improper delegation of the exercise of discretion;
 - iii. Bias;
 - iv. Bad faith;
 - v. The lack of jurisdiction to pass the By-laws; and
 - vi. Procedural irregularities in the passage of the By-laws;
- c. Such further and other temporary or permanent Order as this Honourable Court may deem appropriate;
- d. Such further and other temporary or permanent Order as the Applicants may request in an amended Notice of Application to be filed;
- e. Costs on a substantial indemnity basis; and
- f. Such further and other relief as this Honorable Court may deem just.

2. The grounds for the application are:

- a. The City of Greater Sudbury (the “**City**”) has established a long-term plan which includes a major initiative to rejuvenate its existing “Downtown Community Area” (the “**Downtown**”). Said plan includes the

modernization of its performing art facilities through upgrade or replacement with an arena/event center together with a new Hotel/Convention Centre, Art Gallery, and Library. This plan was established by the City and enacted through its Official Plan, zoning by-laws, and other planning instruments, documents, and public representations.

- b. The City's plan vis-à-vis the Downtown rejuvenation was well underway, with the arena as the first major component, when the City became involved with a local developer ("**Zulich**") to build a new casino on his industrial lands well outside the Downtown. The developer convinced the City to relocate the new arena/event centre beside the casino and a proposed hotel also on his lands.
- c. Without studying the economic impact of this drastic change of direction on the Downtown and the local economy, or the socio-economic impacts of a City-owned arena/event centre being located and connected to a casino, the City rushed to approve the new arena/event centre. It therefore passed the By-laws subject to this appeal, namely the following:

Casino

- i. By-law 2018-60P approving Official Plan Amendment No. 92 to allow for the development of a gaming casino, passed on April 10th, 2018, as amended;

- ii. Zoning By-law 2018-61Z, passed on April 10, 2018, as amended by By-law 2018-70Z, passed on April 24, 2018, to permit the casino;

Arena/Event Centre

- iii. Zoning By-law 2018-63Z, passed on April 10, 2018, as amended by By-law 2018-72Z, passed on April 24, 2018, to permit an arena/event centre (“event centre”);

Parking Lot

- iv. Zoning By-law 2018-62Z, passed on April 10, 2018, as amended by By-law 2018-71Z, passed on April 24, 2018, to permit a parking lot.

(collectively, the “**By-laws**”)

- d. In passing the By-laws, the conduct of the City was marked by the following:
 - i. Improper fettering of discretion;
 - ii. Improper delegation of the exercise of discretion;
 - iii. Bias;
 - iv. Bad faith;
 - v. A lack of jurisdiction; and
 - vi. Procedural irregularities.
- e. Prior to the statutory public meetings leading up to the passage of the By-laws, the City pre-determined and approved the location of the arena/event centre and casino, thereby rendering the statutory public meeting, ostensibly to obtain and genuinely consider the views of the public as mandated by law, meaningless. City Council was biased,

fettered and/or delegated its discretion, and acted in bad faith prior to the approval of the Subject By-laws, and such constituted an error of law which render the By-laws null and void.

- f. On August 22, 2017, Council passed by-law No. 2017-149, which authorized staff to negotiate and execute an “Option Agreement” between the City and Zulich. The “Option Agreement”, however, was executed in June 2017, prior to the by-law authorizing its negotiation and almost a year prior to the passing of the By-laws themselves. Despite repeated requests and the commencement of appeals of the By-laws before the LPAT, Council refused to disclose the Option Agreement to the Applicants.
- g. The Applicants were provided the Option Agreement by a third party. Said agreement required Zulich to pay for all grading and servicing costs for the contemplated site, subject to the City contributing \$1M after such works had been completed and it had approved them. Zulich also agreed to use all reasonable efforts to complete the development of the entire “Sports and Entertainment District”, at its own cost (save for the City arena/event centre) within five (5) years of the date of the City’s exercise of its option at a purchase price of (\$10.00), failing which Zulich would pay to the City as liquidated damages the sum of \$100,000 per year in perpetuity until the entire project was substantially built.
- h. Subsequently, a media report indicated the City and Zulich either amended or replaced the Option Agreement whereat the City, and not

Zulich, agreed to front-end the costs to service and grade the lands upon which the project was to sit at a cost of \$8.5M, notwithstanding that appeals of the By-laws before LPAT were still outstanding. The Option Agreement was requested by the Applicant and as of yet has not been produced.

- i. On November 22, 2018, a further media report quoted City Council and indicated that the City was preparing to execute a “Cost-Sharing Agreement” with Zulich during late November and subsequently execute an agreement with the contractor to allow for work to commence immediately. City staff were quoted as being unconcerned with respect to risks to the City if the appeals were successful.
- j. The approval of amendments to the Option Agreement and execution of the “Cost-Sharing Agreement” would create “facts on the ground” which could be anticipated to influence the outcome of the LPAT process, namely, the expense of \$8.5M for servicing the site on which the challenged project would sit.
- k. On July 31, 2018, the Mayor of the City wrote to Premier Ford, asked for a meeting between the Premier and the City’s “key partners,” and pleaded for the Premier’s “intervention” in the ongoing LPAT appeal of the By-laws. The Premier advised that he had requested the Minister of Municipal Affairs and Housing respond to the Mayor’s request and that he had forwarded the Mayor’s email to other Ministers, including the Minister of Municipal Affairs and Housing, the Minister of Economic

Development, Job Creation, and Trade and the Minister of Infrastructure. The City refused to provide the Applicants with any further communications or developments which arose out of the Mayor's correspondence with the Premier.

- l. The email/letter exchange between Mayor Biggar and Premier Ford asking for the Premier's "intervention" in the LPAT appeal process was improper and, in combination the circumstances surrounding the Option Agreement and its amendment, presented several indicia of bad faith, bias, and/or the fettering of discretion.
 - m. Further particularized grounds concerning the City's problematic conduct are contained in the Case Synopses and Written Argument of the Applicants, dated August 28, 2018 as submitted to the Local Planning Appeal Tribunal and are pleaded and relied upon herein.
 - n. O. Reg 347/00 Requirements for Establishing a Casino or Charity;
 - o. O. Reg. 81/12 Requirements for Establishing a Gaming Site;
 - p. O.Reg. 425/00 Provincial Interest.
 - q. *Municipal Elections Act*, 1996 S.O. 1996 Ch. 32.
 - r. *Municipal Act*, 2001, S.O. 2001, c. 25.
 - s. *Planning Act*, R.S.O. 1990 Ch. P.13.
3. The following documentary evidence will be used at the hearing of the application:
- a. The Affidavit of Tom Fortin;
 - b. The Affidavit of Rowan Faludi;
 - c. ~~The Affidavit of Robert A. Dragicevic;~~

- d. The Affidavit of Jeff McIntyre;
- e. The Affidavit of Henry Goegan;
- f. The Affidavit of Stephanie Fleming; and
- g. Such further and other material as this Honourable Court may permit.

DATE: October 21, 2019

MUNICIPAL LAW CHAMBERS

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SUDBURY BUSINESS IMPROVEMENT AREA
and TOM FORTIN
Applicants

v.

THE CITY OF GREATER SUDBURY

Respondent

Court File No. CV-19-8313-00

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings commenced at **Sudbury**

**AMENDED NOTICE OF
APPLICATION**

MUNICIPAL LAW CHAMBERS

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Respondent

AFFIDAVIT OF THOMAS GARY FORTIN

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Applicants

-and-

CITY OF GREATER SUDBURY

Respondent

AFFIDAVIT OF THOMAS GARY FORTIN

(sworn October 18, 2019)

I, **THOMAS GARY FORTIN**, also known as **TOM FORTIN**, of the City of Greater Sudbury, in the Province of Ontario, MAKE OATH AND SAY/AFFIRM:

1. I am the Applicant in this matter and therefore have knowledge, information and belief of the matters deposed to herein. To the extent that any of the information below is not within my personal knowledge, information or belief, I have been advised of same by others and have noted the source of the information.
2. Attached hereto and marked as **Exhibit "1"** is a USB drive containing (i) the video clips and full videos of the meetings of Council and Planning Committee for the City of Greater Sudbury referred to below and in the other Affidavits submitted in this matter, and (ii) a supplementary electronic copy of the Application Record.

A. Background

3. I started my Sudbury based electronics manufacturing business, Ontrak Control Systems, in 1986. In that same year I accepted a teaching position at Cambrian College in the Electronics Engineering department. Throughout my teaching career I evolved the curriculum and my teaching methods to emphasize entrepreneurship and ultimately many of my students went on to start businesses including one who now employs over 100 people in Sudbury including 25 engineers.
4. I left the teaching position in 1998 as the company had grown substantially and I no longer had the time to teach. My time teaching helped me realize the importance that educated, competent, and confident young people have in growing a diversified economy.
5. Ontrak opened a new product development center in 2001 in Sudbury and I decided to make the facility open to all local companies, at no charge, who were interested in developing electronics-based products. It was used by many local companies to develop/improve products and competitiveness. I expanded my efforts to include donating equipment to local high schools and colleges to encourage more young people to consider careers in engineering.
6. In 2010 the Fortin Foundation was formed to “encourage to young people to consider entrepreneurial careers in manufacturing”. The foundation created the 2x4 Innovation challenge, and, sponsored many efforts by others including the Northern Ontario Business awards, the Code Co-op, and Eat Local to encourage entrepreneurship. I began speaking at graduate engineering

classes at southern Ontario Universities to encourage engineers to move to Sudbury and consider starting businesses and I was surprised at the ethnic diversity of these graduating classes. I then realized the importance of Sudbury maintaining and strong Downtown with ethnically diverse restaurants, festivals and businesses to attract and retain competent individuals. I began to sponsor local cultural events including UpHere.com, a diverse urban music festival.

7. My efforts expanded into government lobbying when the Electrical Safety Authority (ESA) announced a manufacturers registration fee to all companies selling electrical products in Ontario. Realizing the threat to small manufacturers if the scheme had spread to other provinces or states, I launched a protest web page, signed-up supporting businesses, lobbied at Queens Park, help organize a NAFTA appeal, and was ultimately successful in having the program withdrawn.
8. In 2011 I teamed up with NORCAT (Northern Centre For Advanced Technology) to assist their expanded mandate to encourage entrepreneurship through an "Innovation Mill" and began mentoring young entrepreneurs. I also gave the inaugural "Lived it Lecture" in the newly formed Entrepreneurship 101 classes.
9. In 2014 I designed, created and funded the Fortin Discovery Lab along with FEDNOR. The lab is a complete design, build, and certify, product development center for use by competent engineers, at no charge, who would like to start a business manufacturing in Canada. The facility is also used by almost all local electronics manufactures for its comprehensive Electromagnetic Compliance

facilities. Attached hereto and marked as **Exhibit “2”** are copies and/or excerpts of documents in respect of the above-noted events and/or organizations.

10. At the time of the creation of the City by amalgamation in 2001, the City, like many other Cities in Canada were enduring significant economic difficulties. In an effort to assist with its economic recovery I was aware that the City, along with a wide cross section of the public and the business community, were involved in developing long term economic strategies to guide the City. I was aware that an important component of that initiative was the rejuvenation of the Downtown and the upgrading or replacement of the community arena and event centre (“**Event Centre**”) in the Downtown. I was not personally involved in those initiatives. My role and contribution was to donate my time as well as financial and business resources to attract, train, and mentor young individuals in the high tech manufacturing sector with the objective of creating new companies, wealth and employment for the City.
11. My efforts have been key in the creation of many businesses creating hundreds of jobs, some in Southern Ontario, although, since 2014, exclusively in Sudbury. The latest Sudbury start-up is a software/sensor company with 6 employees. Further, in 2018, two existing technology companies moved to Sudbury from other parts of Canada because of the newly available infrastructure for product development. Since the lab opened, I have consistently been mentoring at least 4 new entrepreneurs per year.

12. On March 2, 2018 I was awarded the Community Builders Award for Economic Development. My current endeavors include the creation of a local technology manufacturing association to encourage sharing of both capital and human resources, and to promote the local industry to attract more talent. Attached hereto and marked as **Exhibit "3"** are copies of documentation regarding my efforts in encouraging job creation.

B. Feb 2013 - First Involvement in Casino Matter

13. On or about February 26th, 2013, I became aware through media reports and discussions with people in the community that the City was contemplating the construction of a casino in the City. According to the media, the approval of the facility would depend on the complementary and ancillary amenities which the successful proponent would be required to provide in addition to the proposed gambling facility. From Council's words, it was clear that these extra facilities would be provided at the proponent's cost without cost to the City. As I had a significant interest in the City's continued economic improvement I wanted to learn as much as possible about the casino business and its possible impacts on not only my own job training and employment initiatives but also on other businesses and our collective ability to attract and retain employees. I quickly began to research what seemed to be Council's approval of a new casino.
14. In the course of my research, I came across news articles which had been released on the subject, including the following:
 - i. On October 23rd, 2012, the newspaper *Northern Life* published a letter from a reader about an Open House the City held that day on the issue of the

casino, during which the public was only asked for input on the preferable location and the desired amenities, rather than social or economic issues. I understood the attendees were also led to believe that their input on location would not matter, as the casino would have the final say on the matter. Attached hereto and marked as **Exhibit “4”** is a copy of said letter.

- ii. On February 9th, 2013, in a Sudbury Star article, Mayor Marianne Matichuk and Councillor Fabio Belli were reported as making the following statements:

Councillor Fabio Belli: "I think the opportunity of a casino with an arena, convention centre and a five-star hotel would be fantastic. **If anyone came forward and proposed that, we would definitely get behind that and endorse that.** I think it's a great opportunity to bring (that) to our community."

Mayor Matichuk: "... Since day one when it was rolled out, **I was under the impression that we would be getting a convention centre...** A big complex like that doesn't come up very often. We have to manage this in a responsible and open process."

[Emphasis added.]

Attached hereto and marked as **Exhibit “5”** is a copy of said article.

- 15. On February 21st, 2013, in a *Sudbury.com* article, the director of the Sudbury District Health Unit warned of the social dangers of an easily accessible casino location. Councillor Terry Kett was reported as saying that "councillors have to consider what such could bring to the city, such as a hockey rink or convention centre." Attached hereto and marked as **Exhibit “6”** is a copy of said article.

C. Feb 2013 - Council Meeting, Casino Update

16. On February 26th, 2013, a Council meeting was held. During this meeting, Staff presented a report on the "casino opportunity". The report identified four sites which had been proposed by parties who were intending to submit bids to the Ontario Lottery and Gaming Corporation ("**OLG**") to obtain the gaming rights for Sudbury and detailed the results of the "public consultation" on these four sites from October 2012.
17. These proponents wanted some direction from the City so that they could prepare their bids with greater certainty of locations the City would favor. The report advised that "a majority of respondents indicated a preference for the Sudbury Downs location" because its remote location addressed their concerns about problem gambling. "A significant number of respondents preferred a Downtown setting". Only "lower numbers of respondents expressed preference for the Four Corners and Kingsway location". From my review of the Minutes of the February 26 meeting, it did not appear that, during the meeting, Council sought the public's input on the basic question of whether there was even support for expanded gaming in the City. Attached hereto and marked as **Exhibit "7"** is a copy of said report.

Attached hereto and marked as **Exhibit "8"** is a copy of an excerpt of the Minutes of the February 26, 2013 meeting.

18. At the same Council meeting, without notice to the public, Council passed a third resolution to require proponents to identify how they would provide to the City, allegedly free of charge, other important facilities, such as a new arena,

in exchange for the City's support for a casino and reconfirmed its commitment to the four proposed sites. This resolution stated:

"The City of Greater Sudbury requires gaming facility investment proponents to maximize economic opportunities to the community by **working with local groups to develop ancillary and complementary amenities as part of their proposals;**

"These amenities may include, but not be limited to, a hotel, a convention or multi-use centre, a performing arts centre and/or an Ontario Hockey League-ready arena;"

"That Council reaffirms its commitment **to the four areas identified in the report dated August 2, 2012** from the General Manager of Growth and Development;"

Attached hereto and marked as **Exhibit "9"** is a copy of said resolution.

19. On February 27th, 2013, *CBC* published an article entitled "Sudbury council wants a casino with the works", summarizing Council expectations for a casino with a hotel, convention center, or OHL arena. I, and the Sudbury business owners I spoke to, understood Council's support for a casino to be contingent on a proposed casino "com[ing] with extras." Attached hereto and marked as **Exhibit "10"** is a copy of said article.

D. Mar-Dec 2013 - Press, Research, Movement Against Casino

20. Throughout most of 2013, in the press, Council further promoted the casino as a method to obtain an "OHL Arena" or "Convention Center" at "very minimal" or "no cost at all" to the taxpayer.
21. On March 4th, 2013, *Sudbury.com* published an article entitled "Arena added to casino wish list", which included statements made by the Mayor and various councillors, as follows:

Mayor Matichuk: "I don't think we're going to have another opportunity like this for a long time, to get some amenities and some economic growth in our city **at a very minimal cost – or no cost at all...** This is a great opportunity for our city."

Councillor Dave Kilgour: "We're talking about someone coming in and spending potentially \$200 million or \$300 million" and "I want more than an OHL arena. I want something that's capable of hosting the Brier and other curling bonspiels that are going on around the country."

Councillor Kett: "Can we say where and can we say when? This is our big opportunity and we want to do it right and we want to do it well."

[Emphasis added.]

Attached hereto and marked as **Exhibit "11"** is a copy of said article.

22. On June 20th, 2013, the Mayor delivered her "State of the City" address, in which she stated the following:

"Why can't we have a convention or multi-use space in our city? And then the province reveals its casino modernization plans to us ... in a matter of months, the OLG will likely introduce us to an investor we hope will bring millions of dollars to our community. Will that mean a new convention centre or multi-use space? A hotel? An OHL-ready arena? City Council has already moved to ensure this investment is part of any new casino project ... **at no cost to taxpayers, of course...** When we do get the actual people who are going to invest, we are going to be sitting down with them and **telling them what we want...**"

Attached hereto and marked as **Exhibit "12"** is a copy of the Mayor's speech as reported in the *Sudbury Star* on June 21st, 2013.

23. By July 18th, 2013, I had conducted a volume of research into the effects of casinos built in remote communities. I worked with Thunder Bay Ventures Corporation, a federally funded economic development agency, that had compiled extensive data on economic sentiment, bankruptcies, business

impairments, and charities on a yearly basis since their casino opened in 2000. I further sourced data from the Ontario Problem Gambling Institute, OLG Financial Reports, OLG casino RFP's, and municipal economic data, and realized the large potential negative impact on local business and culture, which are the very elements key to the success of my economic development efforts.

24. To educate the public on the negative economic and cultural effects of such developments and to provide a counter-balance to Council's efforts to market the casino as a no-drawback opportunity, I placed an advertisement in a local newspaper. I proceeded to publish additional similar advertisements in local media. Attached hereto and marked as **Exhibit "13"** is a copy of said advertisement.
25. Much later I texted Mike Whitehouse, who was the Chief of Staff for Mayor Matichuk in 2012 and 2013, to ask him about the concept of "no cost" amenities back in 2013. He was the author of the resolution passed by Council on February 26, 2013. He confirmed to me that, in 2013, Council expected that the amenities would be free and the "spirit" of the motion was to let proponents know that the City wanted amenities in "exchange" for "co-operation", given they could still refuse the project. Attached hereto and marked as **Exhibit "14"** is a copy of my text messages with Mr. Whitehouse.
26. In June 2013, I met with Councillor Dave Kilgour in my office to discuss my opposition to a full casino. He explained that Council's resolution on February 26th, 2013 had been merely a way to keep the door open and see what was

offered by the OLG. He advised me that the public would have the opportunity to say “no” when there was an actual proposal on the table, and I took this to mean that I and other members of the public would have the opportunity for public input in order to try to persuade Council not to approve expanded gambling in the City at any proposed site.

27. Based partly on my meeting with Councillor Kilgour, and my expectation that we would have to opportunity to say “no” to the casino initiative, I stopped my advertisements and media campaign against the casino in December 2013. I decided to suspend my efforts and wait until there was an actual “proposed gaming site” and consider same before proceeding further.

E. Summer 2013 – The Public’s and Tom’s Perception of the Approval

Process

28. Throughout 2013, based upon the afore-mentioned comments in the media and by members of Council, the narrative that accepting a casino would result in an community arena and event centre “at no cost to taxpayers” was the talk of the City, including by many members of the business community and community leaders with whom I was in regular contact.
29. Along with my efforts, several other organizations began to express concern for the proposed casino including an organization named No-Casino-Sudbury that started a citizen petition that would eventually garner over 2800 signatures. Councillor Kilgour, however, as noted above, had greatly minimized Council’s previous actions and the momentum of the City with respect to the casino, leaving me with the strong expectation that the public would have a full chance

to provide their input on all issues, including to say “no” to expanded gambling taking place at any location in the City.

30. At this time, based upon the City’s representations, I understood that the new casino was apparently going to be bundled, for free, with an arena or some other sort of large, complementary building, like a hotel or convention centre as a *quid pro quo* for the City’s support for expanded gambling.
31. Finally, the way that Council seemed to be “marketing” the casino, and the way it was understood by myself and various members of the public, was that accepting a casino would result in the developer paying for these requested new facilities which the City needed, facilities which had been planned for in the Downtown and, in fact, in plans discussed and endorsed by Council on the exact same day that the casino was being discussed, namely the August 14, 2012 meeting. Attached hereto as **Exhibit “15”** is a copy of an excerpt of the relevant portion of the Minutes of the Council Meeting of August 14, 2012.

F. Sep 2014 - The Kingsway Application

32. In September 2014, the owner Dario Zulich (“**Zulich**”) of industrial lands located on the Kingsway next to the currently operating City public landfill site applied to rezone his lands to accommodate an office, hotel, bulk retail, warehouse, and a commercial recreation center (arena). In the published Request for Decision, Staff revealed that prior applications to permit a place of amusement (casino) and amusement park in September 2013 had been withdrawn in June 2014. Attached hereto and marked as **Exhibit “16”** is a copy of said “Request for Decision”.

33. On September 10th, 2014, the Chair of the Planning Committee, Councillor Deb McIntosh, sent an email to various parties, copying it to myself, stating her opposition to the casino:

"I am not in favour of a casino in Greater Sudbury.

Greater Sudbury needs to promote and get behind businesses that will create new wealth for our economy. A casino in Greater Sudbury will not generate new wealth...."

Attached hereto and marked as **Exhibit "17"** is a copy of said email.

G. Jan 2015 - Council's Efforts to Confirm 81/12 Compliance with OLG

34. On January 14th, 2015 the OLG sent a Letter of Recognition for Compliance with Regulation 81/12 to Mr. Ian Wood, the Director of Economic Development for the City of Greater Sudbury. Attached hereto and marked as **Exhibit "18"** is a copy of said letter.
35. The letter from the OLG to Sudbury was not published by the City at that time, but I obtained it in the spring of 2018 through requests made by our legal counsel. Attached hereto and marked as **Exhibit "19"** is a copy of said letter between counsel.

H. Jul 2016-Jun 2017 - PwC Recommends Downtown Arena

36. On or about July 12th, 2016, at the direction of Council, Staff retained PricewaterhouseCoopers ("**PwC**") to prepare a market analysis and business case for the location of a new Event Centre in the City.

H.i) Council Meeting March 7, 2017 - Initial PwC Report Issued and Endorsed

37. In its first report dated February 21, 2017, PwC reviewed several locations, including the Downtown, Kingsway East (owned by Zulich), and other sites for the Event Centre. PwC's report established a matrix of 8 criteria to be used in establishing their site.
38. On March 7, 2017, Council approved the report, including the PwC prepared matrix of evaluation criteria. PwC was therefore required to quickly produce a "Site Evaluation Report" with a recommendation for the location of the new Event Centre, by June 2017.

H.ii) Council Meeting April 11, 2017- Council Abandons PwC Site Selection Criteria

39. On April 11th, 2017, before the release of the PwC "Site Evaluation Report", on its own initiative, Council proposed abandoning PwC's weighting factors and matrix in favor of a different system which selected specific criteria to be valued by arbitrary levels of importance.
40. According to the General Manager's Report presented to Council, this initiative came as the result of "comments by several councilors [sic] indicat[ing] an expectation to further review and perhaps adjust[ing] elements of [the matrix]. Specifically, there was some interest in confirming the scope of each evaluation category and the relative weight all categories had on the overall evaluation result". Attached hereto and marked as **Exhibit "20"** is a copy of the Report and an excerpt of the Agenda for this Meeting.

41. When the Council meeting of April 11, 2017 commenced with regard to the vote to change the matrix, there was no debate or discussion of any kind by Council members on the general issue before Council. Council began to immediately vote on the First Option without any discussion and quickly resolved to defeat the resolution. In my opinion, the first option would clearly have favored the Downtown.
42. After the defeat of the first resolution, Councillor Kirwan then questioned the original matrix and the use of “weighting” as a useful tool in evaluating any site and made the following concluding comments:
- “I don’t think it makes any difference though”.**
- “So, at the end of the day, if someone tells me that you’re going to get the top three locations and you’re going to have to debate on it then I’m fine **I don’t care what you do with this weighting** because you know they’re going to come out pretty close...”
43. Out of the four options, Council selected the Third Option which on its face appeared to accord the most importance to factors which maximized the KED’s ranking. Attached hereto and marked as **Exhibit “21”** is an excerpt from a video of this component of the Council Meeting. This Exhibit is included in the USB drive attached hereto as Exhibit “1”.
44. By June 27, 2017 it became clear to me that the efforts of Council to amend the site evaluation matrix was to affect the recommendation of PwC to favor the Kingsway site for the new Event Centre and at the same time approve the location for the new casino.

I. May- Jun 2017 - Efforts to Commit Sudbury to KED Site Prior to Public Meeting

I.i) Original Option Agreement

45. As noted above, the City had been negotiating an Option Agreement with Zulich and his numbered company 1916598 Ontario Limited (which I collectively continue to refer to as "**Zulich**"), prior to the completion of the PwC Site Selection Report and executed same on or about June 8th, 2017 (the "**June Option Agreement**").
46. This Agreement not only included the Option to acquire the Event Centre site but also an extensive "Servicing, Contribution and Road Transfer Agreement" ("**Servicing Agreement**") dated June 1st, 2017.
47. The Servicing Agreement contains a notation "Last revised May 30, 2017" so it is reasonable to conclude it had taken considerable time to negotiate perhaps as early as April 2017, prior to the request by certain councillors for a meeting on April 11th, 2017 to change the site selection matrix. A copy of the June Option Agreement and the attached Servicing agreement is attached hereto as **Exhibit "22"**.
48. The June Option Agreement, which was executed by City Staff on behalf of the City and Zulich granted the City the option to acquire sufficient lands for the new Event Centre for the nominal sum of ten dollars (\$10.00), provided Council passed a by-law on or before September 26th, 2017 approving staff's execution of the Option Agreement and provided the option was exercised within approximately six months, on or before December 31st, 2017.

49. The June Option Agreement, *inter alia*:

- a. contemplated the City would build the new Event Centre at its own cost; and
- b. required Zulich to front-end the costs and to construct all streets, municipal water, storm, sewer, and other related services for the entire project subject to the terms of the aforesaid Servicing Agreement which was attached to the Option Agreement; and
- c. provided “*that it is the intent of the City to construct an event centre/arena on the Property and has targeted April 2020 as the desired completion date*” (S. 2(2)); and
- d. that it was a condition of the agreement that the City and not Zulich could apply to obtain the required rezoning to permit the arena, prior to the exercise of the Option (being December 31, 2017) with the proviso that even if the City had commenced the application or approved the zoning it had no obligation to exercise the option (S. 12(1) and (2)).

50. The Option and Servicing Agreements both required Zulich:

- a. to warrant to only “use reasonable efforts” to develop his lands to include “*a sports and entertainment district consisting of a motor sports park, ice pads and fieldhouse, a Sudbury Wolves facility, a casino and resort and a conference centre...*”;
- b. to build the entire development within 5 years of the date of the City exercising the Option; and

- c. to be responsible for the project management for servicing the entire development site, to grade the entire development site and build all the hard services such as all road works, sanitary and storm sewers, trunk water lines, street lights and all other related works for the entire development within two (2) years of the date at which the City exercised its Option, all at his own cost, secured by liquid security such as cash or a letter of credit.
 - d. The only obligation of the City was to contribute a maximum of one million dollars (\$1m) once all the works had been completed, approved and accepted by the City at which time Zulich would convey to the City title to the said roads and any servicing easements without any additional costs.
51. As noted above, these Agreements were kept confidential by Staff and were not shared with all of Council until the document was retrieved through a Freedom of Information request and shared to all of Council by Councillor Mark Signoretti with a letter expressing his concerns about the agreement. Attached hereto and marked as **Exhibit "23"** is a copy of this letter.
52. It was not until November 2018, that I obtained a copy the Option and Servicing Agreements from a third party who had obtained same via a Municipal Freedom of Information request.

I.ii) Press Release dated June 13, 2017 for Casino on KED

53. On June 13, 2017, the local media announced that Gateway Casino and Gaming Corporation ("**Gateway**") issued a press release announcing it had been chosen by OLG as the successful bidder to build a new casino in Sudbury and that it had entered into a Letter or Intent to build the new casino in

conjunction with the new Event Centre at the Zulich Kingsway site. A copy of this news article is attached hereto as **Exhibit "24"**.

54. Further, when the June 2017 PwC report was released I noted that it referenced that the casino was proposed to be built beside the Event Centre on the Zulich lands, as referenced in the aforesaid Gateway press release, along with a hotel/convention centre as part of a new regional entertainment district (which would eventually be referred to as the Kingsway Entertainment District or the "KED").
55. Finally, the same PwC report noted that the City and Zulich had negotiated and executed an Option Agreement, not only to acquire the site for the arena at nominal cost, but with guarantees to use reasonable efforts to build a hotel/convention centre and other sports facilities as components of a new regional entertainment centre for the City. It appeared PwC had been informed of the Agreement but not of its particular details.

I.iii) Promotional Video re KED Site

56. Prior to Council selection of the Zulich site on June 27th, 2017, on June 13th, 2017, a video was released on social media promoting the "Regional Entertainment District" by Zulich's group named the True North Strong Group. This was apparently to be comprised of the new Event Centre, a casino, motorsports park, Fabio Belli Field House (indoor soccer), restaurant village, 4-star hotels, convention center, shopping boutiques, and a waterpark. The video went viral and had over 80,000 views. I immediately became concerned that the casino would be fast-tracked without objective consideration, or public

consultation, because of the great excitement created in the public by this promotional video.

Attached hereto and marked as **Exhibit "25"** is a copy of the above-referenced video. This Exhibit is included in the USB drive attached hereto as Exhibit "1".

Attached hereto and marked as **Exhibit "26"** is a screenshot showing the number of "views" of the above-referenced video.

J. Jun 2017 - Attempts to Communicate Issues to Council

57. On June 22nd, 2017, I sent individual emails to the Mayor and all of Council to bring a report I had uploaded to my website on the negative economic effects of casinos in remote communities to their attention. In the email, I stated my belief that the focus of the new KED was the proposed casino rather than the Event Centre that had been proposed. Attached hereto and marked as **Exhibit "27"** are copies of my emails and the web page.
58. On June 27th, 2017, prior to the Council meeting scheduled for the same day, Councillor McIntosh, Councillor for Ward 9, emailed me confirming that she was on the "same page" as me with respect to the proposed casino. Attached hereto and marked as **Exhibit "28"** is a copy of said email.
59. In reaction to the aforesaid Zulich promotional video, I and many like-minded Sudbury residents were concerned that Sudbury's carefully considered decades-old strategic plans would be quickly put set aside by Council after the video misled the public with false advertising. We were also concerned that these decisions would be made without the public input which had been

promised, on which basis the campaign against the project had been put on hold. Our concerns were confirmed at the Council meeting later that same day. Attached hereto and marked as **Exhibit "29"** is a copy of [correspondence] in respect of this false advertising.

J.i) Final PwC June 2017 Site Selection Report

60. On or about June 19th, 2017, the PwC Site Evaluation report (the "**PwC June Report**") was released to the public on the City website. Notwithstanding the Council's initiative to alter the matrix, PwC recommended the Downtown site for the new Event Centre, regardless of which matrix or site evaluation criteria was used. Attached to the Affidavit of Rowan Faludi and marked as Exhibit "U" is a copy of said report.
61. While the final PwC report twice referred to a "casino" when discussing the anticipated facilities at the proposed KED and did refer to project costs for the new Event Centre being estimated in the range of \$98M, it did not deal with who exactly would pay for those costs. This was also the first time I had read in any public City report that the decision on the location of the arena was now linked to the approval of a site for the casino.

K. Jun 2017 - Council Meeting, Council Selects Site

62. On June 27th, 2017, a Council meeting was held, and Mayor Bigger commenced the meeting off with the following statement:

It's a very important meeting for our City Council ... Well today is a very big day for Greater Sudbury. We're about to, I believe, to make a very significant decision for our community. We've had many meetings, read many many reports, heard from many people across the

community and it's been very good to see as many people engaged as have been engaged in this decision-making process... I'm looking forward to hearing the debate here at Council, as I'm sure all of you are here. We've got a more than capacity crowd here in the ... council chambers. So, tonight, one thing very important, I'd like to make sure we do respect the Procedures By-law and decorum in the chamber, and, ... that means ... **I'll be asking people in the audience not to disturb or interrupt the ... debate that's going on amongst councillors and so, the role of the audience is to witness the debate that's going on amongst councillors.** And I'm also going to ask councillors to keep within the 10 minutes to speak, being respectful of your colleagues... I know this is a very serious decision and it's one that all of you take seriously and no one takes this decision lightly... **I'd like to be clear that neither location is free.** Both the Downtown site and the site on the Kingsway will require investment from the citizens.

The Mayor's statement made clear that, even for this momentous change for Sudbury, the public would not be accorded any right to be heard. Also, this was the first time Council directly made the statement that the Event Centre was not free/of minimal cost to the City.

63. Both of these representations, of course, were contrary to the story we had been fed by Council and the City for the past few years about the casino project and its free/minimal cost ancillary amenities. Attached hereto and marked as **Exhibit "30"** is an excerpt from a video of this Council meeting containing the Mayor's comments. This excerpt is included in the USB drive attached hereto as Exhibit "1".
64. The first motion Council considered was a motion to locate the Event Centre in Downtown Sudbury. The resolution was defeated by a tied vote (6-6). The second resolution was moved by the Mayor to approve the KED site but only

with iron-clad guarantees requiring Zulich to develop all the other components of his proposed sports and entertainment complex as he had proposed. Surprisingly, that resolution also failed. The final resolution to approve the Zulich proposal without any guarantees passed. Attached hereto and marked as **Exhibit "31"** is a copy of these resolutions.

65. When considering the KED location Councillor Kirwan, essentially stated that notwithstanding approving the Event Centre at the KED Site contravened the Official Plan and Downtown Master Plan he would ignore them both:

"Probably the biggest reason I am supporting the Kingsway is that I wasn't elected to look at reports and say you know what? **The Official Plan, the Master Plan, I think that that overrides my constituents.** And I know that my constituents- 75-90% of my constituents are saying to me- put that on the Kingsway."

Attached hereto and marked as **Exhibit "32"** is an excerpt from the video of the Council meeting in which Councillor Kirwan made said statement. This Exhibit is included in the USB drive attached hereto as Exhibit "1".

66. There was no ability for the public to make submissions to Council regarding the location of the Event Centre prior to or at the June 27, 2017 Council meeting. The proposal for the KED, which now included a proposed casino with the community event centre as an anchor, was never provided by the City to the public prior to this meeting yet the decision to approve the Event Centre site was clearly a decision to approve the Zulich site both for the casino, and the new taxpayer funded Event Centre (Exhibit "31").
67. Finally, at the same June 27th, 2017 Council meeting, resolutions were passed resolving that (i) the financing plan, for the City to provide \$100M for the

construction of the Event Centre, be included in the 2018 budget be approved, (ii) the Option to Purchase Agreements be executed for the selected site, (iii) honorarium's be awarded to unsuccessful Design/Build teams, and (iv) the "recommended next steps" from the Special Advisor to the CAO's report dated June 15th, 2017 be approved (Exhibit "31").

L. Aug 2017 - Council Meeting, Supporting KED Site

68. On August 22nd, 2017, a Council meeting was held during which the following motions were passed as follows:
- a. That the General Manager be authorized to enter into an agreement with Gateway's architect to share in the costs of a Site Design Strategy with Zulich, Gateway and the City each paying one third of the total costs of \$387,000 with a restriction on the City's share not to exceed one third or \$129,000, meaning any increase would be the responsibility of Zulich and Gateway; and
 - b. "...THAT the General Manager of Community Development be delegated authority to negotiate, execute and subsequently amend or extend any agreements, including, without limitation, **agreements for cost-sharing, professional and consulting services and for non-competitive purchases with a total acquisition cost of \$50,000 or more**, including instruments, assurances and any other documents as may be necessary to complete the Event Centre Project subject to Council's approval..."
 - c. That Staff be authorized to file a rezoning application to rezone a portion of the Zulich lands to permit the proposed Event Centre.

Attached hereto and marked as **Exhibit "33"** is a copy of said resolutions.

Attached hereto and marked as **Exhibit "34"** is a copy of the Staff report.

M. Sep-Nov 2017 - Public Opponents of the Casino Publicly Attacked and Discouraged by Council Members

69. I felt I had no choice but to restart my campaign to educate City residents and City Staff elected officials on the issues with the casino and the site, as the June 27th, 2017 meeting allowed no public input on this critical issue. I therefore created the webpage CasinoFreeSudbury.com in order to consolidate casino research for educating the public in anticipation of public planning approval meetings for the casino and Event Centre.
70. I enlisted business representatives and we canvassed local business owners to learn their opinions on a Casino being attached to the taxpayer funded community Event Centre and to also determine if they would sign letters of endorsement opposing the casino to be presented to Council at the appropriate time. This represents approximately 25% of the 200 endorsements I have actually obtained from businesses large and small. Several of Sudbury's largest employers expressed concerns of increased labor costs due to social problems caused by anticipated gambling losses in the casino. These employers already face significant legacy costs for the percentage of employees who presently succumb to alcohol, drugs, etc. Attached hereto and marked as **Exhibit "35"** is a copy of the section of the website including 56 public endorsements.
71. However, the rest of the supporting endorsements were signed in confidence by businesses who feared Council's and/or public retribution by way of boycott which was being discussed extensively on social media.

Attached hereto and marked as **Exhibit "36"** is a copy of the Endorsements page from the CasinoFreeSudbury website as well as the Campaign Endorsement form.

72. On September 21st, 2017, Councillor Kirwan discovered I was going to make a presentation to the downtown BIA to persuade them to join with me in opposition to the KED and began to make derogatory remarks including that he was "disgusted" with the CasinoFreeSudbury group. His statements were made on his public Valley East Facebook Group (the "**Valley East Page**").
73. This Page has over 12,000 followers and is moderated by the Councillor, who also posts on it using his municipal title. As a result, Councillor Kirwan had the most public reach of any Councillor and acted as the face and leader of Council with respect to the Event Centre/Casino issue. Other members of Council do not have a similar platform or number of followers. Attached hereto and marked as **Exhibit "37"** is a copy of the post made by Councillor Kirwan.
74. I made several presentations to the BIA Board on my findings regarding the economic and cultural impacts of casinos in remote communities in the fall of 2017 and after a survey of their membership the board voted on December 7th, 2017 to adopt the same position as CasinoFreeSudbury and publicly endorse the effort. The BIA logo was subsequently added to the CasinoFreeSudbury website under Endorsements. Attached hereto and marked as **Exhibit "38"** is a copy of an excerpt from the Minutes of this meeting.
75. Councillor Kirwan subsequently challenged me to a public debate on this issue. I found his comments surprisingly aggressive, and few weeks later, after a

chance meeting on the street, I suggested we sit down for a private discussion instead of a public debate. We did have a one-hour private discussion. However, it was not productive as he seemed very entrenched in his position.

76. On November 5th, 2017, Councillor Mike Jakubo stated the following on his own public Facebook page:

“Of course, there are still some who refuse to accept that Council **has made the decision** to build a new Event Centre and that Council has also decided that it will be built on the Kingsway”.

Attached hereto and marked as **Exhibit “39”** is a copy of the post made by Councillor Jakubo.

77. On November 5th, 2017, I sent an email to Mr. Perry Dellelce, one of the Developers of the casino project, inviting him and his partner Zulich for friendly dialogue on this issue. Attached hereto and marked as **Exhibit “40”** is a copy of said email.

78. On November 9th, 2017, Bryston’s On The Park (“**Bryston’s**”), a local catering company, received notice that their catering contract with Gateway was cancelled. Prior to this, they had been the preferred caterer for all Gateway events. This action followed a telephone call to Mr. Norm Eady, the owner of Bryston’s, by a Gateway Casinos representative stating that if he did not withdraw his public endorsement of the CasinoFreeSudbury campaign his contract would be cancelled. This event caused me concern that the growing talk of boycotts on social media could result in economic impairment of companies who opted to publicly endorse the CasinoFreeSudbury campaign.

Attached hereto and marked as **Exhibit "41"** is the email cancelling the contract and comments by Mr. Eady.

79. On November 14th, 2017 Councillor Kirwan posted the following on his Valley East Page:

"It seems as if there are some people who just won't accept the decision by City Council to locate the arena / event centre on the Kingsway rather than downtown",

"Gateway Casinos is now part of a **strategic alliance** that includes landowners Darian Zulich/Perry Dellelce and the City of Greater Sudbury",

"... let me be perfectly clear that my support for the Gateway Casino on the Kingsway is without question and unwavering".

"The arguments against the casino locating in Sudbury must be taken for what they are – nothing but a last ditch effort to turn people away from the casino so they have another chance to get the arena downtown."

Attached hereto and marked as **Exhibit "42"** is a copy of the post made by Councillor Kirwan. (TAB 33)

N. Nov 22, 2017 - Council Meeting, Site Design Strategy, Shutting Down

Debate

80. On November 21st, 2017, I telephoned the City Clerk to inquire about making a presentation to Council the following day as a "Community Delegation" representing the CasinoFreeSudbury businesses. I was told that Council had a very full schedule and a presentation was not possible for many months. The City Clerk acknowledged my request and sent via email a form, and instructions to proceed. Attached hereto and marked as **Exhibit "43"** is a true copy of this form

81. On November 22nd, 2017, the day of a Council meeting, Councillor Jakubo stated the following on his public Facebook page:

"Council on June 27th approved the Kingsway site as the location for our new event centre"
and

"It is a real business and development partnership which has evolved and blossomed over the last few months"

Attached hereto and marked as **Exhibit "44"** is a copy of the said post.

82. At the November 22nd, 2017 Council meeting, the KED's "Site Design Strategy" was presented by the General Manager of Community Development, Catherine Matheson, and "accepted" by Council. The presentation advertised KED's "Alignment With Council Priorities" and, in that section, specifically mentioned "Responsive, Fiscally Prudent, Open Governance". Attached hereto as **Exhibit "45"** is a copy of the relevant portion of the Minutes of the meeting "accepting" the design strategy.

83. Notwithstanding, during the meeting, Councillor Lynne Reynolds expressed her clear belief that the June 27, 2017 was a decision to build the casino, to do so at the Kingsway location, and was no longer up for discussion. Councillor Joscelyne Landry-Altman emphasized that the casino issue was no longer before counsel:

Councillor Reynolds: "**On June 27, 2017, this Council made a decision to build this project for our City at the Kingsway location...** I am going to stand very firm on my decision... **the either/or debate is finished...** I want to make it clear and this is my main statement that as it pertains to the casino I want to remind everyone that the **location and development of the casino is not an issue for Council debate, it is an agreement**

between the Province and Gateway who won the bid and who have chosen their preferred location. **We are not debating the Casino issue.**"

Councillor Landry-Altmann: "The casino issue is not before us..."

Attached hereto and marked as **Exhibit "46"** is an excerpt from the video of the Council meeting. This Exhibit is included in the USB drive attached hereto as Exhibit "1".

84. When Councillor Landry-Altmann made her statements, it appeared she was looking directly at me and lecturing me. It showed how entrenched Council was regarding the proposed casino and its location.
85. It was at this point, faced with the Councillor addressing me directly, that I knew my suspicions had been confirmed and the Council's decision was irreversible.
86. In fact, there were no opportunities for any debate or to give public input at all during the meeting, though Council was well aware of the strong opposition to both the project and how it had proceeded on it without public input. Furthermore, during the presentation on KED which took place during the meeting a timeline of events entitled "How we got here: Arena" was presented. The timeline included the following:
 - a. March 2017: "Phase I Market Analysis **and** Business Case Assessment identified 5,800 seat Event Centre" [emphasis in original];
 - b. **June 2017: "Council selected the Kingsway location";**

The timeline did not include the June 2017 PwC report recommending the Downtown site nor the negotiation of the Option Agreement with the landowner.

Attached hereto and marked as **Exhibit "47"** are excerpts from the presentation.

87. The presentation also stated the following:

"The Kingsway Entertainment District and Integrated Site Plan is a **partnership** between City of Greater Sudbury, Gateway Casinos & Entertainment Ltd., Dario Zulich & Company" The City Staff Report dated November 14, 2017 contains a section at page 7 titled "**Partnerships**" that states "The Kingsway Entertainment District is being developed through a three-way partnership with Gateway Casinos and Entertainment Limited, Dario Zulich and company, and the City of Greater Sudbury." Commencing at page 8 the report discusses and displays the concept design for the KED. At page 10 the report describes the "pedestrian bridge providing an interior link between the arena, hotel, casino and restaurants." Attached hereto and marked as **Exhibit "48"** is a copy of this report

88. It appeared to me that there was no opportunity to persuade Council otherwise, because all the discussion and representations by Staff were in the past tense, namely that the approvals had already been granted on June 27, 2017, that a "Partnership" had already been formed with the proponent, and that the KED "is being developed".

O. Dec 2017-Mar 2018 - Planning Process for Site Begins, Further Campaigns for the Casino and Attacks Against Opponents

89. On December 15, 2017 the City published notices of complete applications for both the arena and the casino. Attached hereto and marked as **Exhibit "49"** are copies of the published notices of complete application.
90. On December 21, 2017, Staff signed an Option Amending Agreement, which allowed the City to exercise the purchase option for the KED outlined in the June Option Agreement up until December 31, 2018. Attached hereto and marked as **Exhibit "50"** is a copy of the December 21, 2017 Option Agreement.
91. In December 2017, as it seemed that Council's position was impervious to public sentiment, I retained lawyer Mr. Gordon Petch on my behalf, and on behalf of the BIA in respect of the casino and Event Centre. Mr. Petch was retained to provide advice on how to properly provide input to the City in the upcoming planning meetings regarding the proposed casino and Event Centre and to assist should an appeal be pursued. His first advice was to commission economic and planning reports on the Kingsway Entertainment District by qualified experts.
92. In January 2018, the City launched a social media ad campaign promoting the Kingsway Entertainment District. These posts were not in the nature of information to update the public, but were clear advertisements intended to provoke an emotional and supportive response. I was concerned that the City was promoting the KED with advertisement before the Planning Committee had

considered public input and made its recommendation to Council. Attached hereto and marked as **Exhibit "51"** are copies of various advertisements published by the City.

93. On January 1st, 2018, I was interviewed for an article published in the Sudbury Star explaining our reasons for opposing the location of the casino and Event Centre outside of the downtown at the KED. Attached hereto and marked as **Exhibit "52"** is a true copy of said article.
94. Shortly thereafter, Councillor Kirwan posted a response to my interview on the Valley East Page. In his response, he used fearmongering to quell support for our effort, stating the following:

"However, his opposition to the casino may end up killing the Kingsway Entertainment District; may end up killing the new library art gallery as well as the convention & performance centre in the downtown; may end up killing any other downtown improvements including the Elgin Greenway; may end up with the City losing the Sudbury Wolves in the spring of 2022; and may end up causing a battle between the outlying communities and the Downtown Sudbury that will kill the downtown businesses and once again revive the fight for de-amalgamation that surfaced in 2006"

Attached hereto and marked as **Exhibit "53"** is a copy of said post.

95. On January 8th, 2018, Staff executed a Cost Contribution Agreement with the Developer, Gateway, and Cumulus Architects Inc., to split the cost of preparing a Site Design Strategy for the KED as a whole. This agreement amended the initial cost sharing agreement arrangement authorized by Resolution 2017-257 passed on August 22, 2017, as referenced above. That resolution restricted the City's financial obligation to one third or \$129,000. However, this new

agreement required the City to front-end the entire cost and to be responsible for any excess costs over and above \$387,000 while restricting the costs of Zulich and Gateway to one-third.

96. This document was not provided to the public when it was originally signed and, in fact, was only made known on December 5th, 2018 from a third party who retrieved the document through an FOI request. Attached hereto and marked as **Exhibit "54"** are copies of the Cost Sharing Agreement.
97. While the City has refused to disclose any amendments to the above described Servicing Agreement for site grading and infrastructure improvement or any amendments thereto, a summary of allocated costs was visible on the City's website on October 11, 2019.
98. In the Servicing Agreement, the City's obligation was restricted to \$1M and Zulich was required to front-end and pay for all costs related to servicing the site. The City's contribution only occurred after the services had been completed and approved by the City. As well the lands required for all municipal roads was to be conveyed to the City at no cost.
99. This new agreement has no restriction on the City's financial obligations, requires the City to front-end, tender, award the tender and be the project manager for the entire works, servicing all of Zulich's lands required for the KED. It is unclear if the City also has to pay for the lands required for the municipal roads and the services in those roads. Attached hereto and marked as **Exhibit "55"** is a copy of the Cost Contribution breakdown posted on the City's website.

100. On January 8th, 2018, Greg McKenzie, the president of the OLG, sent an open letter to the Mayor and Council. On January 10th, 2018, I replied in a second open letter to the Mayor and Council. In my letter, along with economic arguments, I countered Mr. McKenzie's assertion that the city had met the requirements of Regulation 81/12 by outlining the facts that the public consultation in 2012 was not genuine and predicated on an assumption that the casino would provide free infrastructure at minimal or no cost to the taxpayer. Further, I offered dialogue on how we can "move forward to encourage local entrepreneurs, our culture, our diversity, and grow the economy without the impediment of a full casino". I received no response from the Mayor or anyone on Council. Attached hereto and marked as **Exhibit "56"** is a copy of both letters.
101. On January 19th, 2018, Councillor Kirwan posted on his Valley East Page his comments in response to my private email of November 5th, 2017 to Mr. Dellelce inviting friendly dialogue. In his post, Councillor Kirwan insinuated that my motives were to "show how much power he (myself) has to interfere with the work of Council" and what I am doing is an "abuse of process" rather than a concerned resident and businessman who is attempting to have Council consider serious issues. Attached hereto and marked as **Exhibit "57"** is a copy of said post.
102. On January 21st, 2018 after a citizen posted a request on Councillor Kirwan's Valley East Page that he post a list of businesses associated with the BIA so "we can make them feel our wrath", Councillor Kirwan complied and posted a link to the downtown Sudbury Business Improvement Area's (the "BIA")

webpage titled "Who is the BIA?" Attached hereto and marked as **Exhibit "58"** is a copy of the original post and Councillor Kirwan's response.

103. Before Councillor Kirwan released the names of the BIA to a seemingly violent poster, I had spoken with many residents and business owners about more public action in order to bring awareness to casino issue. This post by the Councillor, however, caused great concern to myself and others, particularly downtown business owners.
104. I had lost faith in the integrity of our local politicians. It also seemed few councillors were willing to speak out against Kirwan, who had clearly become the leader and voice of Council on this issue.
105. After witnessing how entrenched councillors were in regards to the casino at the November 22nd council meeting, I was very concerned that a community delegation before Council made up of local businesses would have little effect on their decision. This additional action caused me to totally abandon the idea out of concern for the livelihoods of the businesses supporting the appeal. Further, several businesses who had endorsed the effort expressed increasing concerns about possible boycotts.
106. On January 22nd, 2018, Councillor Kirwan posted on his Valley East Facebook group in relation to the upcoming Event Centre Planning Committee meeting:

"Monday's meeting is not an opportunity for the public to convince City Councillors to change their mind about the decision. Council made a decision about the site for the new arena / event centre in June 2017 and without any significant material change that would cause us to reconsider that decision, it should stand. **The fact that some people do not agree with the decision is irrelevant.**"

Attached hereto and marked as **Exhibit “59”** is a copy of said post.

107. On January 22, 2018, the Planning Committee held what they termed as a “pre-hearing” meeting to hear public delegations on the KED applications. This “pre-hearing” meeting was split into two parts. The first was in respect of the Event Centre and the second was in respect of the casino.
108. During the first part, immediately prior to permitting public representations on the Event Centre, Councillor Lapierre and Councillor McIntosh, Chair of the Planning Committee, advised the public that they were not permitted to discuss the development as a whole and could only comment on the Event Centre application:

Councillor Lapierre: “Maybe we can clarify, right now, we’re looking for comments on the event centre and not the other piece of property.”

Chair McIntosh: “We’re only looking for comments on the rezoning for the event centre at this time.”

Attached hereto and marked as **Exhibit “60”** is an excerpt from a video of said council meeting. This Exhibit is included in the USB drive attached hereto as Exhibit “1”.

109. The Chair strictly enforced the above-noted rule during this “pre-hearing” and cut off those people who attempted to provide representations in respect of the development as a whole.

Steve Caruso: It is foolish to think that this development is happening in a vacuum. To put the arena there means putting it next to a casino. When you take your kids to play hockey, you’re going to the casino; when you go to go see a Wolves game, you’re going to the casino. I want the members of Council to think long and hard about putting a community

centre and a hub for community activity at the casino. Casinos are not places that you take your family, they are not places that you take your friends [the member of the public was then cut off by Chair McIntosh].

Attached hereto and marked as **Exhibit "61"** is an excerpt from a video of said council meeting. This Exhibit is included in the USB drive attached hereto as Exhibit "1".

110. During this meeting I made a presentation outlining my objection to the applications based on the lack of public input/discussion on the casino because it was added two weeks before the June 27th vote. I also objected to the lack of an economic impact study as required by the official plan that considered the effects of both the casino and arena, and not just the arena, as in the PwC report.
111. The Committee had no questions for me or any other public presenters, and just seemed to be going through the motions of the "required public input". Attached hereto and marked as **Exhibit "62"** is a copy of the minutes of this meeting.
112. On January 26th, 2018, on his Valley East Page, Councillor Kirwan posted intimidating and derogatory comments towards presenters at the January 22, 2018 public Planning Committee meeting. He stated, "the anti-Kingsway people are sinking to the depths of humanity". Regarding a presentation by the former crown attorney he stated, "I completely discounted what this gentleman said as being the musings of an old man who was simply being caught up in the experience of being back in the limelight" Attached hereto and marked as **Exhibit "63"** is a copy of said post.

113. On January 27th, 2018 Councillor Kirwan responded to a citizen question on the Valley East Page, stating:

"Nothing that I post on this site is an opinion, nor is it an attempt to convince people of anything. What I am posting is accurate and is **factual**. If there are groups of individuals who do not like the decision, they should understand that **Council is not in any position to change our decision** merely because there is public opposition to that decision."

Attached hereto and marked as **Exhibit "64"** is a copy of said post.

114. On January 30th, 2018, I forwarded a letter by email to Councillor McIntosh, Chair of the Planning Committee, in which I explained that we did not have a proposed gaming site until June 12th, 2017, when Gateway Casinos revealed its intention to be part of the Kingsway Entertainment District. The letter details the 2012/2013 process and suggests that the application for the amendment to the Official Plan and rezoning for the casino be suspended pending City-initiated public information sessions. This email also suggested that following such a process would allow the City to hold a fair and transparent public process in respect of the approval of expanded gambling in the City as required by Regulation 81/12. Attached hereto and marked as **Exhibit "65"** is a copy of said email.

P. Mar 2018 - The urbanMetrics Report and Staff Report on the Casino Application

115. On March 12th, 2018, Mr. Faludi of urbanMetrics, one of the experts that was retained on our behalf by Mr. Petch to review the economic impact of the KED,

completed his report, "Kingsway Entertainment District and Arena - Economic and Financial Analysis", which had been commissioned by me and the BIA.

116. The report is a comprehensive planning opinion and financial economic impact analysis of the KED including the casino and the arena on the Downtown and of gambling losses on the City as a whole, which was not included in the City commissioned PWC report.
117. On March 12th, 2018, Mr. Petch forwarded a copy of the urbanMetrics report to the Mayor and Council and City Staff on my behalf and that of the BIA. It was provided in advance so that planning staff could consider same prior to Staff's own report being issued. Attached hereto and marked as **Exhibit "66"** is a copy of said letter.
118. On March 12th, 2018, the Staff Report on the casino application was completed stating,
- "This staff report will provide additional information with respect to these themes with the exception of socioeconomic impacts, as the socio-economic impacts of gambling fall outside of the scope of these land use planning matters".
- The Staff Report did not mention the Faludi Report, nor the economic impacts on the Downtown or the City at large. Attached hereto and marked as **Exhibit "67"** is a copy of said report.
119. On March 13th, 2018 Councillor Kirwan spoke on a local CBC radio station condemning the urbanMetrics report as "*biased*" and suggested it was an "*opinion piece*". He went on to insinuate that we would file a "*malicious appeal to delay the project*" and we may be subject to a "*countersuit*" by the businesses

involved. Attached hereto and marked as **Exhibit “68”** is an audio clip of said radio show. This Exhibit is included in the USB drive attached hereto as Exhibit “1”.

120. Councillor Kirwan also posted a dismissal of the report on his public Facebook page. This public dismissal of the urbanMetrics report as an “*opinion piece*” demonstrated to me that it did not matter what evidence was presented, it would be dismissed. Further, the insinuation that we could be sued had a profound effect on me and for a brief time I considered abandoning the effort. I telephoned Mr. Petch for reassurance that there were no legal grounds that I could be sued by the casino or other involved businesses and once those reassurances were given, I dismissed any thoughts of stopping the effort. Attached hereto and marked as **Exhibit “69”** is a copy of Councillor Kirwan’s post.

Q. March 26 and 28 2018 – Statutory Public Meetings with the Planning Committee

121. On March 26th, 2018, a “statutory public meeting” was held in respect of the casino. During the hearing, I gave a power point presentation to the Planning Committee. The presentation outlined key relevant data from the urbanMetrics report regarding the proposed casino and Event Centre. Attached hereto and marked as **Exhibit “70”** is a copy of the minutes of the meeting.
122. During the same meeting, Councillor McIntosh, as Chair of the Planning Committee, asked a question in response to a report presented by Staff:

"The report states that the Staff Report will provide additional information with respect to these themes with the exception of socio-economic impacts, as socio-economic impacts of gambling falls outside these land-use matters. Can you further explain why these issues fall outside these land-use matters?"

123. In response to Councillor McIntosh's query in respect of "socio-economic... issues", Mr. Ferrigan replied:

"There was an opportunity to discuss those matters when past Council was in the process of deciding whether or not the City wanted to be a willing host for expanded gaming. If I recall correctly, many years ago, there was a public meeting that was held, that was attended by over two hundred individuals, I think there was over four hundred and fifty submissions that were received in relation to that. And at that time those concerns were also considered by past Council and the decision was made to move forward to include Sudbury as a site for expanded gaming. **They are considerations to be sure**, although those considerations were discussed by the community four years ago and the decision was made at that time to proceed with expanded gaming in the City.

However, when reviewing the documents presented to Council on by Ian Wood at the Council meeting on February 26th, 2013 titled "OLG Casino Opportunity Update" (attached hereto at Exhibit "16") he advised the Planning Committee of the result of the OLG process and public submissions at the October 10th, 2012 meeting.

124. I noted that economic concerns/impacts on the municipality as a whole were neither presented to, nor discussed by this previous Council. Attached hereto at Exhibit "8" is a copy of an excerpt of the Minutes of the February 26th, 2013 meeting which simply state the Committee's request for additional free amenities, such as the arena, hotel/convention centre and/or a performing arts centre. Attached hereto and marked as **Exhibit "71"** is an excerpt from the

video of Chair McIntosh's question and Mr. Ferrigan's statement in the Planning Committee meeting. This Exhibit is included in the USB drive attached hereto as Exhibit "1".

125. At the same March 26, 2018 Planning Committee meeting Councillor Mark Signoretti made the following observation:

"What disturbs me is this whole process... I just think this is putting the cart before the horse. It is a little biased that now we are coming to the planning meeting to discuss zoning **when a lot of my colleagues have already made the decision about having this event centre slash casino on the Kingsway.** So from my perspective I find it putting the cart before the horse."

Attached hereto and marked as **Exhibit "72"** is an excerpt from the video of the Planning Committee meeting containing Councillor Signoretti's statement. This Exhibit is included in the USB drive attached hereto as Exhibit "1".

126. The Chair of the Planning Committee, Councillor McIntosh made the following statement at the completion of all public submissions at the Meeting on March 26, 2018:

"I want to thank all the people, especially the people that got up to speak and the people that wrote, **and I want to say that to a great degree I do agree with most of what you said however we are not making a decision this evening on whether the city should have a casino or not. The decision is a land use question as Councillor Jakubo has stated. So that is the decision we are making this evening. We are going to have to agree to disagree on what the point of this hearing is, that's where we're at this evening.**"

Attached hereto and marked as **Exhibit “73”** is an excerpt from the video of the Planning Committee meeting containing Councillor McIntosh's statement. This Exhibit is included in the USB drive attached hereto as Exhibit “1”.

127. Councillor McIntosh went on to support the KED applications despite indicating she was opposed to a full casino in Sudbury in 2014 and on the day of the vote on June 27th, 2017. I was present at the March 26th, 2018 Planning Committee meeting as I had made a presentation based on the findings of the urbanMetrics report. The statements by Councillor McIntosh were discouraging because they essentially indicated that, although she supported my concerns, she was bound to ignore them due to (i) her interpretation of “land use” and (ii) Staff's position that social and economic concerns had already been dealt with, which they had not.
128. A further meeting was held on March 28th, 2018 in respect of the arena proposal. Councillor Kirwan, who is not a member of the Planning Committee, gave a statement to the Committee before they decided on whether to recommend the approval of the Event Centre as part of the Kingsway project. He stated,

“Chair, I want to go back to again the purpose of this meeting and you have to take all of the emotions off the table. This is not a meeting to talk about the emotions and the idea of where should this arena be located because we've already had that debate. We've had the discussion. **We made the decision on June 27th last year and what the city decided to do is become a partner with four other businesses. We became a partner with a land developer**, who was able to put together I believe is a 27-acre parcel of land and each of the partners, each of the other partners, are now applying for the rezoning that is necessary for this massive 250 million dollar facility to be built. It is an integrated facility. So, part of

this process is...in order to build this cluster, that is going to have another 120 acres around it that can be expanded, We've got to go through the process. We have applied for a rezoning, and our Staff has reviewed the application, our Staff has honed everything that they could possibly look at, and they are coming back to us saying they recommend that the application be approved. **So whether it going Downtown, whether its going on the Kingsway, that's not even a question now.** The question is, does this application meet the appropriateness test that the legislation has put in place, and it has. So, **we have to approve this application** and we have to move forward and get this facility built".
[emphasis added]

Attached hereto and marked as **Exhibit "74"** is an excerpt from the video of the Planning Committee meeting containing Councillor Kirwan's statement. This Exhibit is included in the USB drive attached hereto as Exhibit "1".

Attached hereto and marked as **Exhibit "75"** is a copy of the Minutes of the March 28th, 2018 meeting of the Planning Committee.

129. On March 29th, 2018, Councillor Kirwan posted an article on the Valley East Page criticizing Gordon Petch and Rowan Faludi saying, **"Their efforts may have meant something back on June 27, 2017, but not now. The decision was made and there is no reason to change the course."** [emphasis added].

Attached hereto and marked as **Exhibit "76"** is a copy of said post.

R. Apr 10 2018 - Council Meeting

130. At the Council meeting on April 10th, 2018, as Council contemplated final approval Official Plan and zoning by-law amendment applications for the casino and zoning by-law amendment for the Event Centre, Councillor Fern Cormier

asked City Staff for a summary of the results of the required public consultation completed in 2012. The staff member (Ian Wood) responded as follows:

"I think it is fair to say, and we certainly have characterized this for proponents and the OLG, is that we put out four areas for discussion and the community consensus I would say in terms of the response that we received back was that the Downtown was not an appropriate location for a gaming facility... **Beyond that there were not really any overwhelming conclusions coming back.**" [emphasis added]

Attached hereto and marked as **Exhibit "77"** is an excerpt from the video of this meeting. This Exhibit is included in the USB drive attached hereto as Exhibit "1".

131. This comment was misleading. As I have noted above the survey on desired location at the Oct 10, 2012 Open House, and subsequent on-line submissions, a clear preference was given by the public that if there was to be expanded gambling it should locate at the existing Sudbury Downs location. Further, there was no discussion in respect of the potential social, economic, or socio-economic impacts of the removal of the arena from Downtown, the building a casino, or the construction of a casino at the KED. The only purpose of the Open House held on October 10, 2012 was to obtain public comment on the selection of a location amongst four pre-approved locations.

132. At this April 10, 2018 meeting, Councillor Signoretti asked

"We heard at the Planning meeting that we don't need to do an economic impact report. We've seen other communities, for example Peterborough, Ajax, they did an economic impact report. We saw that a proponent put forward an urbanMetrics report that clearly indicates the economic impact to Downtown of pulling a major tenant away from the Downtown. So, I question, everybody says that it's not in the Provincial Policy Statement,

it's not part of our Official Plan that we are required to do an economic impact report. I think that is upon us that we should do it and in our Provincial Policy Statement, 1.7.1, it says specifically "maintain and where possible enhance the vitality and viability of downtowns and mainstreets". And our Official Plan, section 19.2(a) it says examine the financial impacts of all major developments projects to ensure that they are financially sustainable. So, to me, that would state indicating doing an economic impact report, which we didn't do. So if we want to mitigate risk, in my opinion, we should be doing an independent impact report to show what the loss would be to the Downtown in the one sector with the possible gain in the other sector like the report from PwC says, there is no guarantees... I'd like to pass the question onto Mr. Ferrigan and his planning staff to ... answer **why we wouldn't do an economic impact report when it specifically says in the Official Plan to ensure they are financially sustainable.**" [emphasis added]

133. Mr. Ferrigan in response, made a statement where he acknowledged that although the official plan has a requirement for evaluating financial impacts of all major projects on the municipality, he attempted to distinguish which economic and financial impacts the City was required to study and thereby exempt the KED proposal:

"those economic and social implications were discussed in 2012 and previous Council did make a decision to move ahead with expanded gaming in the community". Our interpretation of this policy differs with Mr. Signoretti's... In every report we work with our colleagues in finance to describe the financial implications of the development proposal on the Municipality. So we look at things like changes in assessment, changes in taxation, and with the completion of the cost of growth study which was received by the Planning Committee... earlier this year... We will also be looking at the net cost associated with residential development within the city. So we believe that that analysis of the financial implications within the staff report satisfies this policy." [emphasis added]

134. Mr. Ferrigan's statement on April 10, 2018, referring to "economic and social issues" can be interpreted in the context of his response to Councillor McIntosh's question, in March 26, 2018, asking him about the exclusion of socio-economic issues from the staff report. In response to that statement, Mr. Ferrigan replied on March 26, 2018 that "those matters", the socio-economic issues, were "considerations to be sure" but dismissed them as they had been previously discussed. Here, in the same vein, he dismisses "economic and social issues", also saying they were previously discussed. Attached hereto and marked as **Exhibit "78"** is an excerpt of the video of this Council Meeting containing Councillor Signoretti's question and Mr. Ferrigan's statement. This Exhibit is included in the USB drive attached hereto as Exhibit "1".
135. Councillor Gerry Montpelier asked what happened to the free amenities promised by previous Council back in 2012. His question was answered by Ian Wood of the City claiming these were "wish list" items and Gateway Casinos was not part of those discussions. No other explanation was provided. Attached hereto and marked as **Exhibit "79"** is an excerpt from the video of this Council meeting containing Councillor Montpelier's statement. This Exhibit is included in the USB drive attached hereto as Exhibit "1".
136. Councillor McIntosh then made a statement objecting to the recommendation of the Planning Staff as it was based solely upon the 2006 Official Plan, which had been in place in Sudbury for twelve years. As a result, it did not take into account the amended Official Plan, the Downtown Master Plan, and other various City initiated and approved long term economic and planning strategies. She ultimately voted against the application. Attached hereto and

marked as **Exhibit “80”** is an excerpt from the video of this Council meeting containing Councillor McIntosh’s statement. This Exhibit is included in the USB drive attached hereto as Exhibit “1”.

137. Councillor Kirwan then made the following statement:

“We’re dealing with a land-use issue, we’re not dealing with personal preferences, we’re not dealing with location debates. We’re dealing with a land-use application from a private citizen who owns land on the Kingsway to rezone land so that the Offer of Purchase and Sale that’s been made by this City can go through. The Offer of Purchase and Sale that this City has made to that property owner is conditional on us approving the rezoning application. Our own City Planners have said it is consistent with the relevant legislation. For us to look at this and say that our personal preferences go against it because it should be Downtown, I think has some legal ramifications and we may want to go in-camera to ask if we can prevent a conditional term on an Offer of Purchase and Sale that we’ve made from going through.”

Attached hereto and marked as **Exhibit “81”** is an excerpt from the video of this Council meeting containing Councillor Kirwan’s statement. This Exhibit is included in the USB drive attached hereto as Exhibit “1”.

138. Erik Labelle, City Solicitor of Sudbury, then stated that the decision is not a “site decision” as took place in June. He stated that the function was not a review of the June decision but “*strictly and purely a decision on the land use questions that have been put to you by the applicant*”. Attached hereto and marked as **Exhibit “82”** is an excerpt from the video of this Council meeting containing the City Solicitor’s statement. This Exhibit is included in the USB drive attached hereto as Exhibit “1”.

139. Councillor Kirwan then reiterated that “the real question is that we didn’t just select a site on June 27th, we authorized our Staff to enter... to exercise the option to purchase...I think there is some kind of legal conflict there.” Councillor Kirwan's statement further put pressure on Council to pass the by-laws by implying there was a legal liability if they were not passed by Council because they had entered into formal agreements with the developer and the casino operator.
140. It seemed to me that Councillor Kirwan, throughout the public meetings up to this point, had not only made his mind but held the entrenched and uncontradicted belief that Council was required by law to adhere to its “formal agreements” with the developer. This further clarified that, at the “public hearings” and likely since the Option Agreements, Council had not actually listened to the public with an open mind. Attached hereto and marked as **Exhibit “83”** is an excerpt from the video of this Council meeting containing Councillor Kirwan’s statement. This Exhibit is included in the USB drive attached hereto as Exhibit “1”.
141. At the conclusion of the April 10, 2018 meeting, Council adopted the bylaws implementing approval of the land use applications for both the Event Centre and the casino. It concerned me greatly that the City was, in effect, approving its own rezoning application and there was no independence.
142. Even following the approval of the sites, the threats and intimidation against opponents continued.

S. May 2018 - Planning Appeals

143. On May 4th, 2018 Mr. Petch, on behalf of myself, the Downtown Business Improvement Association (BIA) representing Downtown businesses, and Dr. Christopher Duncanson-Hales on behalf of 30 leaders of the faith community, submitted appeals of the by-laws in question to the Local Planning Appeals Tribunal (LPAT) via the city clerk. Attached hereto and marked as **Exhibit "84"** is a copy of our submitted appeal.
144. Prior to the public meetings held on March 26th and March 28th, Dr. Duncanson-Hales provided Planning Staff with a list of 'troubled neighbourhoods' near the KED. He, along with other multi-faith leaders, were concerned that these areas were in close proximity to the KED and would be vulnerable to problem gambling. A copy of this list is attached to Exhibit "84".

T. May 2018 - Second Cost Contribution Agreement

145. On May 10th, 2018, Staff signed a second Cost Contribution Agreement with the Developer, Gateway, and Cumulus Architects Inc. In this new agreement, the City would pay for the entirety of the Site Plan Strategy and the Developer and Gateway pledged to pay a contribution to the City based upon the cost sharing agreement attached to same.
146. These payments were to be made whether the costs had been incurred in whole or part prior to the effective date of the agreement. This document was not provided to the public when it was originally signed.

U. Council Seeks Premier Ford's Intervention in the LPAT Appeals July-August 2018

147. By email and letter sent July 31, 2018, Mayor Brian Bigger wrote to Premier Ford seeking a meeting with the Premier with the purpose of expediting LPAT approvals, in response to which the Premier advised he had also forwarded the request to the Minister of Municipal Affairs, Minister of Economic Development and Minister of Infrastructure. Attached hereto and marked as **Exhibit "85"** is a copy of this exchange.
148. This concerned me greatly as I was felt that this sort of request was normal and that there would be no chance for a fair hearing at LPAT.

V. Grading of the KED Site

149. On or about August 15, 2018, an article appeared in the *Sudbury Star* stating that the City had awarded a contract for the site preparation to an unknown company, despite the fact that my appeal was still before LPAT. Attached hereto and marked as **Exhibit "86"** is a copy of this article and a photograph of BOT Construction Company's equipment at the site.
150. On November 26, 2018, I wrote to Guido Mazza, the Chief Building Official for the City, to advise that the site preparation was unlawful under s.24 of the *Planning Act* R.S.O. 1990, c.P.13. Shortly thereafter, it appeared that any work that had commenced had stopped and has not started again as of this date on the site, although construction equipment can still be seen there. Attached hereto and marked as **Exhibit "87"** is a copy of this letter.

W. Apr 2019 - City Exercises Option Agreement

151. On or about April 19, 2019, the City decided to proceed to exercise the Option to Purchase the section of the KED where the Event Centre is proposed to be located for \$10.00. However, I am unaware what if any further changes have been made to the Option Agreement.

X. May 2019 - Further Threats and Intimidation Against Opponents of KED Site

152. On April 8th, 2019 a Notice of Application was filed with the Superior Court in Sudbury on behalf of myself and the Sudbury Downtown Business Improvement Association to preserve our respective rights to apply to the Superior Court to quash all of the subject by-laws on various legal grounds, in the event LPAT should decide it did not have the legal jurisdiction to hear such a challenge.

153. At some point, Councillor Kirwan apparently learned that the Notice of Application had been filed with the Superior Court and attended at the courthouse to review same. He then proceeded to post a copy of same upon the Valley East Page.

154. On May 22nd, 2019, Councillor Robert Kirwan called for disbandment of BIA in a *Sudbury Star* article and *CBC News* article. Attached hereto and marked as **Exhibit "88"** are copies of those articles.

155. On May 23rd, 2019 at 10:20 am, Councillor Bill Leduc knocked on the door of my business premises located in the NORCAT Centre on Maley Drive in Sudbury. I was surprised to see him as he had no appointment and I had given

him a tour of my business one month earlier. He was escorted by Hugh Kruzel, the public liaison for NORCAT. I invited him in and he immediately raised the subject of the Kingsway Entertainment legal appeal. After I had commented on the mounting legal costs, and that they may reach a million dollars, in a very stern tone, he responded "*if you do this [referring to our Superior Court application], it will cost you more than a million dollars*". I immediately advised the Councillor that he had already toured the factory and there was nothing left to discuss and suggested he leave. He was then escorted by Mr. Kruzel out of my office.

156. On May 24th, 2019, Councillor Kirwan published an op-ed in the *Sudbury Star* on why the BIA should be scrapped and declared, "The 'death' of the BIA will leave Fortin as the sole applicant in this matter and city lawyers can then determine a legal course of action that will have the application removed from the Superior Court of Justice." This comment, along with the visit by Councillor Leduc the day earlier, again had me concerned about moving forward with the effort. Attached hereto and marked as **Exhibit "89"** is a copy of said op-ed
157. On August 8th, 2019, Councillor Jakubo posted on Facebook. In his post, he advised that following:

"I am truly disappointed in the LPAT today ... Honest to goodness Council, by a vote of 10-2 approved the KED in June of 2017 and the planning approvals were granted in 2018... To any reasonable person, the hearing should already be done. But the goal of the opponents has always been delay, delay, delay.

Attached hereto and marked as **Exhibit "90"** is a copy of said Facebook post.

Y. Jan-Sep 2019 - Investigation by Integrity Commissioner

158. Between January 24th, 2019 and September 3rd, 2019, different persons throughout the community complained under Sudbury's Code of Ethics to the Integrity Commissioner, Mr. Robert Swayze, in respect of the conduct of Councillor Kirwan which started June 23rd, 2017, just before the site selection meeting and continued throughout the planning process for the casino. In his report, released September 3rd, 2019, the Commissioner described the subject matter of the complaint as follows:

The dispute in the community which is dominant in most of the complaints, is a controversial proposal for a casino and other development outside of the Downtown, in an area called the Kingsway Entertainment District. There is ongoing planning and legal proceedings in the community related to this development. Councillor Kirwan is a strong supporter of the proposal and some of the complaints have suggested that he has received benefits from the developer which I have also dismissed for lack of evidence.

159. The Commissioner found against Councillor Kirwan, that he "repeatedly abused and harassed members of the public as found by the Integrity Commissioner." Councillor Kirwan's abuse and harassment included conduct which took place at a public meeting. Attached hereto and marked as **Exhibit "91"** is a copy of the Report of Integrity Commissioner Swayze.

160. In his report, the Commissioner also found that Councillor Kirwan believed there was a "conspiracy" against him and calls members of the public, presumably those who demand a more fulsome public process in respect of the casino development, his "enemies."

161. On September 24th, 2019, Council reprimanded Councillor Kirwan in accordance with the findings from the Integrity Commissioner. During the meeting, Councillor Kirwan stated the following

... over the course of the debate of the KED, for whatever reason... probably because that's my style, I became the face of the Kingsway arena. And so, that's where ... all of these ... attacks came from... But all of that was dealt with.

I guess the best way to understand is that when someone calls you an idiot first, then they get what they deserve. In my world, if you throw the first punch, you get punched back...

Do I think that's appropriate, no. But, maybe it's my Irish blood, I don't turn the other cheek.

Attached hereto and marked as **Exhibit "92"** is an excerpt from the video of this Council meeting containing Councillor Kirwan's statement. This Exhibit is included in the USB drive attached hereto as Exhibit "1".

162. In the eyes of the public, Councillor Kirwan was the public face of the KED and published a magnitude greater number of press articles than all other councillors combined. Attached hereto and marked as **Exhibit "93"** are 33 press articles regarding the KED in which he is either the author, or the major contributor.

163. The decision of the Integrity Commissioner was welcome news for myself and those who had been discouraged by Councillor Kirwan's conduct from participating in the democratic process.

164. It was, however, quite late, as he had already been one of those who voted for the KED site, against the recommendations of PwC and the plans of the City. The effect of a single, biased, councillor was substantial. As he admitted during the vetting of the Integrity Commissioner report and otherwise, he was the face

and central figure in Council's consideration of the location question. His conduct, even when unethical, went unchallenged by the Mayor and fellow Councillors most of whom who followed his lead.

165. If he had not been biased and threatening, it is possible councillors would have been open to public input, the conclusions of the PwC report, and the City's own long-term economic plans and the Downtown Master Plan. It would have only taken one vote, despite Kirwan's, to turn the 6-6 vote for the Downtown casino location into a 7-5 vote, and it would have passed.
166. As it was, the public's submissions on salient issues relating to the Event Centre/Casino at the KED, were not requested, discouraged by intimidation, and, when they managed to make submissions on relevant points, completely ignored, as Council had already made up its mind. Misleading statements by City Staff were also concerning.
167. I and other businessmen and residents simply had no opportunity to make an impact. In my opinion the efforts to obtain the views of the public at the Council meetings after June 27, 2017 were not genuine.

168. This Affidavit is sworn in support of the instant Application and for no other or improper purpose.

SWORN/AFFIRMED BEFORE ME at)
the City of Oakville, in the Province of)
Ontario, this October 18, 2019.)




Thomas Gary Fortin



A Commissioner & etc.)

**THIS IS EXHIBIT "1" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

**THIS IS EXHIBIT "2" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**

A handwritten signature in blue ink, appearing to be 'T. Fortin', written over a horizontal line.

A Commissioner, & etc.

October 8th, 2019

To whom it may concern,

Please accept this letter of support for Tom Fortin in recognition of his leadership and unwavering commitment and passion to drive and support the long-term economic prosperity for the City of Greater Sudbury.

I have known Tom for nearly eight years – meeting him in the context of my role to develop and lead NORCAT’s regional innovation centre. The mandate of our centre is to work with community partners to provide programs, services, and resources that help start and / or expedite the growth of scalable tech start-ups in our community. Why is this mandate important? The majority of sustainable job creation in communities across Canada is predicated on identifying high potential start-ups and providing them support they need to help them grow...and grow fast. This is where Tom Fortin, an accomplished tech entrepreneur and community champion, demonstrated his “care and concern” for the future of the City of Greater Sudbury.

Our regional innovation centre provides a platform for community champions to help us deliver on our mandate. The success of this model is based on engaging the right community champions at the right time. Tom was the first community champion to engage with NORCAT and volunteer not only his time, but also his money and resources to support the burgeoning start-up tech ecosystem in Sudbury. Here are a few examples that demonstrate his leadership and commitment to the prosperity of our community:

- Tom was our inaugural NORCAT volunteer mentor providing advice, coaching, and guidance for our start-up entrepreneurs seeking to launch and build a tech company. Over the past six years, Tom has volunteered hundreds of hours and his efforts can be directly tied to the on-going growth and success of many companies in our region.
- He has created, managed, and sponsored many events and workshops that inspire, support, and encourage the growth of our vibrant entrepreneurial ecosystem in Sudbury. This includes the 2 x 4 challenge, the Code-Op, the Northern Ontario Business Awards, and Start-up 101, among others.
- Lastly, the Fortin Discovery Lab (a 2,000 square foot state-of-the-art IoT innovation lab) was conceived and funded by Tom to provide the equipment and resources to help start-ups develop and bring new products to market. Tom identified the opportunity, purchased the equipment, set-up the facility, and currently volunteers his time to coach and mentor companies seeking to bring products to market.

These examples not only demonstrate Tom’s technical and entrepreneurial capabilities, but also they demonstrate a community leader that goes “above and beyond” and embodies the spirit of someone that truly cares. He does not need to do these activities – he chooses to and he does with conviction, passion, and purpose. Without his leadership and commitment, NORCAT and our community more broadly, would be worse off.

Best Regards,



Don Duval | CEO | NORCAT | dduval@norcat.org

SUDBURY 1545 Maley Drive, Sudbury, ON Canada P3A 4R7 705-521-8324

TIMMINS 76 McIntyre Road, Schumacher, ON Canada P0N 1G0 705-269-0040

THUNDER BAY 399 Mooney Avenue, Thunder Bay, ON Canada P7B 5L5 1-855-966-7228 ext. 324

ONAPING - UNDERGROUND CENTRE Strathcona Mine Road, Onaping, ON Canada 705-521-8324 ext. 259

LATIN AMERICA Avenida Beaucheff 850, Santiago, Región Metropolitana Chile 56 9 8207 0033

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Fax:(705) 671-6127

Email: tom@ontrak.net[Home](#)[Products](#)[Programming](#)[Applications](#)[Custom Designs](#)[Ordering](#)[News](#)**Notice:** This contest open only to residents living within a 100km radius of Sudbury, Ontario, Canada**NOTE: HONOURABLE MENTION CERTIFICATES TO BE MAILED NOV. 27TH****BACKGROUND**

Manufacturing is the basis of any sustainable economy. In Canada, we produce and export much of the worlds raw materials from lumber to metals (mining), oil, gas, and a host of other materials used in manufacturing. Over the past decades, many of Canada's manufacturing industries have been in decline including furniture, clothing, consumer wares, hardware, and almost every other manufactured good industry. Now, most of what Canadians purchase is manufactured offshore. Chances are, if you are a middle income family member, your furniture is made of rubberwood from Asia, your shoes are made in Korea, and much of your clothing is made in China (along with almost every other consumer good in your home). On your next trip to the mall or hardware store, take a look at the labels on the products that you buy and you will see what we mean.

With all the concern about the environment, is this model truly sustainable? As more and more of our goods travel thousands of miles to reach us, including many food items, will there not have to be a change somewhere along the line especially if oil prices spike upwards? Would it not be better for us and the environment, if the goods were made here in Canada where the raw materials abundantly exist? Think for a moment about the manufacturing jobs that could be returned to Canada if this trend was reversed.

With the increasing sale of so many large Canadian corporations to foreign interests, what do we have to look forward to as a society? We are on a path to working for foreign companies, using foreign made goods, and a declining standard of living.

As Canadians, we must start thinking about innovation and how to leverage the vast resources of this country. More thought has to be put into taking the raw materials we produce and to manufacture as many of our own products (and products for export) as possible.

With these thoughts in mind , we announce the '2012 Ontrak 2X4 Innovation Challenge' as one small step to start thinking about where and how things we use are made.

SPONSORED BY.....

Fortin Foundation forks over \$10K to Eat Local

Mar 31, 2016 10:25 PM By: [Arron Pickard](#)



Tom Fortin, of the Fortin Foundation, presented a cheque for \$10,000 to Peggie Baillie, managing director of Eat Local Sudbury. Photo by Arron Pickard.

A \$10,000 donation from the Fortin Foundation put a little kick in the step of Eat Local Sudbury, which is aiming to raise \$75,000.

Tom Fortin delivered the cheque Thursday afternoon.

“We like to encourage young people to start businesses, making things, and I think it’s important that we make a bit more of our own food,” Fortin said, of why he chose Eat Local to benefit from the donation.

“Currently, we only produce less than two per cent of the food we consume in Sudbury, and I think we can improve that number quite a bit.

The best way to do that is support Eat Local, which is the vehicle used by so many of these

businesses to bring their food to the public.”

Peggy Baillie, managing director of Eat Local, said a fundraising campaign has been launched to sustain the organization, but also work towards the Seed to Plate Commons.

“We are hoping to raise \$75,000 this year,” she said. “The goal is to be able to continue doing what we're doing, and to increase the production and consumption of local food.”

Baillie said she hopes the donation from the Fortin Foundation inspires more financial contributions to Eat Local Sudbury.

“This is a great start,” she said. “Whatever way people can contribute, we're grateful for that.”

On a larger scale, since 2012, Eat Local Sudbury has grown 250 per cent, Baillie said. The current location has significant limitations, and there has been feedback that the Larch Street storefront isn't as accessible as people would like it to be.

Baillie said she currently has a proposal into City of Greater Sudbury council for \$1 million to build the Seed to Place Commons – a 7,000-square-foot building that would house a new store, an education centre and an indoor market.

The current fundraising campaign, if successful, will allow Eat Local to sustain its operation to the point where it can make that happen. It will be at least a year and a half before Eat Local could even move, provided they get the green light from city council.

Eat Local is also expanding into an online home delivery system, where people can order their groceries online and it would be delivered to their home.

“This is one approach we're taking to try and increase access to local food,” she said. “But, at our present location, we're bursting at the seams, so this is our strategy to move towards a bigger and better location.”



Download the Up Here app on the [App Store](#) or [Google Play](#).

×

CHRISTIAN PELLETIER • APRIL 5, 2018

Fortin Foundation named new Presenting Sponsor of Up Here

Up Here and the Fortin Foundation announced a new partnership today naming the local foundation as Presenting Sponsor of the fourth annual urban art and music festival. Up Here will take place August 17 to 19, 2018 in downtown Sudbury.

The Fortin Foundation's support will help Up Here to create more murals, present more ambitious concerts, and make the festival even more

accessible to the community at large.

“The Fortin Foundation and Up Here share a passion for innovation, culture, and community,” said Christian Pelletier, co-founder of Up Here. “Sudbury and the downtown community have always been at the core of the festival, and we are delighted to have the support of a strong local leader who is committed to our city and its future.”

Up Here 4 will present over 50 concerts by established and emerging musical acts over three jam-packed days. This year’s festival will feature the creation of six new murals by local, Canadian and international muralists, as well as large-scale public art installations, and surprises along the way. The full Up Here lineup will be revealed in early May.

“Up Here has become one of Northern Ontario’s most iconic annual events thanks to the vision of its creators, whose passion for both the arts and the vibrancy of Sudbury are

unmatched,” said Tom Fortin, president of the Fortin Foundation. “We are so excited to take on the role of Presenting Sponsor of this amazing, creative event.”

About Up Here

Up Here is an independent urban art & emerging music festival formed in 2015 in Sudbury, Ontario. With a focus on provocative musical acts, muralists and installation artists, Up Here responds to a desire for discovery among audiences in Northern Ontario. Prominent artists create large-scale murals, erect interactive installations, and perform in venues throughout Sudbury’s downtown, including surprise concerts announced 30 minutes before through the festival app, adding spontaneity to the festival experience. Since its foundation, Up Here has curated and created over 24 new murals in and around downtown Sudbury.

About the Fortin Foundation

The Fortin Foundation was created to encourage entrepreneurial efforts by youth in manufacturing and innovation. The foundation also supports local cultural organizations in an effort to retain youth, attract talent from outside the community, and make Sudbury a great place to live, work, and play.

Early-Bird Passports Available Now

A limited number of Early-Bird Passports are available at uphere.com for only \$90 until April 30. Passports allow access to all concerts (subject to capacity).

Community Support

Up Here thrives thanks to the support of Barrydowne Paint, Equipment World, Downtown Sudbury, Sudbury.com, La Slogue du Carrefour

francophone, Copy Copy
 Printing, Ici Radio-Canada,
 Exclaim!, A.Side, CKLU 96.7 FM,
 Baron Mag, FACTOR, SOCAN
 Foundation, the City of Greater
 Sudbury, the Ontario Media
 Development Corporation, the
 Government of Ontario,
 Canadian Heritage, the
 Ontario Arts Council, Sudbury
 Tourism, and many more.

To partner up, visit
uphere.com/partnerup.



PREVIOUS

Up Here 4 reveals their full musical and mural programming

NEXT

Where to Eat at Up Here 3



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As we had indicated to all registered protesters in the last update email, we agreed to post our presentation of our [Case Against the ESA Scheme](#) on this webpage following its delivery to the Ontario Government. The file is in PDF format and was presented on July 14, 2009 to a Senior Policy Advisor in the Ontario Government. You can view the presentation here ([ESAFinal3.PDF](#) (1 MB)). Please note that we have removed our customer information for confidentiality reasons.

And now the good news....on July 23rd we were informed by the Director of Policy with the Ontario Government that the [ESA Manufacturers Registration Scheme is to be withdrawn](#), and all companies who registered will be receiving a refund.

"Thank you" to all who supported us through, letters, emails, donations etc. in the effort to defeat this misguided effort by the ESA to tax manufacturers.

"Thank you" to the Ontario Government who had the courage to withdraw this embedded effort by the ESA. I, and others, have renewed faith that the government does, and will listen, and that Ontario truly is " OPEN for Business"

On that note we have canceled our " Ontario CLOSED for Business" ad campaign that was set to begin next week in the National Post. The only ad released to the public was 17/20 shown below. The main goal of our presentation was to help educate the government about the role manufacturers of certified electrical products play in product safety as we truly believed they simply did not understand.

ONTARIO **CLOSED** for Business

Manufacturers, GET OUT!

That is the message the Ontario Government is sending with its proposed ESA Manufacturers Registration Scheme. Are they really going to give powers of taxation to the ESA, a private corporation? Does the Ontario Government have any idea what the Certified Manufacturers of Electrical Products do in regards to product safety? We don't think so...in fact...we know they don't have a clue.

It has been 121 days since we asked to see our local Liberal MPP about this issue...still waiting!

More..... **www.damistake.com** **AD# 17/20**

Well, it seems they do understand and so, it is with great enthusiasm that we end our campaign and get on with the business of manufacturing safe, certified electrical products, here in Ontario, for a world market.

Thanks again to all of you for your efforts.

Tom Fortin

Director, Ontrak Control Systems Inc.

EMAIL: esaprotest@ontrak.net

IMPORTANT: If you received a letter dated Jan 13, 2009, from the ESA via your CB (CSA, UL, TUV etc) **DO NOT** register or pay any fees to the ESA. You are under no legal obligation to do so.

What is this all about?

The Ontario Government has been expanding its DAA (Designated Administrative Authority) model to various industries over the past few years. The DAA model is a process by which the Ontario government SELLS a part of its mandate to a private company in return for a yearly fee (\$250,000/Yr in this case) The private corporation who pays to be the DAA for certain government functions is then given authority to levy fees via licenses and administrative penalties where the DAA has a legal monopoly over a particular industry or function. The DAA model is severely flawed in that when a private corporation is given a monopoly over industry functions it is inherently expansionist and is always looking at new ways to extract fees from stakeholders to support its operation. (More on the flawed DAA model later!) Ontario residents who heat with oil, no doubt know about the TSSA, a DAA and sister company to the ESA. The DAA in this case is the Electrical Safety Authority of Ontario (ESA), a private corporation, and its mandate in regards to electrical/electronic product safety is to play a reactive role when issues of product safety arise. They may investigate fires caused by electrical products or issues involving counterfeit electrical products. The ESA has spent \$68,000 building a website to inform consumers of safety issues regarding electrical/electronic products and supports a small staff to investigate complaints. This function was previously performed by the Ministry of Small Business and Consumer Services which made it publicly funded as it is in the US, EU, Australia and virtually every other country in the world. The ESA has been having difficulty

funding its operation as revenue from fines and fees assessed on offenders were not sufficient to cover the costs of its program and the fees it pays to the Ontario government for its authority. Now the ESA is attempting something no other DAA has yet done. They have resorted to direct taxation on what they call "stakeholders" (world-wide certified electrical/electronic manufacturers) to fund their operations.

A letter written on January 13th, 2009, by the ESA was sent up to 20,000 electrical/electronic manufacturers throughout the world informing them of their alleged obligation to register with the ESA and pay them yearly fees (TAXES) for the privilege of selling their products in the Province of Ontario, Canada.

The letter can be viewed here: [Manufacturers Obligation](#) PDF 34K

The specific paragraph detailing the alleged claim is as follows

Initial registration will cost \$350 and yearly renewal will cost \$300/year. Your registration will be required in addition to a recognized certification mark or field evaluation label for electrical products to be approved for sale in Ontario. Products failing to meet these requirements will be considered "unapproved" and subject to investigation, public notification and fines.

This statement implies that manufacturers must register and pay yearly fees to the ESA or their products will be considered "unapproved" for sale in Ontario making them subject to fines if their products are sold in the Province of Ontario either directly or indirectly.

Curiously, Ontario Regulation 438/07 specifically defines an approved product as:

Deemed approvals

1. 2. (1) An electrical product or device that falls into one of the following categories is deemed to be approved:

1. An electrical product or device for which a certification body has issued a report certifying that the electrical product or device conforms to the applicable standards for the electrical product or device and,

i. the report is available to the Authority from the certification body,

ii. the electrical product or device complies with all standards of design and construction and all terms and conditions set out in the report, and

iii. the electrical product or device bears the certification body's mark, which identifies the electrical product or device as certified for use in Canada.

(Category 2 and 3 not displayed as they are irrelevant for the purposes of this discussion)

Given that the letters were sent to manufacturers via Certification Bodies (CB's) such as CSA, UL, TUV etc, virtually all of the letter recipients certified products would be deemed approved regardless of whether or not registration is made and fees are paid to the ESA according to O.R 438/07 as it stands today.

We sent a letter to Mr. Norm Breton of the ESA concerning the legality of the registration and fee structure and you can view it here: [Breton](#) PDF 88K

They have yet to provide any specific legislation giving them the powers of taxation. It seems the ESA has gone ahead with their scheme WITHOUT yet having legal authority to do so!

What is wrong with the ESA Manufacturers Mandatory Registration and Fee Scheme?

There are several reasons the ESA Manufacturers Registration and Fee Scheme should be withdrawn.

1. The ESA Registration and Fee Scheme constitutes a market access fee.

The ESA scheme is essentially a market access fee as the ESA has no function in product design or manufacture in regards to product safety and admits as much. Imagine if other provinces or states were to follow the lead of the ESA. Small and medium manufacturers would be subject to fees in the tens of thousands of dollars. This action not only contravenes NAFTA, but will severely affect the viability of small manufacturers if its model is adopted by other jurisdictions. At present NO OTHER jurisdiction in the world imposes a market access fee for electrical/electronic products.

2. The ESA Registration and Fee Scheme undermines harmonized electrical safety standards developed over decades by certification bodies.

Harmonized safety standards, developed over decades have continuously evolved to ensure certified electrical/electronic products are safe. Products manufactured to these standards are accepted worldwide as safe. The ESA is now saying that all this work is no longer sufficient for a product to be considered safe unless fees are also paid to them. Considering they have NO role in product design, manufacture or the ongoing development of products, is this not simply a money grab by a private corporation enabled by the Ontario government?

3. Stakeholder representation was severely flawed in the development of this model

20,000 copies of the ESA letter were sent to manufacturers throughout the world and their representation is listed in the ESA business case as being ElectroFed , LG and Eaton. Two multinational companies and one group representing less than one hundred multinationals does not constitute representation for the 10,000 manufacturers the ESA expects to have registered by year three. Consider that over 97% of these companies are small businesses who had NO representation in the building of this model. Further, in a standard form letter now being sent in response to the hundreds of complaints about the program the ESA states that manufacturers unanimously consented to the program. This is a deception, as we can see the comments submitted by NEMA (National Electrical Manufacturers Association (US)) in the ESA Product Safety Business Case Feedback Summary and Response (SEE BELOW) where NEMA states their strict opposition to the scheme. Considering the NEMA members (447) would constitute a large portion of ESA revenue, why were they not considered stakeholders? Also, why was NEMA the only manufacture or manufacturers association to provide feedback to the scheme? How many small businesses were given the opportunity to comment? Did ElectroFed even consult with its membership about this important issue? I think you know the answers to these questions.

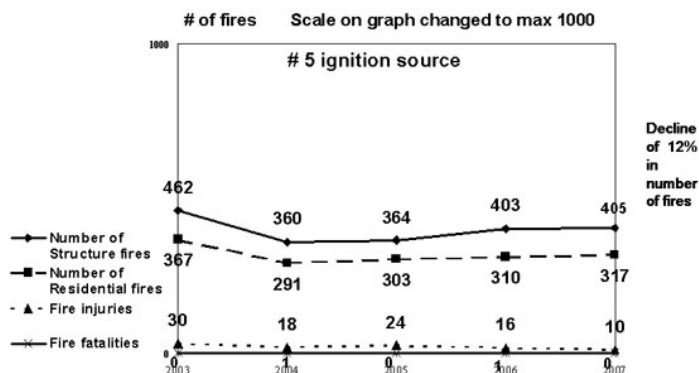
Reference #	Organization	Section	Comments by Organization	Rationale	Analysis	Proposed Change/Response
NEMA1	NEMA	4 a, b	The ESA Product Safety Program should be funded by the citizens of Ontario, through taxes, as other government social programs are funded.	For all practical purposes, this program is owned and being administered by the Government of Ontario. It serves to provide a service for the citizens of Ontario, and as such should be funded by the citizens of Ontario, through taxes, as other government social programs are funded. The proposal for manufacturers to fund \$3M out of \$3.78M or 79% of the expected costs demonstrates a lack of understanding of general business by the developers of this proposal. Manufacturers will simply charge the citizens of Ontario a higher price for the goods they purchase, and the Canadian populace will pay sales tax on top of that extra cost. The people of Canada will pay for this service in the long run. The old saying holds true. "There is no such thing as a free lunch."	Comment expressed that the government should fund the program directly through taxes. Disagree with comment. This matter has been dealt with at length throughout the working group deliberations. The government has created the Delegated Administrative Authority model and has decided that this approach is appropriate for Ontario. Direct government funding is not possible at this time. It would require a statutory amendment by the government. No change to funding option proposed.	Disagree with comment. The comment received expressed that the program should be funded directly through taxes. This approach was discussed throughout the working group process and it was determined that direct government funding could not be implemented at this time. No change to funding paper is proposed.
NEMA3	NEMA	1, 3, 9, 10	The only options that should be considered by ESA are option 1, 3, 9, and 10.	Options 1, 3, 9, 10 clearly put the funding for safety of Ontario residents in the hands of those who benefit directly from the regulations.	Disagree with comment. This matter has been dealt with at length throughout the working group deliberations.	Disagree with comment received. Comment already dealt with through the

4. The ESA data gives the false impression product safety is an epidemic problem where real data shows product safety has continually improved due to harmonized safety standards.

Data obtained from the Ontario Fire Marshals Office shows that fire due to Appliances (includes all electrical/electronic products) have been in steady decline over the past 10 years up to 2007 when the ESA began its program. Most notable is the decrease in injuries per year falling from 30 in 2003 to 10 in 2007. Fatalities are constant at 0.5/year. This data demonstrates the effectiveness of the continuously developing worldwide harmonized standards for product safety. Even with the steady per capita increase of electronic/electrical devices in the 4.7 million households in Ontario fires and injuries are in decline. We are further parsing the data as we believe the vast majority of the fires are due to misuse of products by consumers. The ESA does not use any real data in their business case or presentations. They only speak of Product Safety Complaints. They demonstrate how these complaints are rising in graphs and give the impression the product safety problems are an epidemic. The data they present is simply due to the popularity of their website. The real data shows no epidemic problem with electrical/electronic product safety.

Structure Fires Ignition source: Appliances

Fire Loss in Ontario 2003 – 2007
Causes, Trends and Issues



5. Manufacturer Registration is Redundant as manufacturers of certified products can be found using existing on-line electronic data bases.

Part of the harmonized product safety certification process mandates proper labeling so that any competent person with a computer and internet connection can visit the CSA, UL or TUV (and others) websites and enter a file number from a certified product label and identify the manufacturer. You can try this yourself at:

<http://directories.csa-international.org/> (CSA marked products)

<http://database.ul.com/cgi-bin/XYV/template/LISEXT/1FRAME/index.html> (UL marked products)

<http://tuvamerica.com/tools/clientlists/certs.cfm> (TUV marked products)

The ESA does not need a product registration database as one already exists through the CB's online databases. Does this not make the Manufacturer Registration simply a way to TAX manufacturers to pay for ESA activities?

Petition registration and contacts for **Canadian** and **US** Electrical/Electronic Equipment Manufacturers. (Includes Government Contacts) [CLICK HERE](#)

More to follow when time permits.....

To view one of the letters sent to the minister outlining our protest [CLICK HERE PDF 917K](#)

Petition registration and contacts for **Canadian** and **US** Electrical/Electronic Equipment Manufacturers. (Includes Government Contacts) [CLICK HERE](#)

Coming Soon.....

VIDEO 1 - About Product Safety and Electrical/Electronic Equipment Manufacturers

VIDEO 2 - Is the Ontario Government About To Give Powers of Taxation to a Private Corporation?

VIDEO 3 - One Competent Person = Certified Product Registry

SPONSOR an ad in an Ontario Newspaper to inform manufacturers and consumers about the impending change to Ontario Regulation 438/07.

ESA Business Plan Markup

CONTACT INFORMATION

ADDRESS	TELEPHONE	ELECTRONIC MAIL
Ontrak Control Systems Inc. 764 Notre Dame Ave., Unit #1 Sudbury, Ontario CANADA P3A 2T2	Tel: (705) 671-2652 Fax: (705) 671-6127	General Information Sales or Support tom@ontrak.net

Next-Day shipping anywhere in Continental U.S. via Fed-Ex

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"Quality serial Data Acquisition Interfaces" PH. (705) 671-2652 FAX (705) 671-6127

Tom Fortin
Electronics Engineering Technologist
Ontrak Control Systems Inc
www.ontrak.net

A Case Against the ESA Manufacturers Registration

Presentation Outline

- 1. Introduction
 - About Ontrak
- 2. Electrical Product Certification Overview
 - Safety, EMC, Plant Certification, Ongoing Quality and Safety
- 3. The ESA Role in Manufactured Product Safety
 - ESA Question and Answer, How did we get here?
- 4. Why The ESA Scheme Should be Withdrawn
 - The registration fee is a TAX
 - Threat of Proliferation
 - The California Syndrome.
 - Alex and Jason
- 5. Summary



▶ ⏪ 🔊 2:42 / 45:11

⚙️ 📺 🖥️ 🗑️

"Lived it Lecture" featuring Tom Fortin | Entrepreneurship 101 - NORCAT

520 views • Oct 8, 2013

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NORCAT
249 subscribers

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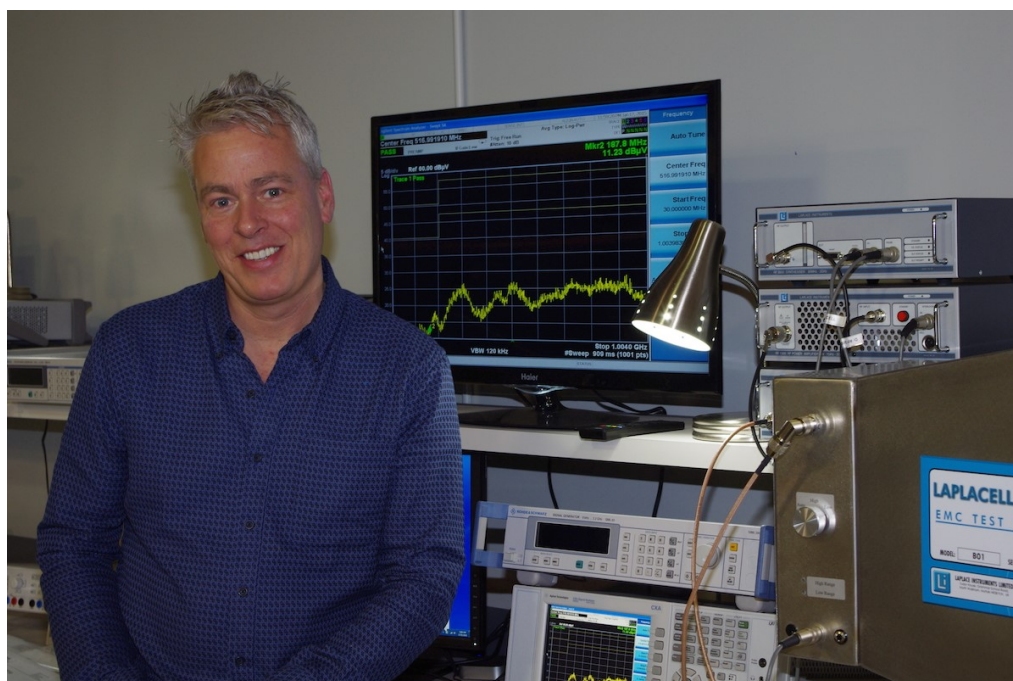
In week 2 of Entrepreneurship 101, Tom Fortin tells the story behind the creation of Ontrak Control Systems, how he found his passion for building electronics and how he leverages internet marketing.

SHOW MORE



The Lab Our IPD's Work With Us Our Work

About



Projects:



Where to find us

Fortin Discovery Lab

1545 Maley Drive
Sudbury Ontario P3A 4R7



The Fortin Discovery Lab was conceived, designed and built by Tom Fortin, founder of Ontrak Control Systems, and opened on November 5th, 2014. The mandate of the facility is to promote the development of commercial and industrial products that are to be manufactured in Canada, and further, to encourage graduate engineers to consider entrepreneurial efforts in manufacturing. Initial capital funding was provided by The Fortin Foundation and FEDNOR.

The lab features full capabilities for electronic/mechanical product design up to and including pre-production. The facility features 3D design and printing, electronics design and assembly, CNC mold making, injection molding of plastic parts, and laser micro-machining, with capabilities selected for development of products that fit into one cubic foot of space or smaller. Product development is taken one step further making it unique in the world. A full electromagnetic compatibility (EMC) certification facility including an RF chamber to allow product certifications such as FCC, CE and ICES to be met by product developers has also been incorporated. Further, a Canadian made environmental test chamber will facilitate product testing to both temperature and humidity extremes, which is a requirement of many industrial products.

"Certification requirements for worldwide distributed manufactured products including safety and EMC have increased dramatically over the last few decades adding a significant cost in both time and money to the product development process. Through the incorporation of this capability we are removing a significant barrier to new product development while further increasing the competency of engineers in the lab through their close integration with the certification testing process." explains Tom Fortin, the labs inaugural Director. "The complete design process from concept to certified product production, ready for sale anywhere in the world, is now available in one facility."

Adding to its unique configuration is the fact that the lab itself has no paid employees. The lab is staffed entirely by graduate engineers and technologists from across the province in various disciplines who are committed to developing products to be manufactured in Canada. The resident Independent Product Developers (IPD's) will offer design services for individuals, corporations and research institutions on a fee-for-service basis while managing responsibility of day to day operations for their particular section of the lab. The IPD's will be mentored by several volunteer industry professionals from manufacturing, mining, medical and industrial corporations among others. "This unique operating model allows the lab to operate with minimal overhead while developing advanced commercial products." adds Mr. Fortin. "It is our goal not only to produce advanced commercial products, but to also enhance the competency of young engineers in skills essential to a strong entrepreneurial based manufacturing economy.

© 2019 Fortin Lab Inc. Fortin Discovery Lab is owned and operated by Fortin Lab Inc. Photography by Arnold Anderson.

**THIS IS EXHIBIT "3" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



95 ADVANCE RD. , TORONTO, ONTARIO, CANADA M8Z 2S6

LIGHT MATTER INTERACTION INC.

October 8, 2019

To whom it may concern,

I write this letter eagerly, so I can share the many ways in which Tom Fortin has contributed to my success as a Canadian entrepreneur. I met Tom in 2011, shortly after I received my PhD and had started a company inside the University of Toronto physics department basement. Although we had invented an innovative surgical laser, we were unable to raise the money necessary to develop the technology in Canada. We took it upon ourselves to create an industrial laser that could be sold immediately to generate revenue for our ongoing R&D development of surgical technology. There was, however, a major problem with the industrial laser's design and we needed to create special circuitry that we couldn't afford to develop due to its extreme complexity. Tom volunteered to help. He designed the circuitry for us, and made numerous iterations for us to use, he even gave us his own test equipment so that we could improve the quality of the products. Not only did he share his considerable expertise and a huge amount of his personal time, he even offered to loan the company enough money so we could build a new version of our surgical laser. This meant that we didn't have to abandon our ambitious plans for a medical device. Within a few years our industrial laser was being sold all around the world with Tom's circuit inside of it, and we were able to generate millions in revenue. We used this revenue to further develop our original technology and last year we finalized an eight figure deal with a market leading medical device company and are expanding into many new markets.

If not for Tom's early encouragement, we would never have survived beyond those basement days. Even more important than his design expertise or his 'venture philanthropy', Tom provided invaluable mentorship and guidance as we built the business. I'm just one of many successful entrepreneurs, who owe some part of their success to Tom's benevolence. To appreciate how Tom has repeatedly contributed his own time and money to create new business opportunities for others, and I am aware of many of his efforts including;

- a growing list of Canadian companies, like mine, that he's contributed to

- the Fortin Discovery Lab, a facility that rivals any of the technology incubators in Toronto, which he built and funded personally to encourage local business and technology talent.
- the community events and innovation contests that he has sponsored and,
- the equipment that he has donated to businesses, and schools.

Tom didn't do what I've just described for his own personal benefit. He is one of the most energetic, creative, honest and generous people that I know. All he ever asked of us was to source Canadian components, and talent, and to do our part to enable other companies like Light Matter Interaction to flourish and grow in Canada.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'DK', with a long horizontal line extending to the right.

Darren Kraemer, B.A.Sc. M.Sc. Ph.D.
Chief Executive Officer
Light Matter Interaction Inc.
95 Advance Rd., Toronto, ON. M8Z 2S6
P: 416-768-4505
E: kraemer@lightmatterinteraction.com

October 10, 2019

To whom it may concern,

Tom Fortin and I met about 15 years ago. At the time, I recall Mr. Fortin speaking passionately about the value of developing technical competency in Canada.

I was born in Northern Ontario, educated at Laurentian University and built a career working for government agencies. After 10 years in the workforce, I was employed in my field of expertise and earning a salary that put me above the 90th percentile in my geographical region. My salary was drawn entirely from taxpayers.

About 5 years ago, I became an entrepreneur and launched my first company. I quickly began hiring University graduates and highly skilled local contractors. The vast majority of my clients are American businesses while some were European and even Asian. Very few of my clients have been Canadian — so my company's revenues are being brought into Canada from foreign countries and used to pay Canadians.

Tom recognizes the societal benefit of this sort of activity and encourages through direct mentorship, benevolently donating his time to help newcomers become independent and successful. But his support of the community doesn't end there: Tom Fortin put together a 7-figure budget and built an advanced technology incubator called the *Fortin Discovery Lab*. The FDL is a place where highly skilled, hard working entrepreneurs like myself can launch new ventures while accessing equipment that would otherwise be out of financial reach.

Tom Fortin was, and continues to be my mentor. He successfully transformed me from a government worker, earning my living from taxpayers, into an entrepreneur improving Canada's GDP and creating jobs for Canadians.

My first company started in the Fortin Discovery Lab. Since then, I have secured financial investments, opened my own office, purchased state-of-the-art robotic manufacturing equipment and invented tech products. None of this would have been possible without Tom's benevolent and ambitious Fortin Discovery Lab and his personal and ongoing mentorship.

In addition to fostering my business and many others, Tom has vigorously supported programs and activities that help build a strong community.

If you require any further information, please feel free to contact me,



Michael Dolinar
Director of Technology Development
michael@SynapticTech.ca
(705)840-5619 x.700

Community Builders Award, Economic Development: Tom Fortin funds dreams

Mar 2, 2018 2:21 PM By: Sudbury.com Staff



Tom Fortin, the man behind the Fortin Foundation and the Fortin Discovery Lab at NORCAT, is the winner of the 2018 Community Builders Award for Economic Development. (Sudbury.com staff)

Editor's note: On March 1, Northern Life/Sudbury.com presented the 15th annual Community Builders Awards of Excellence, celebrating those Sudburians who make or have made a significant impact on our community. Over the next few days, we will introduce you to all the winners.

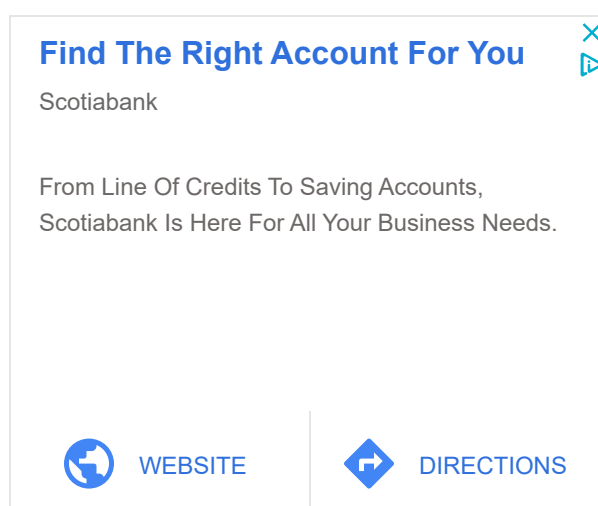
The winner of the 2018 Community Builders Award for Economic Development is passionate about his community and the people who live here.

"I am not interested in (just) making products. I am interested in helping to start companies by building competence and confidence in young people," says Tom Fortin, the owner of [Ontrak Control Systems](#).

“An ounce of practice is worth more than tons of preaching,” Mahatma Gandhi said.

Fortin walks the talk buying locally and sourcing suppliers of Canadian-made products even if he can get them cheaper from China. He has invested in developing local innovation and encourages young people to “work for themselves and not the man.” He has pushed back against issues he believes are not good for the city, and he supports not-for-profit economic development programs such as Eat Local Sudbury.

“Everything we create ourselves is what defines us,” he says. “I really believe entrepreneurship is the way forward for us. The mining industry should not be our only hope for prosperity. There are opportunities in manufacturing provided we can build local competencies and encourage collaboration.”



Ontrak Control Systems develops and manufactures computer peripheral hardware with medical, retail or automation applications. The company Fortin started in his basement after graduating from Electronic Engineering Technology at Cambrian College has customers around the world. About 50 per cent of its sales are in the United States.

In 1995, as the internet was dawning, Ontrak began to attract international business with its website, and eventually opened a product development centre in 2000. Two years later, a CSA testing centre was added.

2018 CBA ECONOMIC - Tom Fortin

The company won a Northern Ontario Business Award in 2002, and the next year Ontrak was voted the Most Innovative Company of the Year by Microchip Technology Inc.

“Ontrak Control Systems is a hidden gem in our local and national business landscape,” says Michael Dolinar, CEO of [AdvanceWorx](#). “(The company) creates high skill jobs in Sudbury, designs state-of-the art tech products and contributes to Canada’s international reputation as a tech innovator.”

Fortin’s passion built the [Fortin Discovery Lab](#) at [Northern Ontario Centre for Advanced Technology](#) (NORCAT) to help young engineers and technologists develop ideas and to encourage them to become entrepreneurs who contribute to economic growth and create jobs.

The Discovery Lab, opened in 2014, is part of NORCAT’s Innovation Mill, which supports entrepreneurs with mentors, education, research, a commons and office space.

The Fortin Foundation, Fortin’s philanthropic venture, has committed \$250,000 to the lab, with another \$25,000 annually for six years. FedNor contributed \$400,000 to set up the space.

Discovery Lab’s success stories include the Owens Corning Comfort Tracker, a mobile application for conducting simple and accurate insulation home audits by utilization of the FLIR One Thermal Camera. The app diagnoses possible problems with the current insulation and recommends products and solutions.

“We used to make a lot of things in this country. We used to be a manufacturing powerhouse. Over the years, most of the manufacturing moved to Asia. I see a lot of opportunity to start making things again,” says Fortin.

“We are trying to bring back the critical mass of skills that we need to have manufacturing. The idea of the lab is not about producing products; it is about producing people (and) building competence and confidence.”

He has plans to start an association of small manufacturers in the city that could share costs of equipment and expertise.

“There are a lot of small manufacturers here. Sudbury has so much going for it that nobody knows about. Let’s start talking to each other.”

For 15 years, the Community Builders Awards have recognized individual Sudburians and groups whose works and efforts have made our community the “greater” place it is. To learn about past winners, this year’s winners and to find out how to nominate someone you know for a Community Builders Award, visit our website, CBAwards.ca.

How did this story make you feel?

[view results >](#)



Happy



Amused



Afraid



Don't Care



Sad




Frustrated



Angry

Comments ⁽⁰⁾

**THIS IS EXHIBIT "4" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Letters

Reader unimpressed with casino meeting

Re: Article "Get the casino scoop, Oct. 10," which appeared in the Oct. 9 edition of Northern Life.

After reading the article on the front page of the Tuesday issue concerning the scoop on the new proposed casino, a relative and I headed out with great apprehension to the open house information session.

What a joke, a farce and a waste of time that turned out to be. They had an array of tables with representatives who could not give you any direct answers to your questions.

They redirected you to other tables to fill out forms or speak on video if you wished to verbally address your concerns or issues, as all they were there for was to gather your input and forward it to the involved city officials and to the OLG. They wanted the public's opinion for a preferable location and as to what kind of building



Very little information was provided at this presentation...

structure and amenities the new casino should provide.

We were then directed to the chamber council area, where a formal presentation was given by one of the city officials.

No OLG representative was present to answer your questions. Very little information was provided at this presentation, and once the question and answer period became available, all concerns and inquiries were directed back to the table areas outside the chambers where forms were provided to address your concerns.

The public was getting quite agitated and a restlessness started

forming among the attendees when we spotted our great mayor giving the speaker the signal to end the meeting and cut it short.


We were informed that the bottom line is that whoever acquires the bid from OLG for the casino has the final say as to the location.

Thanks for making us all feel like a group of uncomprehending fools and letting us think that we, the taxpayers and residents of this city, have a voice or any say as to how our city is being run and how our tax money is being spent.

We were given the impression that this hullabaloo is all about how many mighty dollars will make it into the city coffers with no concerns towards the the job and business losses, financial failures, the broken family and homes caused from gambling addiction, the loss of our race track, horses that might have to be put down, ect.

SEE LETTERS, PAGE 7

**THIS IS EXHIBIT "5" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

ACCENT: Gambling on new revenue



By Rev. Charles Nolting

[More from By Rev. Charles Nolting](https://www.thesudburystar.com/author/by-rev-charles-nolting) (https://www.thesudburystar.com/author/by-rev-charles-nolting)

Published on: February 9, 2013 | Last Updated: February 9, 2013 5:47 AM EST

As its finances sunk deeper and deeper into debt, the Liberal government began looking for ways to cut spending, but also generate revenue. That was the impetus for the Ontario Lottery and Gaming Corporation's so-called modernization strategy.

As a result, the OLG is moving away from a relationship with racetracks, where slots were available, to a more traditional casino model closer to population centres.

Over the years, slots and other types of gambling have generated hundreds of millions for provincial coffers (and in the case of the Slots at Racetracks program, millions for track owners and the horse industry). Host municipalities also got a share of the money.

By building new casinos in more cities, the province is gambling it will generate millions in new revenues, as it attempts to balance its budget (The provincial deficit this fiscal year is expected to hit \$12 billion).

Municipalities selected for gaming zones by OLG— including Greater Sudbury — were given a simple choice: Host a casino, or not.

City council here opted to support having a casino.

The location, amenities, size and design would be up to the casino operator chosen by OLG.

As the modernization process moves forward, some gaming zones got bundled together, while others were left alone. The first batch

of gaming zones made available to interested developers included a bundle of five municipalities in Northern Ontario: Kenora, Thunder Bay, Sault Ste. Marie, Sudbury and North Bay made up one bundle.

A casino operator interested in building in North Bay would have to build four more casinos. OLG has been clear that the bundles would remain intact.

So, what is a city to do with those restraints?

During a recent city council visit by representatives of the OLG, officials said the city should make its wishes public. There should be a clear list of amenities and conditions for operators to work with.

If one section of the city is off limits, the city should make that clear. Kingston city council, for instance, said anywhere but the downtown core would be acceptable.

Here in Sudbury, council was supportive of a casino from the start. Four areas of the city were then suggested as being the most favourable, including the existing Sudbury Downs location in Azilda, downtown, the

south end and Kingsway east.

As for what else should be included with a casino, the list varies depending on who you ask.

Ward 8 Coun. Fabio Belli said a recent report about the poor state of the Sudbury arena, coupled with the message from OLG to make a wish list public, is a no-brainer.

"I think the opportunity of a casino with an arena, convention centre and a five-star hotel would be fantastic. If anyone came forward and proposed

that, we would definitely get behind that and endorse that. I think it's a great opportunity to bring (that) to our community." Belli said.

One of Mayor Marianne Matichuk's campaign promises was to work to create a convention centre in the city. OLG's modernization goals can solve that promise, perhaps.

"When I heard this OLG modernization plan I thought 'yes, this is perfect for our city,' " Matichuk said. "Since day one when it was rolled out, I was under the impression that we would be getting a convention centre because that was one of the first things (we mentioned), right.

"I saw it as an opportunity for the city to get the best bang for the buck. As far as I was concerned, being in the hospitality business and looking at the Vegas model, you want to keep people in your place. The longer you can keep somebody in, the better revenues you have, especially in your casino.

"To me, it could be an arena multi-function space like they have in London. We need the multi-function space, we know that. So, here's a great opportunity for the city to get that."

She said a casino can be the catalyst for economic development in the surrounding area.

"If you look at any other models of cities and they've put a casino, things have built around it. It might not be the actual person building the casino; it could be there's an offshoot, that there's opportunities for growth. I see it as another economic engine in the city and we should be asking for a minimum of a hotel and multi-use space. (It) could be an arena or convention centre. It would be great to have both."

Downtown

businessman and recent NDP provincial parliament candidate Paul Lowenberg said the downtown area would suffer from a casino development.

"I don't feel that we need a casino downtown. The community needs to have a say. That has been taken away by the provincial government. The consent of a community for putting a casino in has been taken away.

"(OLG) can just say, 'Hey, here's a property, you can build your casino.' I don't think that's right. I think the community should have a say, either through a referendum of some kind or at least a stakeholder meeting. I manage two businesses downtown and an arts festival and we haven't been contacted about this at all."

Laurentian University economics professor David Robinson recently wrote a paper on casinos titled *Casinos As Vacuum Cleaners*.

"The OLG operates big-box stores with the sole purpose of making money. The purpose of a casino is to suck money out of communities and give it to the (provincial) minister of finance. Inviting a casino into Sudbury is the economic equivalent of letting the minister of finance put a vacuum cleaner in the pockets of local businesses."

Robinson wrote there would be a potential for the casino to bring in money to a community, but that gets difficult when people don't travel to your city to gamble.

"Money spent in the casino is money not spent in other businesses. The basic result of a casino will be to reduce other business activity. This must be true unless the casino brings more money into the community than it takes out. It is very difficult to make the case that it will do so when the province plans to build casinos in every city."

Matichuk and Belli, however, both see the OLG modernization process as an opportunity for development that won't come around anytime soon.

"We're all in limbo right now, saying 'what are the opportunities here?' I think it's always good to put your wish list out on the table and say 'this is what we want to see' and the operator can say they'll do this and that, but not some other thing," Belli said. "The opportunity is there, it opens up some doors. Will it be there again in the future? I don't think so. If you have a chance to get it done now, let's get it done."

Matichuk said that since the city already has Slots at Sudbury Downs, it has an idea of what to expect.

"When it comes to gambling, we already have a casino in the city. If you listened to OLG, they are very responsible. People can gamble anywhere, they can gamble online. I just see it as a really big opportunity for economic spinoff and activity.

"If we get everything we wish for, this will be an urban renewal like we've never had in years. A big complex like that doesn't come up very often. We have to manage this in a responsible and open process."

Robinson, though, argues a casino will not foster economic activity in a neighbourhood where there is a strong business community.

"It is impossible to argue that a casino will have a positive effect on a thriving business district. It will add traffic, but it will not add much business for local business. The additional parking required takes up space. This is not a major issue on the edge of town where land is cheap, but it is a major cost for most communities."

He said adding amenities to a casino may just end up poaching customers from existing businesses.

"When a casino is combined with a hotel or convention centre, there may be a small additional benefit in attracting business from outside the community. This benefit is usually overstated. Most of the business will simply be diverted from other hotels. Visitors to a hotel-casino are less likely to spend in the local community than visitors to a separate hotel or convention centre. The goal of the casino owner is to keep people in the building. Owners will get better at this over time."

Bottom line, he said, is that the city should have done an economic analysis on the casino.

"The first step would be to do an economic impact analysis. That is the basic homework any council should do faced with a major projects that could help or hurt the local economy. Sudbury is one city that has failed to to do its homework.


"Neither council nor the Greater Sudbury Development Corporation (GSDC) has asked staff for a report on the economic impact of a casino in Sudbury. Failure to do a study is gross negligence," Robinson said.

sebastien.perth@sunmedia.ca Twitter: @sebastienperth

TRENDING IN CANADA

Ω

**THIS IS EXHIBIT "6" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Casinos bring problem gambling, board says

Feb 21, 2013 11:27 PM by: [Heidi Ulrichsen](#)



Sudbury and district medical officer of health Dr. Penny Sutcliffe speaks at a Feb. 21 Sudbury and District Board of Health meeting, where she gave a presentation about the health impacts of gambling expansion. Photo by Heidi Ulrichsen.

As Greater Sudbury city council makes decisions about local gambling expansion, Dr. Penny Sutcliffe wants them to keep the health of citizens in mind.

“I think the City of Greater Sudbury has already stated that it's supportive of expanding gambling, casinos, and looking at different venues,” the Sudbury and district medical officer of health said.

“Now is the time to pause and think about what else might be put on their wish list that would be supportive of health and that would reduce the risk of problem gambling and any other health impacts from problem gambling.”

The Sudbury and District Board of Health passed a motion at its Feb. 21 meeting asking that a health unit report on the health impacts of gambling expansion on the city be forwarded to

Greater Sudbury city council.

It also asks councillors to take the report into consideration during deliberations on the matter.

The board's decision is timely, as a motion by Mayor Marianne Matichuk about what add-ons council should request from a casino developer, such as an arena or convention centre, will be discussed at the next city council meeting.

According to a recent information from Toronto Public Health, problem gambling is estimated to affect between 1.2 and 3.4 per cent of Ontarians, Sutcliffe told those at the meeting.

It can affect physical and mental health, and cause other types of addiction, financial hardship, social isolation and relationship issues.

Sudbury and district medical

*Sudbury
and
district
medical
officer
of
health
Dr.
Penny
Sutcliffe
speaks
at
a
Feb.
21
Sudbury
and
District
Board*

*of
Health
meeting,
where
she
gave
a
presentation
about
the
health
impacts
of
gambling
expansion.
Photo
by
Heidi
Ulrichsen.*

Problem gambling can also have negative impacts on the overall community, creating a burden on social supports, encouraging disadvantage and poverty, contributing to alcohol-related traffic fatalities and diverting spending from other economic activities.

As well, moderate risk and problem gamblers comprise 4.8 per cent of the population, but generate 36 per cent of the gambling profits.

The information from Toronto Public Health stated problem gambling also tends to increase with availability and proximity to a gambling venue, and certain groups, including youth, older adults, Aboriginals and individuals with low incomes are disproportionately affected.

At the same time, there's very little known about successful treatment of problem gambling.

Sutcliffe said there are ways to mitigate these impacts. For example, if a casino were located less centrally, people would have a harder time accessing it.

As well, the casino itself could reduce its operating hours, restrict the number of electronic gaming machines, make sure ATMs are not readily accessible and prevent patrons from drinking while they're gambling, she said.

Counselling services for those who might have a problem gambling issue will also have to become more accessible, Sutcliffe said.

"What we've seen in other areas (with gambling expansion) is there is an increase in problem gambling," she said. "So if it needs to be done, it needs to be done right. It needs to be done in a way that is most protective to our health."

Four Greater Sudbury city councillors — Ward 5 Coun. Ron Dupuis, Ward 3 Coun. Claude Berthiaume, Ward 4 Coun. Evelyn Dutrisac and Ward 11 Coun. Terry Kett — actually sit on the Sudbury and District Board of Health, with Dupuis serving as its chair.

Dupuis told the board Ontario's new premier, Kathleen Wynne, has been saying recently that municipal governments will be able to make a recommendation on the siting of new casinos.

However, the ultimate decision will still be made by the casino developer selected by the Ontario Lottery and Gaming Corporation to develop a casino a particular community, he said.

Board member Ursula Sauvé said she's happy the province has decided to give municipalities "a little bit more decision-making power."

There are four potential casino locations in Greater Sudbury currently being considered — in the downtown core, the South End, on The Kingsway and at Sudbury Downs in Chelmsford, where there are already slot machines.

If the casino were located at Sudbury Downs, it would mitigate problem gambling issues, Dutrisac said.

"Right now, if you want to go to a casino, you have to get into a car and go," she said. "If (the casino is) parked right downtown, you're going to have a lot of people walking."

Kett said he personally has no interest in going to a casino, but councillors have to consider what such a facility could bring to the city, such as a hockey rink or convention centre.

Berthiaume said he understands the impacts of problem gambling, as he's had relatives who have "lost their shirt" because of the issue.

"The tendency is to hide their gambling," he said. "I know that they would pretend to go to work, and if they're not at work, they're gambling at the slots. Their partner doesn't know about that."

He said councillors have to take into consideration not only the positive things a casino could bring to the city, but also "the health aspect of it."

How did this story make you feel?

[view results >](#)



Happy



Amused



Afraid



Don't Care



Sad



Frustrated



Angry

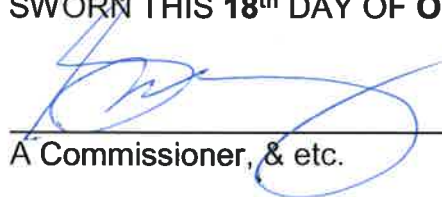
Comments ⁽⁰⁾



About the Author: Heidi Ulrichsen

[Read more](#)

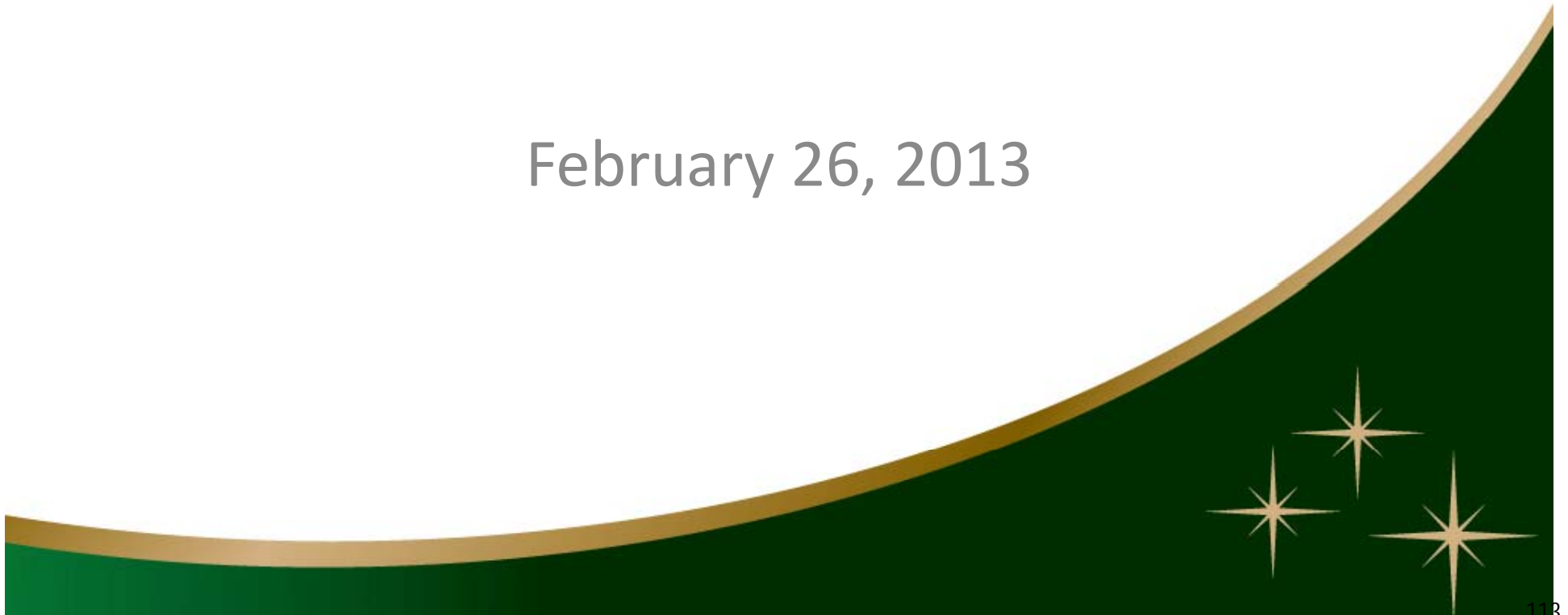
**THIS IS EXHIBIT "7" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

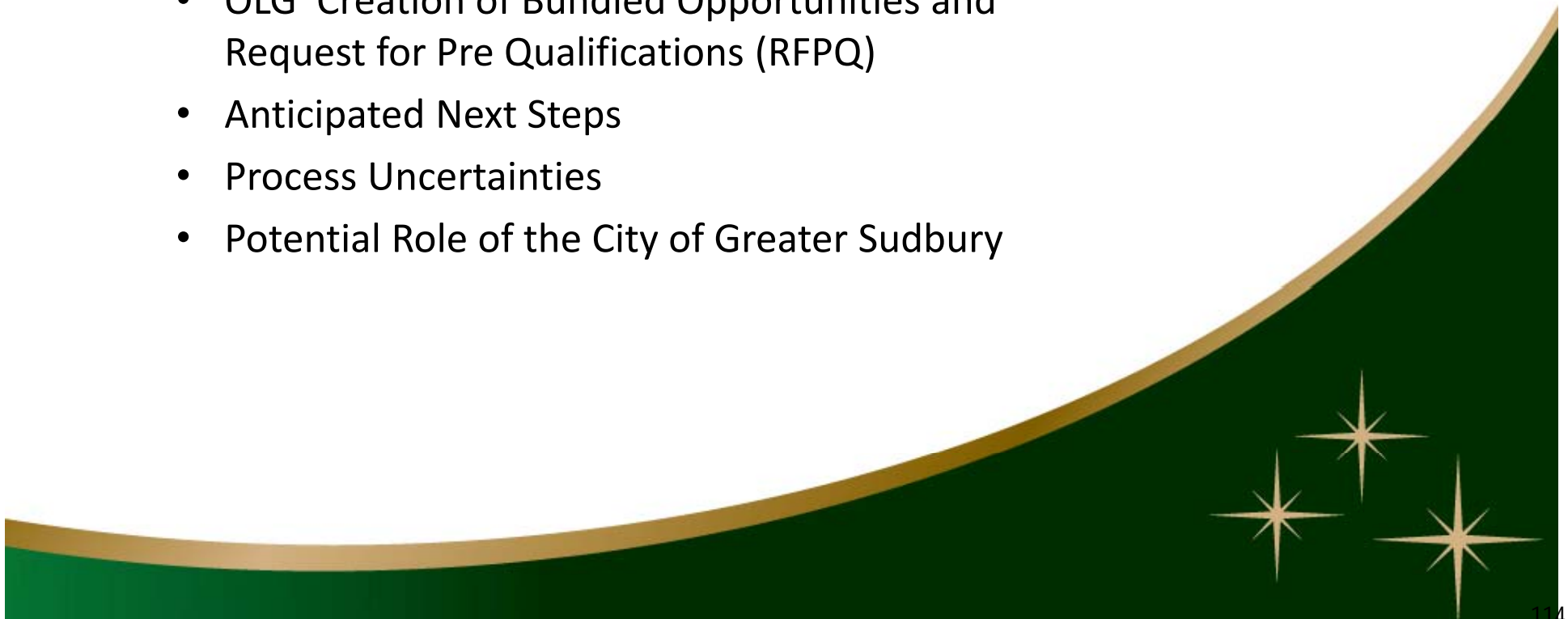
Casino Opportunity Update

February 26, 2013



Presentation Outline

- OLG Process Overview
- CGS Approach
- Summary of Public Consultation
- OLG Creation of Bundled Opportunities and Request for Pre Qualifications (RFPQ)
- Anticipated Next Steps
- Process Uncertainties
- Potential Role of the City of Greater Sudbury



OLG Process Overview

- Announcement of Modernization Initiative
 - March 12, 2012
- RFI – Released May 17, Closed July 4
- RFPQ – Released November 30, Closes March 7
- RFP – Expected May
- Negotiation with Finalist Bidders
- Announcement of Successful Proponent
- Transfer of Existing Facility to New Operator

CGS Approach

- Research and Understand Process
- Outreach to Gaming Industry
- Work with Local Proponents, Landowners and Developers
- Presentation to Council
- Public Consultation
- Ongoing Liaison with OLG
- Further Engagement with Gaming Industry
 - Release of Opportunity Document
 - Approx 40 meetings with Interested Parties

Summary of Public Consultation

- Public meeting held on October 10, 2012
 - Approximately 200 attended
 - 450 provided feedback at the meeting and online
- General response themes
 - Strong support for keeping a casino facility separated from sensitive land uses
 - Adequate parking is important
 - Interest, though not universal, in an animated facility with additional street level uses
 - The most often mentioned additional amenities is a convention facility with some interest in a performing arts space and hotel

Summary of Public Consultation

- A majority of respondents indicated a preference for the existing Sudbury Downs location.
 - Suggestion that this would support the horse racing industry, utilize existing infrastructure and be remote enough to discourage problem gambling.
- A significant number of respondents preferred a downtown casino setting
 - Potential for ancillary facilities and downtown revitalization cited as reasons for this choice.
- Lower numbers of respondents expressed preference for the Four Corners and Kingsway locations.
- Concerns also raised
 - Negative impacts of easy accessibility
 - Desire for more than a gaming room.

Creation of Bundled Opportunities

- Possibility identified in RFI
- Announced as part of RFPQ
 - Bundles for Northern and Eastern Ontario
- Northern Bundle (5 communities)
 - Sudbury, Sault Ste Marie and Thunder Bay
 - Existing facilities, SSM and Thunder Bay owned by OLG
 - Each expects 600 slots, up to 180 table seats
 - North Bay, Kenora
 - New facilities, anticipated 300 slots, 120 table seats

OLG Request for Pre Qualifications

- RFPQ for Northern Bundle released on Nov 30
 - Closes on March 7
- Not a Full Request for Proposals
 - Proponents required to detail structure of partnership, including key individuals
 - Evaluating experience with gaming, property development and finance
 - Also describes revenue model for RFP
 - All five Northern casinos are one business unit

Anticipated RFPQ Timeline

- RFPQ closes on March 7
 - OLG expects 4 to 6 weeks to evaluate submissions and determine who will be invited to submit RFP
- Private RFP invitation to 3 to 5 Proponents
 - Expected early May
 - OLG will not release the list publicly

Anticipated RFP Timeline

- Proponents will have 60 to 90 days to submit
 - Proposal must address all five centres in Northern Bundle
 - Staff expects detailed discussions with proponents throughout this period
- OLG will conduct private negotiations with top two proponents, expected in September
- RFP to be evaluated based on two criteria
 - Increasing Gaming Revenue to OLG and the Province
 - Promoting economic development through job creation and capital investment in Gaming Bundle 3 (North)
- Successful proponent will assume current facilities

Process Uncertainties

- Timelines have slipped
 - Currently approximately 9 months behind
- Key players not yet clear
 - Results of RFPQ will determine next steps
- Potential change in government
- Future of current location



Potential Roles for CGS

CGS has 5 potential opportunities to participate:

1. Decision whether or not to be Willing Host Community for Gaming Facility
 - Already addressed by existing site and confirmed by Council Resolution
2. Through potential zoning approvals and/or clear statement of interest or non-interest in a specific area of the city
 - Some areas, including the existing site, already allow gaming within the current zoning
 - Council has accepted four general areas of interest via resolution
3. Potential partnership involving municipal property

Potential Roles for CGS cont'd

4. Potential partnership involving municipal contribution towards overall project or specific portions
 - For example, arena, parking structure, conference facility
5. Potential designation of a specific site.
 - Challenging with existing location
 - May limit opportunities for proponent bids
 - May be seen as unfair by other landowners



Potential Roles for CGS cont'd

What Council cannot do:

- Choose the winning proponent



Next Steps

- Staff will continue to provide information to potential proponents
- Detailed, site specific, questions and discussions expected following issuance of RFP
 - Estimated in early May

QUESTIONS



THIS IS **EXHIBIT "8"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a solid black horizontal line.

A Commissioner, & etc.



Location:	Tom Davies Square
Commencement:	4:00 PM
Adjournment:	9:33 PM

Minutes For the City Council Meeting held Tuesday, February 26, 2013

Committee Room C-11

DEPUTY MAYOR JOSCELYNE LANDRY-ALTMANN, IN THE CHAIR

Present

Councillors Cimino; Barbeau; Berthiaume; Dutrisac; Dupuis; Rivest; Kilgour; Belli; Craig; Caldarelli; Kett; Mayor Matichuk

City Officials

Doug Nadorozny, Chief Administrative Officer; Tony Cecutti, General Manager of Infrastructure Services; Bill Lautenbach, General Manager of Growth & Development; Tim Beadman, Chief of Emergency Services; Caroline Hallsworth, Executive Director, Administrative Services/City Clerk; Lorella Hayes, Chief Financial Officer/Treasurer; Kevin Fowke, Director of Human Resources & Organizational Development

Declarations of Pecuniary Interest

None declared.

Closed Session

CC2013-69 Barbeau/Rivest: THAT the City of Greater Sudbury Council move to Closed Session to deal with two Labour Relations/Employee Negotiations Matters in accordance with the *Municipal Act, 2001*, s.239(2).

CARRIED

Recess

At 5:08 p.m., Council recessed.

Reconvene

At 6:00 p.m., Council commenced the regular meeting in the Council Chamber.

HER WORSHIP MAYOR MARIANNE MATICHUK, IN THE CHAIR

Present

Councillors Cimino; Barbeau; Berthiaume; Dutrisac; Dupuis; Rivest; Kilgour; Belli; Craig; Caldarelli; Kett; Landry-Altmann

City Officials

Doug Nadorozny, Chief Administrative Officer; Tony Cecutti, General Manager of Infrastructure Services; Catherine Matheson, General Manager of Community Development; Bill Lautenbach, General Manager of Growth & Development; Tim Beadman, Chief of Emergency Services; Allan Lekun, Acting Chief of Police; Caroline Hallsworth, Executive Director, Administrative Services/ City Clerk; Paddy Buchanan, Acting Chief Financial Officer/ Treasurer; Eric Labelle, Acting City Solicitor; Eliza Bennett, Manager of Communications & French Language Services; Deanna Denis, Audio/Video Operator; Franca Bortolussi, Council Assistant

MOMENT OF SILENT REFLECTION

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Presentations

1 .. Barbara Nott, Past President Volunteer Sudbury, GSERV Project Lead, and Lynn Fortin, Co-ordinator of Special Operations (CEMC), made an electronic presentation regarding Volunteer Sudbury – Greater Sudbury Emergency Response Volunteer Registry (GSERV) Project.

2 .. Report dated February 14, 2013 was received from the General Manager of Growth & Development regarding Business Incentives.

BMA Report – Municipal Study 2012 Economic Development Programs was distributed under separate cover.

Mark Simeoni, Manager of Community & Strategic Planning, and Liam McGill, Business Development Officer, made an electronic presentation regarding Municipal Business Incentives.

The following resolution was presented:

CC2013-70 Kilgour/Kett: THAT the City of Greater Sudbury accept the report on business attraction incentives dated February 14, 2013 from the General Manager of Growth & Development and request that staff, in consultation with the Board of the Greater Sudbury Development Corporation, evaluate the potential for expanded or new incentives and report back to Council by the end of June 2013.

CARRIED

3 .. **Report dated February 19, 2013 was received from the General Manager of Growth & Development regarding OLG Casino Opportunity Update.**

Documentation entitled 'City of Greater Sudbury Casino Opportunity' dated December 2012 from Greater Sudbury Development Corporation was distributed to Council Members at the meeting.

Ian Wood, Director of Economic Development, made an electronic presentation providing an update on the OLG Casino Opportunity.

132

Rules of Procedure

Mayor Matichuk moved that the order of the Agenda be altered to deal with Item R-6 (Motion re Maximize Casino Modernization Opportunities in Greater Sudbury) at this time.

CARRIED

Motions

R-22 .. The following motion was presented by Mayor Matichuk:

CC2013-71 Matichuk/Craig: WHEREAS the Ontario Lottery and Gaming (OLG) has conveyed its intention to modernize its gaming infrastructure in Greater Sudbury and other communities in Northern Ontario;

AND WHEREAS the City of Greater Sudbury has confirmed its support for this gaming modernization as approved by City Council on May 15, 2012 and August 14, 2012;

AND WHEREAS the OLG has asked host municipalities for a better understanding of their expectations of the modernization process to inform the development of the request for proposal process and to share with potential bidders;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury adopt the following principles as the municipality's position on potential casino development:

- The City of Greater Sudbury requires gaming facility investment proponents to maximize economic opportunities to the community by working with local groups to develop ancillary and complementary amenities as part of their proposals;
- These amenities may include, but not be limited to, a hotel, a convention or multi-use centre, a performing arts centre and/or an Ontario Hockey League-ready arena;
- That Council reaffirms its commitment to the four areas identified in the report dated August 2, 2012 from the General Manager of Growth and Development;
- That staff be instructed to convey these requirements to the OLG and continue its open, accountable and transparent process regarding the future of this project in Greater Sudbury.

RECORDED VOTE:

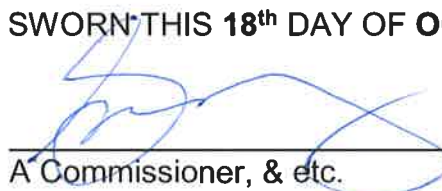
YEAS

Cimino
 Barbeau
 Berthiaume
 Dutrisac
 Dupuis
 Rivist
 Kilgour
 Belli
 Craig
 Caldarelli
 Kett
 Landry-Altmann
 Mayor Matichuk

NAYS

132

**THIS IS EXHIBIT "9" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

CC2013-70 Kilgour/Kett: THAT the City of Greater Sudbury accept the report on business attraction incentives dated February 14, 2013 from the General Manager of Growth & Development and request that staff, in consultation with the Board of the Greater Sudbury Development Corporation, evaluate the potential for expanded or new incentives and report back to Council by the end of June 2013.

CARRIED

- 3 .. Report dated February 19, 2013 was received from the General Manager of Growth & Development regarding OLG Casino Opportunity Update.

Documentation entitled 'City of Greater Sudbury Casino Opportunity' dated December 2012 from Greater Sudbury Development Corporation was distributed to Council Members at the meeting.

Ian Wood, Director of Economic Development, made an electronic presentation providing an update on the OLG Casino Opportunity.

Rules of Procedure

Mayor Matichuk moved that the order of the Agenda be altered to deal with Item R-6 (Motion re Maximize Casino Modernization Opportunities in Greater Sudbury) at this time.

CARRIED

Motions

- R-22 ..** The following motion was presented by Mayor Matichuk:

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- That Council reaffirms its commitment to the four areas identified in the report dated August 2, 2012 from the General Manager of Growth and Development;
- That staff be instructed to convey these requirements to the OLG and continue its open, accountable and transparent process regarding the future of this project in Greater Sudbury.

RECORDED VOTE:

<u>YEAS</u>	<u>NAYS</u>
Cimino	
Barbeau	
Berthiaume	
Dutrisac	
Dupuis	
Rivest	
Kilgour	
Belli	
Craig	
Caldarelli	
Kett	
Landry-Altmann	
Mayor Matichuk	

CARRIED UNANIMOUSLY

Matters Arising from the Closed Session

.. Rise and Report

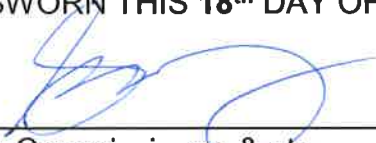
Deputy Mayor Landry-Altmann, as Chair of the Closed Session, reported that Council met in Closed Session to deal with two Labour Relations/Employee Negotiations Matters in accordance with the *Municipal Act, 2001*, s.239(2) and that no directions or resolutions emanated therefrom.

Matters Arising from Operations Committee

.. Approval of Operations Committee Recommendations

Councillor Barbeau, as Chair of the Operations Committee, reported on the matters arising from the Operations Committee Meetings of January 21, 2013 and February 4, 2013.

**THIS IS EXHIBIT "10" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Sudbury

Sudbury council wants a casino – with the works



Sudbury councillors set 'high expectations' for proposed new casino

CBC News · Posted: Feb 27, 2013 2:50 PM ET | Last Updated: February 27, 2013

Sudbury city councillors are in agreement that they want a new casino for the city to be more than a casino.

At its Tuesday night meeting, council voted unanimously on a motion stating that the city is interested in a casino that comes with extras like a hotel, a convention centre or an Ontario Hockey League arena. The vote sets the stage for negotiations with the private company the province selects to run Sudbury's casino.



Sudbury city councillor David Kilgour (Supplied)

City councillor Dave Kilgour said it's best to keep the message general, at this early stage and to note "that we're willing to work with whoever gets the thing and our expectations are not low ... our expectations are going to be high."

Council decided to leave the debate about the exact location of the casino for another day. But city councillor Evelyn Dutrisac said she believes it should stay at the racetrack in Azilda until it's clear the private sector is willing to invest in a resort-type complex.

"Then, let's bring it back and let's discuss it," she said.

"But in the meantime, I firmly believe that Sudbury Downs should be our first choice."

Ontario Lottery and Gaming is expected to name the winning bidder for the casino contract by the end of the year — that company will run all five casinos in northern Ontario, including Sault Ste. Marie, North Bay and Sudbury.

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SWORN THIS 18th DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

Arena added to casino wish list

Mar 4, 2013 4:46 PM by: [Darren MacDonald](#)



City council has included an OHL-ready arena on its wish list for the developer that will eventually be chosen to set up a casino in Sudbury. File photo.

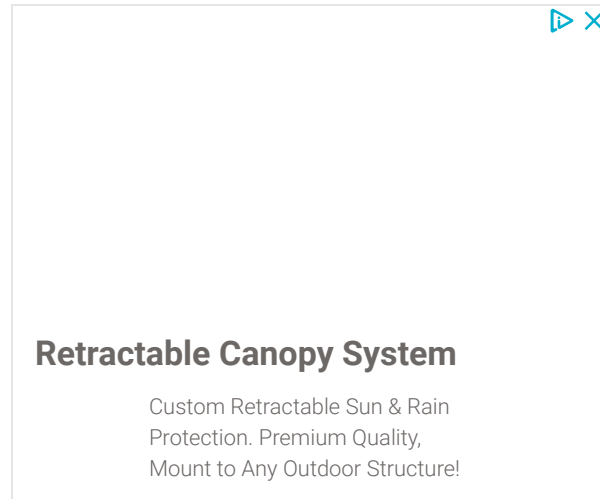
Add an OHL arena to the wish list of amenities the city is hoping to get out of the casino development.

Almost lost in the loud debate over firing the ombudsman, city councillors voted unanimously Feb. 26 to support a motion by Mayor Marianne Matichuk outlining the amenities the city expects to have along with a casino.

While affirming the city's support for building in one of four areas – downtown, the South End, the Kingsway or at Sudbury Downs in Chelmsford – the motion specifies the city expects benefits in addition to the casino.

“These amenities may include, but not be limited to, a hotel, a convention or multi-use centre, a performing arts centre and/or an Ontario Hockey League-ready arena,” the motion states.

“I don’t think we’re going to have another opportunity like this for a long time, to get some amenities and some economic growth in our city at a very minimal cost – or no cost at all,” Matichuk said. “This is a great opportunity for our city.”



Ward 7 Coun. Dave Kilgour said opportunities such as this are rare and it’s the responsibility of councillors to ensure citizens get the maximum benefit.

“We’re not talking about someone coming into this community and spending \$5 million or \$6 million,” Kilgour said.

“We’re talking about someone coming in and spending potentially \$200 million or \$300 million. It’s a huge investment. We not only have to be ready, we have to make sure that what comes out of this is very positive for our city moving forward.”

It’s vital to let developers know ahead of time what the city expects, he added.

“What this motion does – and I want to congratulate you, Madame Mayor, for putting it on the table – it’s saying we’re willing to work with the developer, but that our expectations are going to be high,” Kilgour said.

“I want more than an OHL arena. I want something that’s capable of hosting the Brier and other curling bonspiels that are going on around the country.”

Ward 11 Coun. Terry Kett, who has described the casino development as one of the biggest economic development opportunities Sudbury has ever seen, asked city staff to clarify mixed messages from the Ontario Lottery and Gaming Corp. and the new premier, Kathleen Wynne.

While Wynne's statements have suggested cities and towns have more control over the process than previously thought, the OLG said nothing has changed.

"Can we say where and can we say when?" Kett asked. "This is our big opportunity and we want to do it right and we want to do it well."

Ian Wood, the city's director of economic development, said his interpretation is that "nothing has changed.

"The premier has said that everybody can opt out," Wood said.

And as far as determining the location, cities can influence that process if zoning changes are required or if a developer wants to buy or use city-owned land for the development.

"I think this city has made it clear what it wants, and we have communicated that to the proponents," Wood said.

Some councillors raised concerns about building the casino downtown. And a report by the Sudbury and District Health Unit cautions that putting the facility close to so many vulnerable people will worsen issues with problem gambling.

Ward 10 Coun. Frances Caldarelli suggested conducting an opinion poll to get a broader idea of where the public wants the casino to be built.

"I really think we should be asking more than 200 people," she said, in reference to the turnout at a public meeting on the casino last fall. "We have the health unit and others expressing concerns and I really think it's important that we hear what people have to say."

But Ward 8 Coun. Fabio Belli said, with the city seeking a number of amenities with the

casino, it's important to allow the developers to choose the location where they can be most profitable. He recently toured the casino in Windsor, where problem gamblers can get help on site.

"They have consultation right there in that facility which helps people," Belli said. "And we're talking about a very small minority of people that potentially will have gambling problems – we're talking about three per cent.

"We talk about a convention centre, we talk about an arena, we talk about a hotel. We talk about all kinds of opportunities – even a performing arts facility ... but at the end of the day, we have to look at what the proprietor wants."

Ward 1 Coun. Joe Cimino said the city has no formal role now – it's the OLG that is leading the process and that will choose the operator.

"But we're telling all potential operators ... once you're chosen by the OLG and you come to town, you'll be wooed by various landowners, and we want to have discussions with you, whoever you are, on what we can add to the facility to maximize the development," Cimino said. "The motion doesn't state a location.

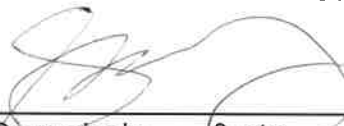
"I think what we want to say is, we're open, we're willing to work with you and our expectations are high."

Wood updated councillors on the process. The OLG expects to issue a formal request for proposals to build the casinos by May. Operators will have to bid on bundles and build casinos in each area in the bundle. In Northern Ontario, the bundle is Sudbury, North Bay, Sault Ste. Marie, Thunder Bay and Kenora.

Once the RFP is released, the city expects to begin receiving calls from potential developers. The OLG expects to narrow down the bidders for each bundle to two by the fall, at which time negotiations with cities will take on new urgency.

Once a successful bidder is chosen, they will take over the slots facility at Sudbury Downs and operate it until the casino is open for business.

**THIS IS EXHIBIT "12" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

City of Greater Sudbury:State of the City Address – 2013 – by Mayor Marianne Matichuk (June 20, 2013)

June 24, 2013 in [Ontario Mining, Sudbury Basin](#)

(Check against Delivery)

For video presentation, go to ... http://prezi.com/jppg_zap9kio/?utm_campaign=share&utm_medium=copy

City of Opportunity

Good afternoon Ladies and Gentlemen and thank you for taking time from your busy schedules to attend this year's State of the City Address. Bonjour ... Aannii ... C'est un honneur d'être ici aujourd'hui ...

This is my third address and it is something I look forward to every year. Before I go any further, there are several people I want to thank and acknowledge.

First, the Greater Sudbury Chamber of Commerce for not only hosting today's event, but for your relentless efforts in advocating for business and increased prosperity in Greater Sudbury. I would like to thank today's sponsors – The OLG, Eastlink, Porter Airlines and Vale ... Events like these would not be possible without the support of our valued community sponsors.

I'd like to begin with two items that have come before City Council in recent weeks that really stand out for me ...

First, our planning department tells us the population of Greater Sudbury is expected to grow in the coming 25 years ... it's just a matter of how much. In fact, during the next term of council, our population will likely return to its all-time high of 171,000 people, recorded in 1971.

After more than a generation of loss, decline and cutting back ... our city-wide recovery effort is paying dividends ... and, as we'll discuss later ... is nearly complete.

The other item is one of our city's success stories ... the Greater Sudbury Airport.

The airport, as many of you know, has been restructured and reborn in the past few years.

As an independent business unit within the city, the airport is constantly improving its facilities and services to meet the needs of Greater Sudburians and our visitors.

Even now, the airport is in the midst of a \$6-million upgrade.

A sincere thank-you goes to Bob Johnston and his team at the airport ...

... it has been transformed into a fitting symbol of our improving reputation with ... and connections to ... the global community.

And I'll talk more about Greater Sudbury's place in the world later, too.

But first, let's spend some time on the here and now.

Last year, I spoke to you about the remarkable development boom that is transforming Greater Sudbury.

And I asked you to consider what the next few years will bring for our community ... here are a few highlights and updates to remind you ...

The current value of mining investment, confirmed or planned for Sudbury, over the next five years, is still approaching \$6 billion. This includes new and deeper mines ... smelter retrofits ... and environmental initiatives.

Northern Ontario's Ring of Fire is thought to hold as much as \$50-billion worth of minerals. It is the most important mineral discovery in North America in a generation ... one with the potential to create one or two more cities the size of Greater Sudbury.

One of the biggest players in the Ring of Fire, Cliffs Natural Resources, has established plans to build a \$2.2-billion ferrochrome smelter in Greater Sudbury ... after a delegation I led to Cleveland secured this investment.

There has been some concern about Cliffs' commitment to this project ... but I remain optimistic. If we've learned anything in 100 years of mining in Greater Sudbury, it's that a good business case always wins out.

At the city, we will continue to do everything we can to facilitate Cliffs' investment ...

It may not be quick ... but we'll get there. Just as a large ocean-going tanker cannot turn on a dime ... or in this case, a nickel ... it still arrives in good time.

As well, one of Sudbury's oldest, most storied and most prolific mines is soon to be reborn. Victoria Mine near Worthington is likely the largest new mineral deposit found in Sudbury in a generation and will be hard to beat.

KGHM's investment will be a \$750-million, seven-year new mine development representing a significant expansion of Sudbury's mining infrastructure.

I AM Gold's proposed Cote Lake project, between Sudbury and Timmins, is expected to mean more than \$1 billion in total investment ... much of it to be sourced in Greater Sudbury.

It is expected to generate 60,000 tonnes of ore a day for 15 years, and employ 1,200 workers during construction and 500 during operation, most of whom are expected to travel from Sudbury.

Also new this year ... Xstrata Zinc is on track to reopen two mines in Sudbury by 2016.

The Errington and Vermillion mines, which have been closed for decades, are proving to be attractive again with a number of large zinc mines closing around the world.

It's a \$350-million capital project, with 250 direct jobs and more jobs during construction, which could start as early as next year.

As well, Vale continues its \$1 billion sulfur abatement program.

Though scaled down, the CLEAN AER Project remains one of the most significant environmental investments in the history of Ontario, if not Canada.

All told ... a recent study showed the mining sector in Greater Sudbury alone will require more than 21,400 new workers ... mostly skilled trades, technologists and engineers ... in the coming 10 years to meet this demand.

These are staggering numbers! ... And that's just mining ... there's so much more going on in our community ... More than 3 million tourists visit our region every year, many to take in our world-class attractions, such as Science North and Dynamic Earth, thanks to the vision of leaders like George Lund, Risto Laamanen, Jim Marchbank and Guy Labine. Visitors spend close to \$1 billion in northeastern Ontario every year.

Building on a world-class Northern Ontario Cancer research program, Greater Sudbury's teaching hospital has created the Advanced Medical Research Institute of Canada (AMRIC) to investigate and develop promising new treatments that target geriatric medicine, chronic and infectious diseases and cancer.

In its infancy, the research facility is expected to generate \$45 million to \$55 million this year in spin-off activity.

Today, just as last year, there remains an incredible sense of energy, optimism and prosperity in our city.

A few weeks ago, I was at the Federation of Canadian Municipalities conference in Vancouver, with several councillors ... and one thing I heard repeatedly from people I met from across the country was ... "So Sudbury is really booming! Things must be great there?"

Yes! ... yes we are booming ... just as last year ... and the whole country knows it ... and much of the country is still envious.

But what I want to talk to you about today is the longer-term future ... where we're going as a city and what the next generation has to look forward to.

Earlier this year, I opened up my office to a couple of remarkable young women ... Grade 10 students ... who earned the right to call themselves Mayors for a Day.

Laura Graham from Lasalle Secondary School and Paige Marcil from Marymount Academy created thoughtful and inspiring videos on their vision for Greater Sudbury over the coming 25 years.

Not surprisingly, both said they wanted more for teenagers to do in our community, such as a water park, laser tag and retail shopping ...

... And, for the record, I agree whole-heartedly with them ... and I am still working with a couple of groups to make these things happen ...

I was reminded of when I was a teenager in Sudbury ... and one of the most common complaints then ... as now ... was there's nothing to do in Sudbury.

I remember class trips to the Science Centre and the Museum in Toronto and asking teachers ... why can't we have these things in Sudbury?

The answer was always a shrug ... we just don't. And that was it ... Sudbury just didn't have these things.

Well, you know what ... today we have Science North and Dynamic Earth, the third and seventh largest science centres in Canada! And we have so much more that seemed inconceivable when I was a child.

In a generation, we went from “no, we can’t” ... to “yes, we can” ... to “yes, we did!”

In all the kids I have the pleasure of meeting, tours through my office or out in the community, I get a sense of this spirit of optimism ... this sense that anything is possible.

They ask the question ... “Why not?” ... just as our generation did.

Quite simply, the answer is ... there is no reason “why not” anymore ...

Children today get that ... they are as optimistic as I am ... as optimistic as all of us here today ... and I thank them for reminding me of why I wanted to be mayor of this great city!

And so that’s what I want to talk to you about today ... a vision for a modern, vibrant city of the future that we all share ...

... a city that continues down the path of environmental sustainability ... a city that offers employment choices to its youth ...

... a city that offers continuous learning opportunities ... a city that grows culturally and artistically ...

... a city that inspires optimism in our own children about their future here.

... I want to share with you a vision for Greater Sudbury that our children will inherit ...

I want to talk about the destiny of Greater Sudbury ... about a City of Opportunity!

The key to seizing opportunities is making connections ... the right connections at the right times.

I’ve listed some achievements already ... real and measurable achievements ... they are the achievements of my office, of city council, of city staff and, of particular note today, of the many partners we work with daily ... so many of you in this room today ... who have worked so hard to make ours a great city.

So let me continue by drawing a few more connections ... connections within our city ... within our people ... within our landscape ...

... the kinds of connections our children will have to make as they become decision makers.

These connections are:

- Taxes and Spending ...
- Partnerships and the Economy ...
- Pride and Image ...

- A Healthy City is a Wealthy City

Taxes and Spending

Of course, our city's finances are always top of mind ... so let's start with Taxes and Spending.

There is genuine unfairness about a tax system that sees municipalities receiving 11% of tax revenue generated along with maintaining 65% of the capital infrastructure.

A true legend of Canadian politics ... and one of my political inspirations, Mississauga Mayor Hazel McCallion, a leader I'm proud to call a friend ... describes the situation best ...

... Many times Hazel has said that "the federal government has all the money, the province has all the power and the municipalities have all the problems."

I'm proud of the progress city council and staff have made in keeping taxes low. Consider what we've done in three years:

- I started going through the budget line by line three years ago, and staff and council are now doing it, too.
- As a council, we have now set inflation as the benchmark for tax increases.
- As a council, we will also be looking for more savings throughout 2013 through efficiencies and attrition. Look for the city to sell off buildings we don't need any more and put more services under the microscope.
- In the mayor's office, I have led by example by freezing my salary and coming in substantially under budget in each of the last two years ... and councillors have also come in under budget.

But it's not just a matter of shaving a little money off this cost centre or that budget ... that is important work and it's something I've been doing for three years ... going line by line, questioning our spending and finding ways to cut back.

As I said earlier ... I'm proud of the work our city council and staff have done on this front ... and the commitments we have made to continue to find savings for taxpayers.

For the 2013 budget, for example, some of the initiatives driving down costs include:

- Co-ordinating grass cutting across departments;
- Rationalizing user fees and aligning them with costs;
- Reducing the size of the city's fleet and reducing leased vehicle usage;
- Reducing amount of contracted services and doing more work in-house;

- Review of energy use ... expect more savings in the future as energy costs decline;
- Review of city-owned lands and buildings for consolidation or disposal.

All of this amounts to a savings of \$2.8 million in the budget in 2013 through efficiencies and attrition. That's more than one percentage point off the tax levy ... or the property taxes from 560 hard working Greater Sudbury families put back in their pockets.

That's great news ...

However, the real work ... and the tough decisions ... still lie ahead.

The biggest savings for taxpayers lie in one simple question:

What services must the city of Greater Sudbury provide to citizens?

Vs.

What services does the city choose to provide to citizens?

In this question lies infinite opportunity ...

Opportunities to better understand the services we provide citizens and taxpayers ...
opportunities to improve those services ...

... Opportunities to determine what programs and services are most valued by citizens and taxpayers and ensure they are put on a long-term sustainable path ...

... Opportunities to assure we're providing value for money to the citizens and taxpayers of our community!

In 2012, for example, we spent more than \$60 million on programs that are neither mandated, nor considered essential.

Many are traditional ... and valuable ... services, such as land reclamation and lake water quality programs, that contribute immeasurably to the quality of life in Greater Sudbury.

Many more, however, will need to be put under a microscope in the coming years:

- Taxpayers will subsidize a municipal child-care program close to \$300,000 in 2013.
- Taxpayers subsidize trailer parks and campgrounds to the tune of \$110,000 a year;
- Taxpayers also subsidize two fitness centres a total of \$370,000 a year;
- We subsidize community halls a total of \$600,000 a year.

Recently, I've also asked questions about the way we tender contracts ... in particular, the provision that contractors have to purchase all new or refurbished equipment.

As I've said all along, there is potential to save taxpayers millions of dollars by asking questions like these.

All in all ... we need to do more to strike the right balance between what we need to do at Tom Davies Square ... and what we want and can afford to do ...

We've asked the right questions ... and gotten most of the right answers.

We have developed the tools to deliver efficient, effective and accountable services to citizens of our great city ... and now we need to use them.

And maybe we can do better still ... maybe, with these tools at our disposal ... we can start moving towards a 0% tax increase!

Other cities have done it ... why can't we?

It's a simple question ... why not?

We are 12 full years into the 21st Century ... but in many ways we continue to operate in a culture and framework that dates back decades.

While the city and its economy are firmly progressing into the century, it's important that our institutions like municipal government, are not still operating as if it were the 1990s.

Private business has its own discipline for companies that cannot innovate to keep up with the pace of change.

They go out of business.

In government, we face the same relentless changes ... but we don't have the same external force driving continuous improvement.

So we need to create conditions that will foster that change.

That is an ongoing process ... a challenge ... but one I assure you I remain as committed to today as the day I was elected.

Partnerships and the Economy

The second theme I would like to explore is the key to economic growth in the modern world ... Partnerships and Opportunity.

As we've established, Greater Sudbury is in the midst of a generational development boom.

All of this growth requires workers. It requires skilled trades, technologists, engineers and designers ...

In short, Greater Sudbury needs to reverse a decades-long brain drain.

One of the principal challenges our great city faces over the next few years is ensuring there are enough skilled workers to meet this demand.

I am working with community leaders now on a skilled labour attraction and retention strategy designed to meet our long-term labour needs, including some international partnerships.

I know the chamber has also been instrumental in advocating for measures designed to close the skilled labour gap in our community ...

And I thank Debbi Nicholson and chair Mark Weiman for their leadership on this issue ... as well as Reggie Caverson from Workforce Planning ...

... Resolving these issues now will be crucial to our city down the road.

In September, we officially opened a new film studio in Greater Sudbury ... I remember clearly when David Anselmo and Pierre Bonhomme came to my office and met with me and councillors Belli, Kilgour and Craig about their dream of a production facility.

And I thought ... why not? ... and the result is we were able to help them out and take an old arena off the city's books.

A new made-in-Ontario television show ... Hard Rock Medical based loosely on characters in our new school of medicine ... has been shot in and around Sudbury and is premiering now on TVOntario.

Today, film production brings about \$10 million a year in direct spending ... and it is employing and mentoring young people in our city.

And it has brought the likes of Ryan Reynolds, Richard Dreyfuss and Lou Gossett Jr. to our community ... and the promise of more Hollywood stars to come.

A few months ago, I helped Health Sciences North announce plans for the Advanced Medical Research Institute of Canada ...

Thanks to the leadership of Dr. Denis Roy, Dr. Francisco Diaz-Mitoma and the hospital's board of directors ... AMRIC is projected to make a substantial contribution to the economy of Northern Ontario with direct spending of over \$20 million per year.

By 2021 it is estimated that AMRIC will add approximately \$250 million to Greater Sudbury's economy.

AMRIC is an excellent example of how Greater Sudbury ... and its partners ... continue to enhance our reputation as a world-class centre of research and innovation ...

And of what is making our community successful in the 21st century.

Sudbury is strategic and forward thinking ... Constantly looking to the future, we have learned how to overcome challenges – and turn trials into opportunities, and opportunities into successes.

And the world is taking notice.

Last year, I connected with the Canada Nevada Business Council during the MINExpo conference in Las Vegas.

Not long after, Frank Spady, the CEO of CNBC, Bob Groesbeck, Vice President Government Affairs/General Counsel, and Larry Scheffler, COO, were invited by me to visit Greater Sudbury and make connections with the city's business and community leaders.

Why is this important?

Canada is Nevada's largest trading partner. Nevada exports \$1.3 billion in goods to Canada and imports \$814 million in goods from Canada. The largest percentage of goods from Canada are equipment and machinery, making up 20%.

In Nevada, 60,300 jobs depend on trade with Canada while 9,700 people are employed by 150 Canadian-owned businesses operating in Nevada, mostly in the mining sector.

This is a significant opportunity to foster partnerships and promote Greater Sudbury on a global stage.

The CNBC quickly realized expertise in our community extends well beyond mining ...

... In Greater Sudbury, they found applied research in environmental technology and land rehabilitation, as well as in occupational health and safety ...

... they found SNOLAB, the world's deepest underground laboratory, and one of the most prominent astro-particle research facilities in the world ...

... and they found a world-class teaching and research hospital and medical school.

In short, what they found ... what everyone who comes to Greater Sudbury finds ... is OPPORTUNITY.

A couple of months ago, I accepted an invitation to sit as an honorary member of the CNBC board.

In April I travelled to Las Vegas as a guest of the council to meet with key community, business and mining industry executives.

I want to thank Don Duval at NORCat and Doug Morrison at CEMI for reaching out and making these connections with Nevada ...

Memorandums of understanding are in place ... with more to come ... stay tuned!

I know members of the CNBC are excited about the future of our city and very much want to be a part of it. This is the beginning of a long and prosperous partnership.

Similarly, I had the opportunity late last year to attend Toronto Region Board of Trade event at which I met dozens of business people with global reach.

I have also met provincial and federal officials about the city's long-overdue Maley Drive project, and I have met and will continue to meet with leaders from other communities and even other countries to promote Greater Sudbury.

Being able to share with others the wealth of experience, knowledge and opportunity in Greater Sudbury is one of the highlights of this office.

As mayor, I'm prepared to knock on doors to make these connections and build these relationships.

As a city, we must be committed to fostering these new partnerships. We must be able to say, to ourselves and to potential partners: "We are here to help you realize your goals. Because, when you are successful ... we are all successful!"

Our growing reputation as the Silicon Valley of mining innovation is well earned. Our task now is to continue to tell the world that we are open for business ... and then get down to business.

Image and Community Pride

The third theme I would like to explore is one I hear about constantly ... leveraging Greater Sudbury's always-improving Image and Community Pride to tell the world how great we are.

Do you know what sets Greater Sudbury apart from most other communities? ... What is attracting investors here from all over the world? ... What is inspiring these partnerships?

One word ... INNOVATION ...

As Dick DeStefano from SAMSSA has likely told all of us at one time ... “We need to sell our intelligence to the world.”

Greater Sudbury was built on a solid foundation as a hard rock mining centre ... it has been built on generations of vision and entrepreneurial spirit ...

Our city's leaders asked the question ... Why Not? ... and the answer was to create a city that has become a globally recognized centre of innovation and applied research in mining and mining related technology.

That tradition has continued ... Greater Sudbury has become a world leader in environmental restoration, specialized process and product development ... even astrophysics research ... all because of mining.

Greater Sudbury is an exporter to the world ... not just of nickel and other minerals ... more importantly, we now export ingenuity ... we sell our ideas, our skills and our expertise to the world.

How are we doing this?

Well, it all starts at home ... and often with small or simple things.

Late last year, Sudbury was named most entrepreneurial city in Ontario by the Canadian Federation of Independent Business.

In its analysis, the federation singled out cities “where local governments are trying their hardest to support entrepreneurship and where business owners themselves rate their governments most highly.”

The city has also launched a new, easy-to-navigate website ... as well as a comprehensive communications strategy called “City With a Voice.”

We are working with community partners to establish a Rock of Fame in the downtown core to celebrate successful, dedicated members of our city and to recognize our city's ambassadors.

Over the past century, Sudbury introduced hundreds of interesting and successful people to the world ... people who went on to be leaders in their fields ...

Now is the time to introduce the world to Sudbury ...

I have asked the GSDC to design a marketing and branding campaign for the city. Work on this strategy has already begun.

The purpose of the campaign will be to connect and position the city, tourism, business development, Regional Business Centre and other brands.

We are a city of innovation and technology development ... a centre of excellence in mining, health care, education and tourism ... and that is the message we need to communicate to the world in everything we do and say.

This strategy is expected to be rolled out next fall.

While we're on the subject of image, I want to make something else clear ... something I don't think has been spoken about enough ...

The investments we're making in our downtown ... a healthy city needs a healthy downtown and our downtown is being transformed before our eyes.

The Downtown Master Plan lays out a number of exciting opportunities ... and many are already in the pipeline.

The new Downtown Market, the Elgin Street Greenway, the Rock of Fame, the new school of architecture all represent opportunities to build infrastructure and confidence in our downtown.

Eighteen months ago, I spearheaded negotiations to sell the old market to Laurentian University ... and get a fair price for taxpayers ...

And last summer, I again spearheaded the purchase of the new market property ... the historic CP Rail building. We paid one dollar for that building, and \$475,000 for the property it sits on ... well under market value, and well within the project budget.

Council has made it clear the city needs and wants a strong and successful farmers market in the downtown core ... but it must be financially sustainable.

We must rebuild the market ... better than ever ... and set it on a sustainable course.

I should also point out the impact Laurentian Architecture will have on our downtown ... and on our city

Though it will open this fall with its first 60 students, in full operation it will have more than 400 undergraduate and graduate students, most of whom will live in or around downtown.

The student body alone will spend about \$15 million annually in downtown Sudbury pubs and restaurants ... on food, books, supplies and clothes. That does not include more than 40 faculty and staff.

And these are not normal students ... This group will be particularly creative, energetic and urbane ... and this is the real opportunity for Greater Sudbury.

These students and faculty will come to downtown Sudbury from across Canada not just for a university degree, but to turn our city into a living laboratory for ideas and designs.

This school is going to inject new life into downtown ... the new school will foster a better understanding of the far-reaching benefits of good design while nurturing a northern culture of design.

Again, because of the leadership of community leaders and dedication of our partners ... Dominic Giroux, Rick Bartolucci and the Northern Ontario Heritage Fund, Tony Clement and FedNor ... Laurentian Architecture, once a dream, will soon be a reality.

I also need to thank this council ... for its support and hard work in ensuring this project remains downtown.

From the initial sketch to a \$40-million investment in our downtown ... Together, we asked the question ... "Why Not?" ... and it turned out there was no reason why not ... so we did it!

Laurentian Architecture ... like Science North, the medical school, the hospital ... and so many other community partners ... will redefine Greater Sudbury's identity ... and also play a lead role in promoting our city and its new identity.

And so, this fall, we will celebrate the next step in our evolution from a mining camp to world-class centre of research and innovation ... to a centre whose people create knowledge and wealth ...

... A city that is a global leader in design and development ...

... A city that is a beacon of sustainable growth and development ... for Ontario ... for Canada ... and beyond ...

A Healthy City is a Wealthy City

The last theme I would like to explore is the truly superior quality of life Greater Sudburians enjoy ... because a Healthy City is a Wealthy City.

No city in the world has been more dramatically transformed over the past 30 years than Sudbury.

The fruits of greening are obvious to everyone who steps outdoors. These efforts have brought his community a raft of awards and recognition ... but more importantly, they present us with a wealth of opportunity.

In fact, the city almost swept the Federation of Canadian Municipalities' Green Cities awards this year ... the Brownfield strategy won the FCM sustainable communities award ... and Bill Lautenbach, our general manager of Growth and Development, won the Green Champion award.

Our new Biodiversity Action Plan takes greening much, much further.

Researchers are perfecting a plan to cut out mats of shrubs and wildflowers from floors of healthy forests and transplant them to less mature forests.

You know, only a generation ago, Sudbury was famous for having no trees ... but in a generation or two, Sudbury's pine forests, some as old as 80 years, will be mature and abundant enough to selectively harvest again.

Another key step taken by this council is the directive for the city to undertake watershed level studies to ensure the protection of one our most precious resources ... our 330 lakes and countless rivers and creeks.

You will hear more about this exciting new development in the coming months.

Speaking of council, in the past year we've also passed a strict new smoking ban in local parks, playgrounds and playing fields ... and more may be coming ...

... and we are the first community in Ontario to implement a phosphorus ban to protect lakes and rivers ...

And, I hasten to point out, these progressive measures were the results of unanimous votes at city council.

Our city is also developing strategies to recognize the changing face of our population.

In the past couple of years, I've attended many events organized by and for older adults in our community. New residences, older adult recreation centres, games, celebrations, competitions ... seniors truly are among the most active segments of our population!

The face of the elderly population in Greater Sudbury is changing, with older adults accounting for the fastest growing segment of our city. This age category is expected to increase dramatically during the next 25 years and nearly double its share of the total population in 2031.

Clearly, we're living longer and healthier lives and, as a community, we have to be ready for this.

Older adults are increasingly influencing our local economy and are playing an ever expanding role in society.

That presents our city with a lot of challenges ... but also with opportunities.

One of the goals established by the City of Greater Sudbury and many of our partners is becoming a more seniors friendly community ... a community that allows our growing older adult population to continue to thrive and prosper.

Recently, we have moved to set the North East Specialized Geriatric Services on a sustainable, long-term path. This centre, along with Pioneer Manor, leads the way in designing health and exercise regimens and rehabilitation and restorative care programs in northeastern Ontario.

At the city, we have passed a Healthy Community Charter and strategic plan, as well as the Sustainable Mobility Plan.

In fact, the Sustainable Mobility Plan is an ideal example of community building through partnerships ...

The plan strives to make Greater Sudbury the most pedestrian friendly city in Ontario by 2015 ... based on the 8 to 80 principle that anyone between the ages of 8 and 80 should be able to walk, ride or take the bus through the community in relative comfort and safety.

The plan stemmed from the City of Greater Sudbury's Healthy Community Cabinet ... a partnership was formed between City staff, the Sudbury & District Health Unit, the Greater Sudbury Social Planning Council, YMCA Sudbury, the Sudbury Regional Hospital and Rainbow Routes Association.

In this spirit, city council has committed \$215,000 to complete the 18-kilometre Junction Creek Waterway Trail from Maley Drive to Kelly Lake.

Finishing the trail would enhance Greater Sudbury's image, serve as a tourist destination, promote healthy lifestyles, offer an alternative transportation route through the city and show off a precious resource for the city.

As mayor, I am proud of the work the City and our many partners are doing to make Greater Sudbury a world-class city in which to live, work, play ... and retire.

Conclusion

So what do I want you to take away from today?

I want you to take away the same inspiring message Laura and Paige and so many other young people have brought to me over the past couple of years.

Be positive. Greater Sudbury is in great shape. City council is committed to keep Sudbury as a thriving, prosperous, inclusive community through strong fiscal management, innovation and partnerships.

Be open to change. We have a meaningful Strategic Plan in place with a focused council and staff that understands our city's priorities.

Be confident. We have so much to envy ... so much intelligence ... and resources at our disposal.

Be active. We will continue to look at how we engage the community as we work through our priorities and meet new challenges.

You know what?

Every community has potholes. Every community has infrastructure deficits. Every community has social challenges.

Every community has budget constraints. Every community has disagreements from time to time on key issues ...

What's important to remember is that, in Greater Sudbury, we have the tools to overcome all of these challenges.

What other community has successfully re-invented itself the way Greater Sudbury has, in just one generation?

What other community has transformed its economy as completely as we have ... in just one generation?

What other community has so successfully taken advantage of the opportunities it has been presented with ... and continues to create new opportunities?

Last October, our city hosted the annual Ontario Building Officials Association conference ... more than 500 building officials from across Canada.

And you know where they met? In a tent in the Holiday Inn parking lot ... because there is no single facility in Greater Sudbury large enough to hold such a gathering.

And I thought to myself ... Why Not? ... Why can't we have a convention or multi-use space in our city?

And then the province reveals its casino modernization plans to us ... in a matter of months, the OLG will likely introduce us to an investor we hope will bring millions of dollars to our community.

Will that mean a new convention centre or multi-use space? A hotel? An OHL-ready arena?

City council has already moved to ensure this investment is part of any new casino project ... at no cost to taxpayers, of course.

And why can't Greater Sudbury have an indoor water park? Stay tuned!
So I ask again ... Why Not? ... It's worked before!

It's in our DNA ... this ability to reinvent ourselves ... to reinvent our people ... our institutions ... our economy ... we have even reinvented our landscape! ...

We know what we want ... we know what we need ... and we know we are in this together.

And together we will continue to build a world-class city in which to live, work and play ...
We will continue to build a City of Opportunity.

Thank you ... chi meegwetch ... merci ...

Share this:



< Bob Rae jumps into Ring of Fire – by Gloria Galloway (Globe and Mail – June 24, 2013)

Minnesota must keep a close eye on sand mining – (Minneapolis Star Tribune – June 22, 2013) >

Online casino petitions clash



By Laura Stricker

[More from By Laura Stricker \(https://www.thesudburystar.com/author/by-laura-stricker\)](https://www.thesudburystar.com/author/by-laura-stricker)

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Two months ago, a no-casino- for-Sudbury petition popped up online.

This week, one supporting a casino appeared on the same website.

"A small local group has taken up arms against another casino, claiming everything from protection of seniors to lack of moral compass to those who frequent it," reads the description accompanying the pro-casino petition.

"Taking into account the profits made by the current host, Chelmsford, and the unargued benefit the horse racing community had from the casino, as well as the loss of jobs and hence city revenue with the pending closure, it is a loss that will be far reaching in our community. This can be avoided by the reopening of the facility in the City of (Greater) Sudbury itself."

At the moment, that petition has one signature. It's not known who created the other petition.

The No Casino Sudbury petition has 434, more than halfway to its goal of 800. Ruby Lougheed Yawney, its creator, worked at Sudbury Downs when she was a teenager. Earlier this month, she said she has seen the nasty side of gambling.

"Gambling is not good for society. I'd rather have no gambling. But that's not realistic. We've had Sudbury Downs for a long time, we've had the slots there for a long time. I'm not going to petition to shut that down. We cannot expand it, however. I do not want a full blown casino in our community."

During her State of the City speech Thursday, Mayor Marianne Matichuk again expressed her enthusiasm for a full-blown casino in the city.

"In a matter of months," she said, "the OLG will likely introduce us to an investor we hope will bring millions of dollars to our community."

"Will that mean a new convention centre or multi-use space? A hotel? An OHL-ready arena? City council has already moved to ensure this investment is part of any new casino project."

In February, councillors unanimously supported a motion by Matichuk to request amenities — including the previously-mentioned facilities — be included with any casino bid.

"When we do get the actual people who are going to invest, we are going to be sitting down with them and telling them what we want," she said Thursday, when asked how much pull the city has in asking for such facilities.

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MORE INFO

The petitions:

www.ipetitions.com/petition/our-money-our-community/
www.no-ipetitions.com/petition/no-casino-sudbury/

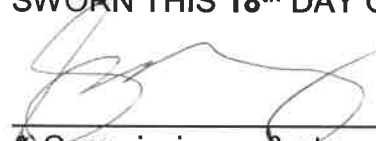
TRENDING IN CANADA

Ω

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**THIS IS EXHIBIT "13" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

AN ECONOMIC LOOK AT SUDBURY'S PROPOSED NEW CASINO

What is this about?

The OLG is proposing 25 new privately owned/operated full casinos to replace the 17 OLG operated Racetrack/Slot locations and 4 OLG operated casinos. The new model is one where casinos no longer specifically target visitors to communities. The new casino's target patrons are the citizens of the host community or "zone". The Greater City of Sudbury has indicated it is a willing recipient of a new centrally located casino. We are now waiting for an announcement of which private company will be permitted to design, develop and operate a full casino in a new central location to replace the present OLG slots at Sudbury Downs. It is expected that the new private operator will be a large American gambling company.

"The new model is about trying to find the right amenities in the areas where the majority of customers are situated so they are not driving a significant distance."

Larry Flynn,
OLG Senior VP of Gaming

Gaming Revenue = Gambling Losses

After Sudbury's new central casino is operational, the citizens of Sudbury will attend the casino in its new central location to play on the up to 600 slot machines and up to 180 gaming tables. At the end of the year the difference between what was gambled and what was won by patrons is the total gambling losses or, **Gaming Revenue**. At OLG Slots at Sudbury Downs the total **Gaming Revenue** for the year ending March 31 2011 was \$49.4 Million. There were 558,405 patrons (visits) over this period which translates to an average gambling loss per patron/visit of \$88.¹

The total **Gaming Revenue** in the new central casino is expected to be from \$100 to \$150 Million per year. The OLG RFP documents makes calculating where this revenue will go, quite simple. Here are the numbers.

New Central Sudbury Casino Economic Impact ²			
Gaming Revenue (Expected)	100 Million <-->	150 Million	
Payment to City ³	5.0M	6.6M	← Only 1-1.13% of the City's \$497 Million in annual budget!
US Owner/Operator (Fixed) ⁴	9.0M	9.0M	
US Owner/Operator (Variable) ⁵	+28.0M	+63.0M	
US Owner/Operator (Total)	=37.0M	=72.0M ¹⁵	
Less Payroll (300-400 Employees) ⁶	-16M	-21M	← OK... This is good!
Less Facilities, Mortgage and/or Lease ⁷	-10M	-10M	
Less Advertising and Incentives ⁸	-4M	-6M	
Less Utilities, Property Taxes ⁹	-6M	-6M	
US Owner/Operator PROFIT	1.0M*	29.0M*	← This \$ not only leaves Sudbury, it leaves the country!
Government of Canada¹⁰	3.0M	4.5M	
OLG/Province¹¹	55.0M	66.9M	← This \$ is in addition to the provinces share of income tax on payroll and their portion of the HST on everything else listed above!
Total \$ REMOVED from Sudbury's Economy EVERY YEAR!	59 Million <-->	100.4 Million	

***IMPORTANT:** The US Owner/ Operator also keeps 100% of all non-gaming revenue. Non-gaming revenue includes revenue from the included restaurant, bar, conference centre and all other sources of income. This revenue will be in the area of \$10-15 Million¹².

Summary

The new central casino in Sudbury will extract from 59 to 100 Million dollars from our community EVERY year. That is enough to build a **new large arena, AND a convention/arts centre, every year!** Another way to look at it is that this amount of money is equivalent to a property tax increase of from 26-45% based on Sudbury's property tax revenues of 222 Million/year.

As the targeted patrons of the casino will be from Sudbury and area, these dollars will no longer be available to be spent in existing businesses including restaurants, festivals and cultural events, local entertainment, charities and virtually every other type of business.

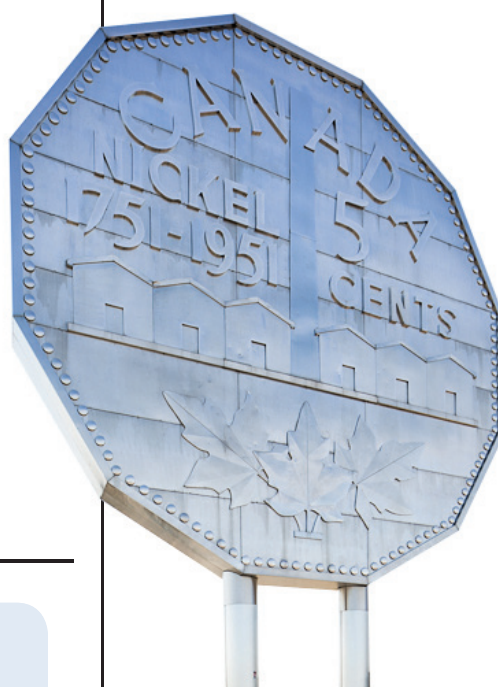
To give you an idea of how huge these numbers are, here are the ticket sales for some of our most popular festivals, attractions and sporting venues.

Cinefest (2012)	225K	Sudbury Theatre Centre (2012)	384K
LOL Festival (2013)	170K	Sudbury Arena Ticket Sales (2012)	3.2M
NL Festival (2012)	90K	(All events, Wolves, Concerts, etc.)	
Science North (2011)	1.3M		
IMAX (2011)	705K	Our largest charity, the United Way	
Dynamic Earth (2011)	431K	raised 1.96 Million last year.	

These institutions will suffer considerably along with many others. Overall there will be a lot less pocket money as the casino works its magic and siphons cash from everyone who enters. Many businesses will see their incomes fall as business slows outside the casino walls. Local restaurants will have fewer patrons and many will fail as in all casino towns. There are many examples of towns in our province stripped of their identity by a local casino.

It really does not matter what business you work in. There will be much less money floating around the community for entertainment, culture and everything else that makes life worth living.

OLG Slots at Sudbury Downs Economic Impact (Year ending March 31, 2011) (360 slots)	
Gaming Revenue	49.4 Million
Payment to City	2.468 M
Payroll (148 employees)	7.956 M
Track Holder	4.937 M
To Horse People	4.937 M
Other (Facilities, Amortization, Promotions, etc)	6.152 M
Government of Canada	1.57 M
OLG/Province	21.38 M
Total \$ REMOVED from Sudbury economy is \$23 Million!	



The Alternative... The COMMUNITY Way!

Proponents of the new casino see it as a quick fix to obtain a new hockey arena or convention/arts centre for Sudbury.

There is a better way. The Community Way! It involves pooling funds from corporate sponsors, Fed-Nor, Northern Ontario Heritage Fund, The Trillium Foundation¹⁴, and others to build what this community decides it needs.

We've done it before with the new School of Medicine, The Architectural School, NORCAT and many other institutions. Each of these were built because a champion stepped forward. We don't need a casino, we just need a few more champions to step forward.

Imagine a multi-use Community/Convention/Arts Centre owned by us, the citizens. Without a casino, there would be no negative social impact, and developers would be lined up to build a hotel beside it. Tax revenues for the city would increase, as the lands around the centre appreciate in value. This is the opposite effect on lands typically located near casinos.

The best news is that once completed, after several years we could do it again and build whatever we decide is best for our community.

The casino option on the other hand is a one time deal as once it is embedded, wealth is siphoned from the community in magnitudes that make this type of project nearly impossible.

COME ON SUDBURY, LET'S HEAR YOUR VOICE!



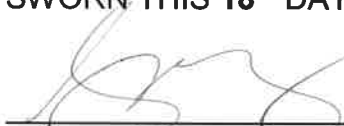
My name is Tom Fortin and I was born, raised, and educated in Sudbury. I operate an electronics manufacturing company in Sudbury. I care about my community and have spoken with many people about Sudbury's proposed new casino and have found most people have little real information about the project. The goal of this ad is to increase the awareness of what economic and social impacts a centrally located casino would have on our city. I believe a casino will have a profound negative social and economic impact on all we have accomplished together.

There will be no referendum on this new casino, and so we as a community must let our voices be heard through other means. For or against, here are some options:

- CONCERNED CITIZEN?** Visit www.nocasinosudbury.ca to sign the petition. Call your councillor by dialing 311.
- CONCERNED BUSINESS OWNER/ CHAMBER MEMBER?** Call the Sudbury Chamber of Commerce at 705-673-7133
- Consider having your board make a public statement concerning the casino proposal.** We need to hear from you!
- Send a letter to the editor of this newspaper: editor@northernlife.ca Tom's email: tf@ontrak.net

1. OLG Annual Report 2010-2011 49.4/558,405=\$88.46 2. \$100M Casino / Convention Centre 3. 5.25% Slot Revenue up to 65M. 3% slot revenue next 135M. 4% gambling table revenue. 85% of casino revenue is from slots 4. Fixed portion based on population Northern Bundle OLG RFP # 1213-072 160K/440K X 25M=\$9.09M 5. Variable portion based on 60M threshold. 100M-40M X 70% = 28M and 150M-60M X 70%=63M 6. RFP states O/O must assume 148 Employees of OLG Sudbury Downs Slots. Payroll for 148 employees \$7.956M OLG Annual Report 2010 2011. Extrapolated to 300 and 400 employees. 7. 100M, 20Year 3.6%, 583K/Month = 7M + 3M Capital Improvements/maintenance 8. OLG Advertising/promotions budget ratio 4.6% (95M/2064M) 2010 2011 annual report. Lowered to 4% in consideration private vs government. 9. Mill Rate 4.184, remainder is utilities. 10. line item in OLG 2010 2011 annual report page 23 67M/2064M = approx 3% or revenue. 12. This money also leaves Canada in addition to 59-100 M. 14. OLG 2010/2011 annual report states that it paid to the province 2.068 Billion dollars as its share of profits from all OLG activities. Of that amount 120 Million (5.8%) was given to The Trillium Fund which distributes it throughout the province to charities and community projects. Thus, Yes, 6% of the money that leaves Sudbury is used for charitable purposes and some of this does benefit local charities. The other 94% is general revenue. 15. Incentive to increase revenue is stated in RFP. Owner/Operator receives 70% of all revenue above 60M Threshold. Actual bid threshold 67M impact on \$ that leave our community.


**THIS IS EXHIBIT "14" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Mike, I am working on an article on how we got here in regards to the casino. I know you were cheif of staff back in 2012/2013 and wanted to ask if you know where the " free arena" or " free convention centre" that was supposed to come with a casino came from. Was it an OLG pitch to council


?



It was a motion that Matichuk introduced to compel the casino operator to work with the city on an ancillary amenity, like an arena. It was her idea, and council passed it unanimously. I have no idea how OLG felt about it, but they encouraged the city to get its expectations on the table so there were no surprises for the eventual buyer.

Thank you. But how did she come to promote that the amenity, whatever it was to be , would be free?

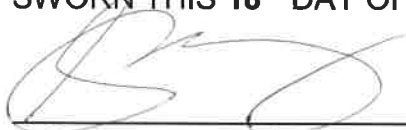
APR 18, 2019, 4:45 PM



Motion didn't say free, though that was clearly council's expectation when passing it. I can look it up for you, if you like ... I think it was March, 2013. The spirit of the motion was let the future casino operator know that the city expected something in exchange for co-operation, given the city still had the opportunity to say no. But what that something was would always be subject to negotiation.

Mike, thanks for your input. I have all the documents...was just trying to find the origin of "fee stuff".. Cheers!

**THIS IS EXHIBIT "15" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**

A handwritten signature in black ink, appearing to read 'T. Fortin', is written over a horizontal line.

A Commissioner, & etc.



Minutes For the City Council Meeting held Tuesday, August 14, 2012

Location:	Tom Davies Square
Commencement:	1:20 PM
Adjournment:	5:32 PM

Committee Room C-11

DEPUTY MAYOR LANDRY-ALTMANN, IN THE CHAIR

Present

Councillors Berthiaume; Dutrisac (D1:58pm, A2:07pm); Dupuis; Kilgour; Belli; Craig; Caldarelli; Kett (A1:28pm); Landry-Altmann; Mayor Matichuk

City Officials

Doug Nadorozny, Chief Administrative Officer; Guido Mazza, Acting General Manager of Growth & Development; Brigitte Sobush, Acting Executive Director, Administrative Services/City Clerk; Kevin Fowke, Director of Human Resources & Organizational Development; Danielle Braney, Director of Asset Services; Ian Wood, Director of Economic Development; Eric Taylor, Director of Planning Services; Jamie Canapini, City Solicitor; Carolyn Dawe, Assistant City Solicitor; Kristen Newman, Assistant City Solicitor; Jason Ferrigan, Senior Planner; Brian Bigger, Auditor General; Eliza Bennett, Manager of Communications & French Language Services

Declarations of Pecuniary Interest

None declared.

Closed Session

CC2012-263 Matichuk/Dupuis: THAT the City of Greater Sudbury Council move to Closed Session to deal with one Acquisition or Disposition of Land Matter regarding Property on Elgin Street, one Litigation or Potential Litigation and Solicitor-Client Privilege Matter regarding OMB Appeals, one Solicitor-Client Privilege Matter regarding a Closed Meeting Investigation and one Personal Matter regarding an Identifiable Individual in accordance with the *Municipal Act, 2001*, s.239(2).

CARRIED

Recess

At 2:20 p.m., Council recessed.

Reconvene

At 2:32 p.m., Council commenced the regular meeting in the Council Chamber.

HER WORSHIP MAYOR MARIANNE MATICHUK, IN THE CHAIR

Present

Councillors Barbeau; Berthiaume; Dutrisac; Dupuis; Kilgour; Belli; Craig; Caldarelli; Kett; Landry-Altman

City Officials

Doug Nadorozny, Chief Administrative Officer; Tony Cecutti, General Manager of Infrastructure Services; Catherine Matheson, General Manager of Community Development; Guido Mazza, Acting General Manager of Growth & Development; Joe Nicholls, Acting Chief of Emergency Services; Allan Lekun, Acting Chief of Police; Lorella Hayes, Chief Financial Officer/Treasurer; Kevin Fowke, Director of Human Resources & Organizational Development; David Shelsted, Director of Roads & Transportation Services; Ian Wood, Director of Economic Development; Jamie Canapini, City Solicitor; Jason Ferrigan, Senior Planner; Brigitte Sobush, Acting Executive Director, Administrative Services/City Clerk; Franca Bortolussi, Council Secretary

Declarations of Pecuniary Interest

None declared.

Welcome

Mayor Matichuk introduced and welcomed the new General Manager of Infrastructure Services, Tony Cecutti.

Presentations

- 1 .. Report dated August 2, 2012 was received from the General Manager of Growth and Development regarding Downtown Sudbury Master Plan and Action Strategy – 10 Year Implementation Plan.

Jason Ferrigan, Senior Planner, provided an electronic presentation regarding the proposed 10 year implementation plan for the Downtown Master Plan.

CC2012-264 Barbeau/Berthiaume: THAT the City of Greater Sudbury:

1. Receive the ten-year Implementation Plan, as described in the report dated August 2, 2012 from the General Manager of Growth and Development;
2. Direct staff to create a team of City Directors to resource and steer implementation of the Implementation Plan;
3. Refer the Implementation Plan to the 2013 Development Charge Study and By-law update for consideration as possible growth related capital costs; and,
4. Refer the Implementation Plan to the relevant city departments for inclusion in their respective multi-year capital planning.

CARRIED

- 2 .. Report dated August 2, 2012 was received from the General Manager of Growth and Development regarding City of Greater Sudbury Submission to OLG for Casino RFP. 172

Ian Wood, Director of Economic Development, provided an electronic presentation regarding the City of Greater Sudbury response to the OLG Modernization Program.

CC2012-265 Dupuis/Kilgour: THAT the City of Greater Sudbury adopt the following principles as the municipality's position on potential casino development:

1. The City of Greater Sudbury welcomes the results of OLG's Gaming Modernization Initiative and commits to working with the successful proponent of the forthcoming Request for Proposals;
2. The City of Greater Sudbury encourages gaming facility investment proponents to maximize benefits to the community by identifying and developing opportunities for ancillary and complementary amenities as part of their proposal;
3. The City of Greater Sudbury may consider the sale of municipal property for a gaming facility based on the proponent's commitment to develop ancillary and complementary amenities which benefit the Greater Sudbury community;

FURTHER THAT staff be directed to convey this information to OLG for their information and use as part of the Request for Proposal for the Sudbury Gaming Zone;

AND FINALLY THAT staff be directed to initiate an open house information session to seek public input on casino development in the four areas identified in the report dated August 2, 2012 from the General Manager of Growth & Development.

CARRIED

Matters Arising from the Closed Session

Rise and Report

Deputy Mayor Landry-Altmann, as Chair of the Closed Session, reported that Council met in Closed Session to deal with one Acquisition or Disposition of Land Matter regarding Property on Elgin Street, one Litigation or Potential Litigation and Solicitor-Client Privilege Matter regarding OMB Appeals, one Solicitor-Client Privilege Matter regarding a Closed Meeting Investigation and one Personal Matter regarding an Identifiable Individual in accordance with the *Municipal Act, 2001*, s.239(2) and that direction was given to staff regarding three matters.

Matters Arising from Operations Committee

Approval of Operations Committee Recommendations

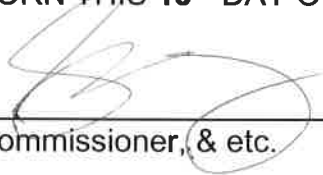
Councillor Barbeau, as Chair of the Operations Committee, reported on the matters arising from the Operations Committee Meeting of August 13, 2012.

The following motion was presented:

CC2012-266 Craig/Caldarelli: THAT the City of Greater Sudbury approve Operations Committee Recommendations OP2012-55 and OP2012-56 from the meeting of August 13, 2012.

CARRIED

**THIS IS EXHIBIT "16" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Presented To:	Planning Committee
Presented:	Monday, Sep 29, 2014
Report Date	Friday, Sep 12, 2014
Type:	Public Hearings
File Number:	751-6/13-35

Request for Decision

Application for rezoning in order to permit the development of a complex with office, hotel, bulk retail, warehouse, and commercial recreation centre uses. Kingsway, Sudbury - 1777222 Ontario Ltd. & 1777223 Ontario Ltd

Recommendation

THAT the City of Greater Sudbury approve the application by 1777222 Ontario Ltd. & 1777223 Ontario Ltd. to amend Zoning By-law 2010-100Z by changing the zoning classification of lands described as Part of PINs 73561-0258, 73561-0263, 73561-0261 & 73561-0264, Part of Parcels 4187, 10114 & 11376, Lots 9 & 10, Concession 4, Township of Neelon from "M1-1" and "M1(31)" to "M1-1" to permit a broader range of industrial uses subject to the following conditions:

1. That the owner provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of an amending zoning by-law.
2. That the conditions of draft plan approval for the Jack Nicholas Business and Innovation subdivision, File 780-6/10002, be amended to add a condition requiring the construction of a sidewalk on the north side of the Kingsway between Levesque Street and the westerly public road connection to the subdivision to the satisfaction of the General Manager of Infrastructure Services.

STAFF REPORT

Applicant:

1777222 Ontario Ltd. & 1777223 Ontario Ltd.

Location:

Part of PINs 73561-0258, 73561-0263, 73561-0261 & 73561-0264, Part of Parcels 4187, 10114 & 11376, Lots 9 & 10, Concession 4, Township of Neelon (Kingsway, Sudbury)

Signed By

Report Prepared By

Alex Singbush
Senior Planner
Digitally Signed Sep 12, 14

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed Sep 12, 14

Recommended by the Division

Mark Simeoni
Acting Director of Planning Services
Digitally Signed Sep 12, 14

Recommended by the Department

Paul Baskcomb
Acting General Manager of Growth & Development
Digitally Signed Sep 12, 14

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Sep 12, 14

Application:

To amend Zoning By-law 2010-100Z by changing the zoning classification from "M1", and "M1(31)" to "M1-1" to permit a broader range of industrial uses.

Proposal:

The application proposes the development of a complex with office, hotel, bulk retail, warehouse, and commercial recreation centre uses. The owner had submitted Official Plan Amendment and Rezoning applications to permit a place of amusement (casino) and an amusement park in September 2013. These applications were withdrawn in June 2014.

Official Plan Conformity:

The subject lands are designated "General Industrial" in the Official Plan for the City of Greater Sudbury. Section 4.1, Employment Area Objectives, states:

It is the objective of the Employment Area policies to:

- a. ensure that an adequate supply and variety of serviced employment land exists throughout Greater Sudbury in accordance with the settlement pattern, allowing for the expansion and diversification of the employment base;
- b. ensure that a broad range of commercial opportunities are provided for residents, employees and tourists;
- c. promote the intensification and revitalization of commercial, industrial and institutional areas;
- f. ensure that existing industrial lands are used efficiently and promote the development and redevelopment of existing, underutilized, or unused sites;

Section 4.5 Industrial Area Designations, states:

General Industrial allows a range of industrial activities, such as manufacturing and processing facilities. *Heavy Industrial* permits all industrial uses, including core infrastructure facilities such as water and wastewater treatment plants and landfill sites. Any expansion to these areas will require an amendment to the Zoning By-law.

Policy 4.5.1 indicates that:

1. Permitted uses may include manufacturing, fabricating, processing and assembling of industrial and consumer products, repair, packaging and storage of goods and materials, and related industrial activities.
2. Complementary uses, such as administrative offices, which do not detract from, and which are compatible with, the operation of industrial uses are also permitted.
3. *General Industrial* uses must have minimal environmental impacts. Any use which may impact surrounding areas and cause nuisance will be appropriately buffered and screened.

The Official Plan recognizes the need to designate sufficient lands to accommodate existing and potential

industrial uses. The provision of industrial lands is closely aligned with the City's long-term strategic goals related to economic development.

Complementary uses which do not detract from industrial uses are permitted on lands designated as General Industrial. General industrial uses must also have minimal environmental impacts, and uses that may impact surrounding areas and cause nuisance are to be buffered and screened, the proposed uses are expected to have minimal environmental impacts and the subject lands afford opportunities to buffer the proposed uses from residential uses in the area.

The application conforms to the Official Plan.

Site Description & Surrounding Land Uses:

The subject property is located on the north side of the Kingsway across from Levesque Street and consists of approximately 25.9 hectares (64 acres). The subject property is currently undeveloped, and is the subject of an approved draft plan of subdivision for industrial uses which includes additional abutting lands.

The Sudbury Landfill site is located to the north east of the subject property. Lands to the north, outside of the draft approved plan of subdivision, are currently vacant and zoned "FD", Future Development. Lands to the west of the subject property consist of a recreational vehicle sales establishment and an automotive dealership and to the south, on the north side of the Kingsway, are three residential properties zoned "FD", Future Development.

Departmental & Agency Comments:

Building Services

No objection.

Development Engineering

This site is not currently serviced with sanitary sewer or municipal water. Development Engineering's technical concerns have been addressed through the Subdivision Development process.

We have no objection to revising the zoning classifications from "M1", Mixed Light Industrial/Service Commercial and "M1 (31)", Mixed Light Industrial/Service Commercial Special to "M1-1", Business Industrial.

Environmental Services

The proponent should be made aware that the development is adjacent to a landfill site. The site expansion will be vertical. Periodic nuisances should be considered on the design of the site, especially the hotel section.

Environmental Planning Initiatives

The Sudbury District office of the Ontario Ministry of Natural Resources (MNR) has advised the City of Greater Sudbury's Planning Services Division that it has remaining concerns over the subject lands having the potential to serve as habitat for the Blanding's Turtle and the Whip-poor-will, two species designated as

'Threatened' in Ontario by the MNR.

The proponent will need to contact the Sudbury District MNR and satisfy all requirements set out by the MNR under the Endangered Species Act prior to any site alteration or construction taking place on the subject lands. The proponent will need to demonstrate to the City's Director of Planning Services that the MNR's requirements have been met prior to the approval of a site plan or site alteration permit.

Nickel District Conservation Authority

No concerns or objections.

Roads and Traffic & Transportation

The application is proposing to include the possible development of a commercial recreation centre, hotel and office uses on the subject property. To help determine the impact that the new proposed development will have on the abutting roadways, the owner has submitted an update to the March 2012 Traffic Impact Study prepared by Tranplan Associates. The update provides trip generation calculations for the various uses proposed. The report indicates that some of the new uses for the property will generate less traffic than those currently approved. However, developments such as a recreation centre can generate significantly higher traffic volumes, especially during the afternoon peak period.

The report concludes that the access requirements for the proposed development, including any additional requirements at the two Kingsway intersections can be determined through a detailed Traffic Impact Study at the site plan agreement stage when the size of the components is known.

Staff is in agreement that a Traffic Impact Study will be required at the site plan stage to determine if any upgrades or improvements are required as a result of the development.

Also, the change in uses from light industrial based to more recreational based will generate more pedestrian traffic from the residential developments on the south side of the Kingsway. In order to safely accommodate pedestrians along the high speed, high volume roadway, we require that as a condition of approval that the owner be required to construct a sidewalk on the one side of the Kingsway between Levesque Street and the westerly public road connection for the subdivision to the satisfaction of the General Manager of Infrastructure Services.

Operations and Drainage

No comments or concerns.

Public Consultation:

The applicant was advised of the City's policy which recommends that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application. The applicant has advised that they will be having a neighbourhood information meeting and that they will provide information with respect to the meeting to the Planning Committee. At the time of writing of this report, there had been one telephone inquiry and one party attended the Planning Services Division with inquiries with respect to the application.

Planning Considerations:

Provincial Policy Statement, 2014

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the Provincial Policy Statement (PPS).

The PPS indicates that Planning authorities are to promote economic development by providing for a mix of employment uses and opportunities for a diversified economic base to support a wide range of economic activities. The PPS also indicates that long term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness and providing opportunities for sustainable tourism development.

The application is consistent with the Provincial Policy Statement, 2014.

Growth Plan for Northern Ontario

The Growth Plan for Northern Ontario took effect on March 4, 2011 and is intended to guide decision-making and planning in Northern Ontario. The plan indicates that municipalities are encouraged to support growth and diversify the region's traditional resource-based industries. This Plan also seeks to nurture and develop new and emerging economic sectors that have the greatest potential to bring new jobs and opportunities to the North. Staff advises that the subject Zoning By-law Amendment application addresses Growth Plan policies.

Zoning By-law Conformity

The subject lands are currently are zoned "M1-1", Business Industrial, "M1", Mixed Light Industrial/Service Commercial and "M1(31)", Mixed Light Industrial/Service Commercial Special by By-law 2010-100Z being the City of Greater Sudbury Zoning By-law. The M1(31) provides that the only permitted uses shall be an office of a contractors yard, office, fabrication, manufacturing and outside storage.

On the draft approved subdivision Lots 2, 22, 23, 24, 25, 27 and 31 are proposed to be rezoned to M1-1.

Summary

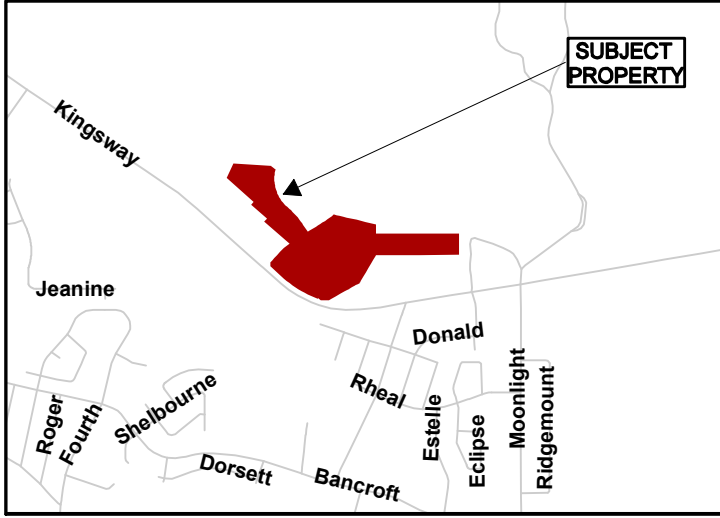
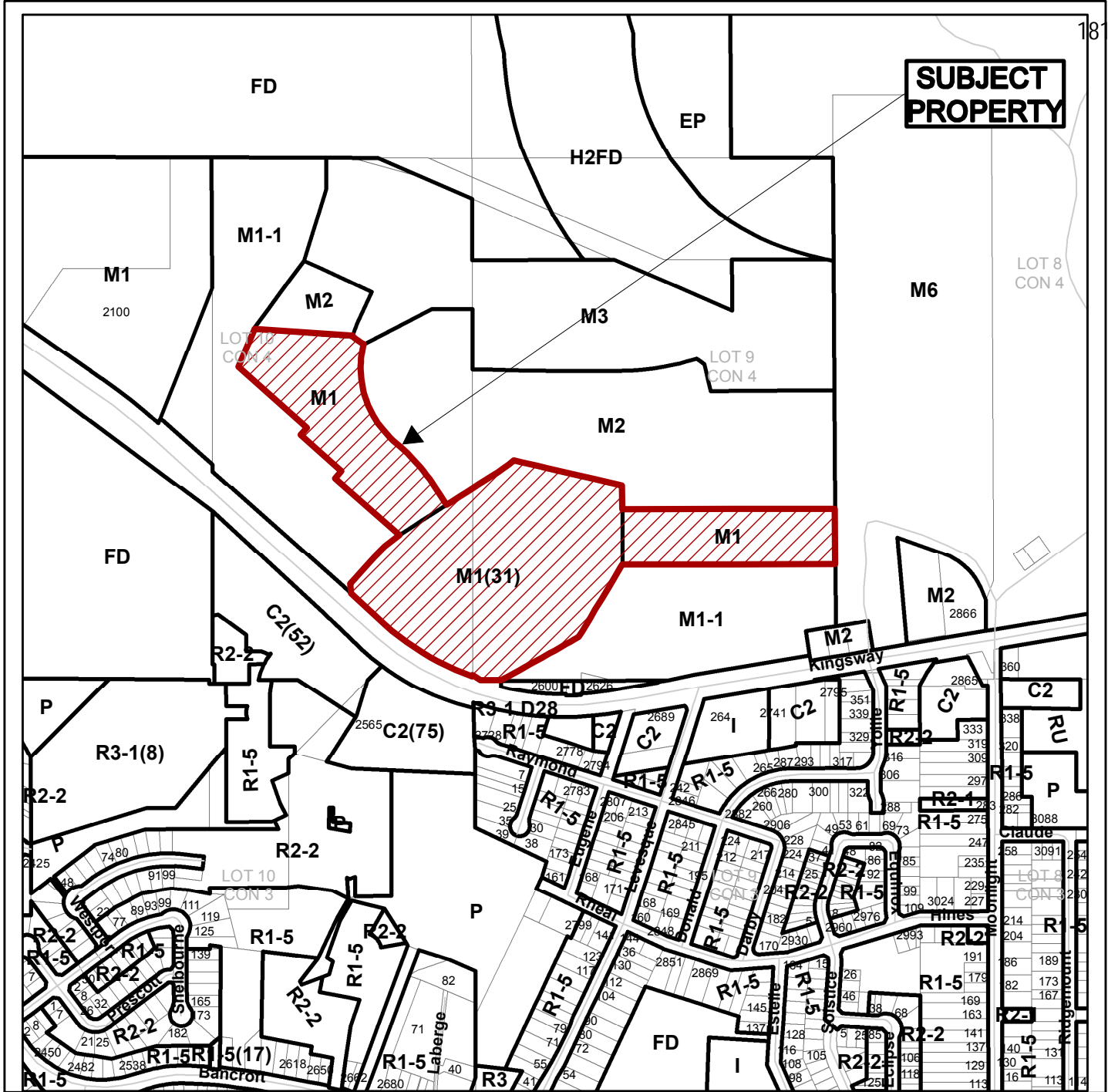
In conclusion, the proposal is anticipated to generate less traffic than those uses currently approved with the potential for higher traffic volumes during the afternoon peak period; and additional pedestrian traffic is also anticipated. As a condition of approval of this application, staff propose that the conditions of draft plan approval for the Jack Nicholas Business and Innovation subdivision, File 780-6/10002, be amended to add a condition requiring the construction of a sidewalk on the north side of the Kingsway between Levesque Street and the westerly public road connection to the subdivision.

The applicant undertook a Species at Risk Assessment during the summer of 2014. As noted in the comments from the Manager of Environmental Planning Initiatives, the Ministry of Natural Resources has remaining concerns with respect to potential habitat for threatened species. The proponent must satisfy the MNR prior to any site alteration or construction taking place on the subject lands. As the lands are currently subject to a draft approved plan of subdivision and are currently zoned for industrial uses, staff is of the opinion that the proponent will need to demonstrate to the City's Director of Planning Services that the MNR's requirements have been met prior to the approval of a site plan or site alteration permit.

As noted in the comments provided by Environmental Services, the proponent should be aware that the development is adjacent to a landfill site and that periodic nuisances should be expected and considered in the design of the site, especially the proposed hotel uses. The lands are currently zoned for industrial uses and the proposed addition of a greater range of industrial uses is not expected to pose land use conflicts with the landfill site.

The uses proposed are consistent with the goals of the City in terms of promoting potential for employment growth within the Community, thus the Planning Services Division recommends that the application to amend the Zoning by-law be approved.

SUBJECT PROPERTY



Growth and Development Department

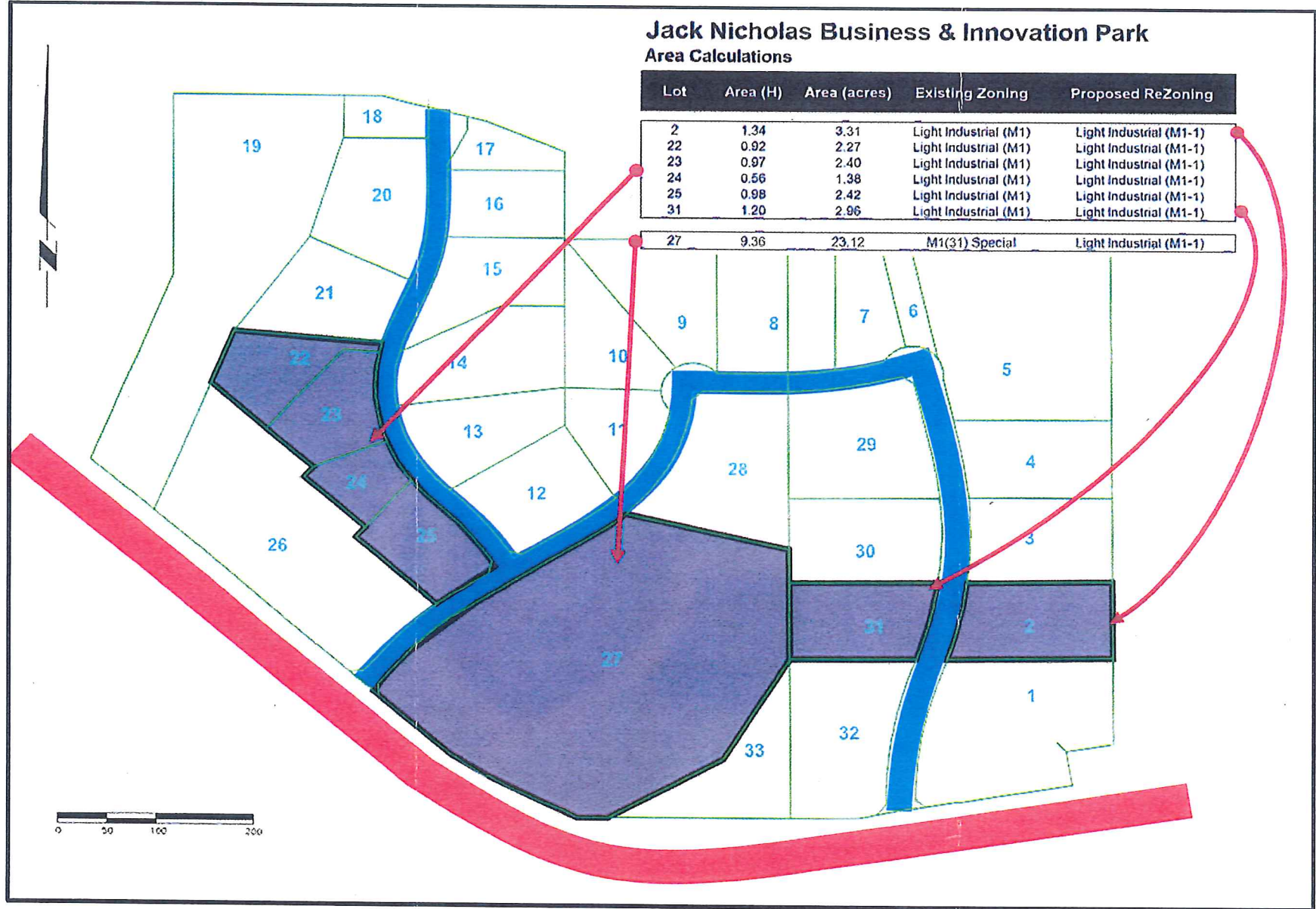


Subject Property being part of PINs 73561-0263, 73561-0282, & 73561-0261, part of Pcls 11376, 4187 & 10114, Lots 9 & 10, Con. 4, Twp. of Neelon, Kingsway, Sudbury, City of Greater Sudbury

Sketch 1
NTS

751-6/13-35 & 701-6/13-5
Date: 2014 08 29

Sketch 1



Sketch 2



PROPOSED MASTER PLAN
Jack Nicholas IP June 20, 2014





PHOTO 1 SUBJECT LANDS VIEWED LOOKING NORTH FROM THE KINGSWAY



PHOTO 2 2600 KINGSWAY, EAST AND SOUTH OF THE SUBJECT LANDS VIEWED LOOKING NORTH FROM THE KINGSWAY

751-6/13-35 PHOTOGRAPHY AUG 22, 2014



PHOTO 3 2565 KINGSWAY, SOUTH OF THE SUBJECT LANDS
VIEWED LOOKING SOUTH FROM THE KINGSWAY



PHOTO 4 2100 KINGSWAY, WEST OF THE SUBJECT LANDS
VIEWED LOOKING NORTH FROM THE KINGSWAY

751-6/13-35 PHOTOGRAPHY AUG 22, 2014

**THIS IS EXHIBIT "17" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Date: 10/09/14 [03:22:06 PM]
From: deb@debmcintosh.ca
To: Ruby Lougheed Yawney <Ruby.Lougheed@manulifesecurities.ca>
Cc: John Lindsay <johnl@financialdecisions.ca>, Robert Derrenbacker <rderrenbacker@gmail.com>, Tom Fortin <tf@ontrak.net>
Subject: Re: Yes or No - do you support an expanded casino in the Greater City of Sudbury?

I am not in favour of a casino in Greater Sudbury.

Greater Sudbury needs to promote and get behind businesses that will create new wealth for our economy. A casino in Greater Sudbury will not generate new wealth. The Journal of Travel Research indicates that 72% of casino spending in smaller cities is by locals, not tourists. This is money that would not be spent on local goods and services in our community.

Sudbury is a unique city built by a strong work ethic with many desirable attributes that can be developed for tourism and our economic good.

Deb McIntosh
 Candidate for Ward 9
 City of Greater Sudbury
www.debmcintosh.ca
 Facebook: Deb McIntosh - Sudbury
 Twitter: @sudburydeb

On 2014-09-08 17:45, Ruby Lougheed Yawney wrote:

Candidates in the forthcoming Sudbury municipal election are being asked their position on support for the establishment of a Casino for Sudbury, currently endorsed by the present City Council and Mayor.

An e-mail with this question has been sent to all candidates by the NoCasinoSudbury committee supported by over 5000 petition signatures (on line and on paper) from concerned Sudbury citizens including:

- Medical, Health & Addictions Professionals
- Faith community leaders
- Resident & community Associations leaders
- Civic leaders
- Economists and Business Leaders
- Legal and Accounting profession
- Academics and policy representatives
- Students and youth leaders
- Community leaders, social action & Labour representatives
- Architects and planners
- Arts, culture and food representatives

All maintain that an expanded gaming facility in our community would have serious detrimental economic and social effects.

**THIS IS EXHIBIT "18" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



January 14, 2015

Ian Wood,
Director of Economic Development
City of Greater Sudbury
200 Brady Street
Sudbury, ON P3A 5P3

4120 Yonge Street
Suite 500
Toronto, Ontario M2P 2B8

4120, rue Yonge
Bureau 500
Toronto (Ontario)
M2P 2B8

Tel. (416) 224-7080

www.OLG.ca

Dear Ian:

I am writing to thank you for your emails dated January 6, 2015 and January 9, 2015, which included a copy of the City of Sudbury's resolution and public consultation documents in regards to a proposed gaming facility.

Thank you kindly for the resolution document as it is an important element of the consultation process to confirm municipal interest. I also thank you for providing a comprehensive report on your public consultations. This letter confirms that the requirements of Regulation 81/12 have been met.

As you are aware the Northern Ontario Gaming Bundle including Gaming Zone N1 (which includes the City of Sudbury) Requests for Pre-Qualification (RFPQ) has closed. We will keep you informed as we continue to proceed with the procurement process.

If you have any further questions or input please feel free to contact me at 416-224-7047 at any time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jake Pastore', is written over a circular blue stamp.

Jake Pastore
Director of Municipal and Community Relations

Cc Larry Flynn, Sr. VP Gaming

**THIS IS EXHIBIT "19" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

From: Steve Watt [<mailto:swatt@municipal-law.ca>]
Sent: Tuesday, August 21, 2018 3:27 PM
To: Gordon Petch
Subject: FW: OLG Confirmation Letter

Gord,

Further to your request I enclose the compliance letter received by the City from OLG dated January 14, 2015, respecting Regulation 81-12.

With respect to your question relating to the article from the Sudbury Star and additional Council resolutions or staff reports, I can confirm that there are none, as none were needed.

As you know from the City's existing paper trail on this file, Council delegated authority to staff to move forward with the project and enter into agreements of all types, as required. In addition the City's procurement by-law delegates authority to staff to enter into agreements of all types, as required, as well as to award tenders and RFP's where amounts are within Council approved budgets.

Steve.



391 First Street, Suite 303 | Collingwood, ON | L9Y 1B3

T. 416.977.9874 | F. 705.443

*Practicing in association

Collingwood | Orillia | Owen Sound | Sudbury

www.elstonwatt.ca

From: Anna Stephan [<mailto:astephan@elstonwatt.ca>]
Sent: Tuesday, August 21, 2018 11:22 AM

THIS IS **EXHIBIT "20"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.



Request for Decision

Event Centre Site Evaluation Matrix

Presented To:	City Council
Presented:	Tuesday, Apr 11, 2017
Report Date	Wednesday, Mar 29, 2017
Type:	Managers' Reports

Resolution

THAT the City of Greater Sudbury approves Option ___ for the purposes of evaluation and recommendation of a preferred site as outlined in the report dated March 29, 2017 from the Chief Administrative Officer titled "Event Centre Site Evaluation Matrix".

Option One: That “cost” and “economic impact” will be of greatest importance, followed by “parking” and “access” (extremely important), followed by “vision”, “complimentary benefits”, “ease of development” and “city building” (important).

Option Two: That each of “cost”, “economic impact”, “parking” and “access” are equally of highest importance, while “complimentary benefits” and “ease of development” would be extremely important while “vision” and “city building” would be important.

Option Three: That each of “cost”, “economic impact” and “parking” are equally of highest importance, while “complimentary benefits”, “access” and “ease of development” would be extremely important and “vision” and “city building” would continue to be important.

Option Four: that “cost” and “economic impact” will be of greatest importance, while each of “vision”, “complimentary benefits”, “ease of development”, “access”, “parking” and “city building” would all be of secondary importance.

Finance Implications

There are no direct financial implications associated with the recommendation in this report.

Background

Attached.

Signed By

Report Prepared By

Ron Henderson
General Manager
Digitally Signed Mar 29, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Mar 29, 17

Background

At the March 7 City Council meeting, inquiries were made about the proposed Site Evaluation Matrix presented by PWC to evaluate potential Event Centre sites. Although Council approved the evaluation tool as presented, comments by several councilors indicated an expectation to further review and perhaps adjust elements of it. Specifically, there was some interest in confirming the scope of each evaluation category and the relative weight all categories had on the overall evaluation result.

When selecting a site, it is important that City Council and the community feel comfortable that the criteria used to evaluate and select a location are relevant to CGS and appropriately weighted. The process should reflect community values, a recognition of what is in the best financial interests of the City, and recognize the level of investment, both from a construction and operating perspective that the project and the various sites present.

Given the above information and based on feedback at the March 7 Council meeting, PWC has prepared four scenarios for use in comparing and evaluating potential sites.

For each scenario, criteria within “Of Highest Importance” will be weighted equally but given the highest percentage weighting, criteria within “Extremely Important” will be weighted equally and given the second highest percent weighting and criteria within “Important” will be weighted equally but given the least percentage weighting.

- The first scenario assumes that “cost” and “economic impact” will be of greatest importance, followed by “parking” and “access” (extremely important), followed by “vision”, “complimentary benefits”, “ease of development” and “city building” (important).
- The second assumes that each of “cost”, “economic impact”, “parking” and “access” are equally of highest importance, while “complimentary benefits” and “ease of development” would be extremely important while “vision” and “city building” would be important.
- The third assumes each of “cost”, “economic impact” and “parking” are equally of highest importance, while “complimentary benefits”, “access” and “ease of development” would be extremely important and “vision” and “city building” would continue to be important.
- The fourth assumes that “cost” and “economic impact” will be of greatest importance, while each of “vision”, “complimentary benefits”, “ease of development”, “access”, “parking” and “city building” would all be of secondary importance.

Prior to commencing any formal evaluation and ranking of sites, direction will be required in terms of which of the four aforementioned grouping should be considered, if any.

The preferred evaluation site matrix selected by Council will be used to evaluate sites by a site evaluation team comprised of the following senior City staff and PWC.

Ron Henderson, Special Advisor to the CAO
 Keith Forrester, Acting Director of Asset Services/Manager of Real Estate
 Jason Ferrigan, Director of Planning Services
 Ian Wood, Director of Economic Development
 Ron Bidulka, Consultant PWC

Outlined below are the four proposed groupings, following which is a description of each of the site selection criterion.

Scenario 1

Of Highest Importance	Extremely Important	Important
Cost Impact	Parking	Vision
Economic Impact	Access	Complimentary Benefits
		Ease of Development
		City Building

Scenario 2

Of Highest Importance	Extremely Important	Important
Cost Impact	Complimentary Benefits	Vision
Economic Impact	Ease of Development	City Building
Parking		
Access		

Scenario 3

Of Highest Importance	Extremely Important	Important
Cost Impact	Complimentary Benefits	Vision
Economic Impact	Ease of Development	City Building
Parking	Access	

Scenario 4

Of Highest Importance	Extremely Important	Important
Cost Impact		Vision
Economic Impact		Complimentary Benefits
		Ease of Development
		Access
		Parking
		City Building

Criteria Description**1 Vision**

- a Will the development of a SEC on this site be seen by the residents as appropriate?
- b Is a SEC one of the highest and best uses of this site?
- c Does a SEC on this site reflect the City's vision and City's Official Plan?
- d Will this development stimulate future growth/expansion consistent with the City's vision?
- e Does the development of this site strike an appropriate balance between public and private sector benefits both short and long term?

2 Complimentary Benefits

- a Will the surrounding neighbourhood/area be positively impacted by this development?
- b Can this site support the development/expansion of an event/entertainment zone?
- c Will this project help develop or advance existing infrastructure expansion plans?
- d Are there additional benefits not necessarily associated with entertainment/event activity?

3 Ease of Development

- a Is the site well-serviced and can existing servicing handle the added requirements of a SEC?
- b Are there issues that would prolong the development or approval process?
- c Are there environmental issues or concerns associated with the site?
- d Are there significant geotechnical or topographic issues with the site specifically for a SEC?
- e Would development generate local area reaction/controversy?

4 Access

- a Does the site have easy vehicular access and egress for event setup?
- b Does the site have appropriate vehicular access and egress for spectators at events?
- c Does transit currently service the site and/or would service be provided?
- d Can transit reduce car dependent travel to this site?
- e Is this site accessible by patrons walking to the event (hotel, restaurants, etc.)?

5 Parking

- a Is there the potential for adequate parking on or near the site?
- b Is there existing parking in the area that can be used for events?
- c Does the event centre parking also effectively support other uses during non-event days?
- d Is there appropriate space for event loading/busing?

6 Cost Impact

- a Is there a cost premium for developing the spectator component on this site?
- b Is there a cost premium for overall site development?
- c Are there funding opportunities associated with the development of this site?
- d Are there partnering opportunities associated with the development of this site?

7 Economic Impact

- a Does the development of this site have a positive economic impact on the surrounding area?
- b Would this site become an entertainment/event destination?
- c Is this site positively impacted by the existing surrounding development?

8 City-building

- a Does the development on this site enhance the profile of Greater Sudbury as a destination?
- b Would the development of this site enhance the quality of life for the community?
- c Would the development as envisioned foster pride by the residents of Greater Sudbury?

Reference: City Council, March 7th, 2017, Arena Presentation report
<http://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=1&id=1124>

Agenda City Council



City Council Meeting
Tuesday, April 11, 2017
Tom Davies Square

Brian Bigger, Chair

***Revised**

4:00 p.m. CLOSED SESSION, COMMITTEE ROOM C-11

6:00 p.m. OPEN SESSION, COUNCIL CHAMBER

City of Greater Sudbury Council and Committee Meetings are accessible and are broadcast publically online and on television in real time and will also be saved for public viewing on the City's website at: <https://agendasonline.greatersudbury.ca>.

Please be advised that if you make a presentation, speak or appear at the meeting venue during a meeting, you, your comments and/or your presentation may be recorded and broadcast.

Your information is collected for the purpose of informed decision-making and transparency of City Council decision-making under various municipal statutes and by-laws and in accordance with the *Municipal Act, 2001, Planning Act, Municipal Freedom of Information and Protection of Privacy Act* and the City of Greater Sudbury's *Procedure By-law*.

For more information regarding accessibility, recording your personal information or live-streaming, please contact Clerk's Services by calling 3-1-1 or emailing clerks@greatersudbury.ca.

ROLL CALL

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Resolution to move to Closed Session to deal with two (2) Litigation or Potential Litigation / Solicitor - Client Privilege matters: 1) Regarding potential litigation; and 2) Regarding the Coroner's inquest;

And one (1) addendum Litigation or Potential Litigation / Solicitor - Client Privileged matter regarding an Ontario Municipal Board hearing in accordance with the Municipal Act 2001, s. 239(2)(e)(f).

(RESOLUTION PREPARED)

RECESS

MOMENT OF SILENT REFLECTION

- R-1. [Report dated March 8, 2017 from the General Manager of Community Development regarding Pioneer Manor – Bad Debt Write-Offs.](#)
(RESOLUTION PREPARED)
(This report recommends the approval of bad debt write-offs for accommodation fees at Pioneer Manor.)
[1.1 Full Report](#) (pdf)
- R-2. [Report dated March 8, 2017 from the Executive Director of Finance, Assets and Fleet regarding Continuous Safety Services Agreement with the Electrical Safety Authority.](#)
(RESOLUTION PREPARED)
(This report outlines the proposed terms and conditions for the Electrical Safety Authority Agreement.)
[2.1 Full Report](#) (pdf)
- R-3. [Report dated March 8, 2017 from the Executive Director of Finance, Assets and Fleet regarding By-laws 87-340 and 87-341 Requiring Owners to Connect Water and Wastewater Works 2016 Exemption Amount.](#)
(FOR INFORMATION ONLY)
(This report updates the level of financial exemption for mandatory connections to water and wastewater systems in accordance with policy.)
[3.1 Full Report](#) (pdf)
- R-4. [Report dated March 24, 2017 from the Chief Administrative Officer regarding Large Projects Update.](#)
(FOR INFORMATION ONLY)
(Staff will provide an update on the four large projects endorsed by CGS Council in April 2016.)
[4.1 Full Report](#) (pdf)

MANAGERS' REPORTS

- R-5. [Report dated March 22, 2017 from the General Manager of Community Development regarding RFP for Investment in Affordable Housing for Ontario 2014 Extension.](#)
(RESOLUTION PREPARED)
(This report is regarding the results of Contract CDD17-030, Request for Affordable Housing under the Investment in Affordable Housing for Ontario 2014 Extension (IAH-E.))
[5.1 Full Report](#) (pdf)
- R-6. [Report dated March 22, 2017 from the General Manager of Community Development regarding Universal Bus Pass Agreement Extension.](#)
(RESOLUTION PREPARED)
(This report is to request authorization to extend the current Universal Bus Pass Agreement with Laurentian University Student Associations.)
[6.1 Full Report](#) (pdf)
- R-7. [Report dated March 29, 2017 from the General Manager regarding Event Centre Site Evaluation Matrix.](#)
(RESOLUTION PREPARED)

**THIS IS EXHIBIT “21” TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

**THIS IS EXHIBIT "22" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

OPTION AGREEMENT

This Option Agreement made this 8 day of June, 2017.

BETWEEN:

1916596 ONTARIO LIMITED

(hereinafter called "Owner")

-and-

CITY OF GREATER SUDBURY

(hereinafter called the "City")

WHEREAS the Owner is the registered owner of certain land on the Kingsway, Sudbury, which is subject to draft approval for a plan of subdivision described as the Jack Nicholas Business & Innovation Subdivision;

AND WHEREAS the City has identified Block 27 on the draft plan of subdivision as a possible site for the proposed development of an event centre;

AND WHEREAS 1916596 Ontario Limited has represented that if the City selects its lands as the site for the construction of the proposed event centre, that it intends, at its own cost, develop on the lands abutting the site, a Sports and Entertainment District consisting of a Motor Sports Park, Ice Pads and Fieldhouse, a Sudbury Wolves facility, a Casino and Resort, and a Conference Centre, and to use reasonable efforts to do so all within 5 years of the date of the exercise of the Option by the City and represented that it is prepared to pay to the City an amount as liquidated damages in the event that it fails to do so;

AND WHEREAS the City is desirous of entering into an Option Agreement to facilitate the purchase of the said lands if the City so elects, and the Owner is prepared to grant an option to the City to purchase the lands on the terms and conditions set out in this Agreement and to agree to construct Street A and Street C as shown on the draft plan of subdivision and various related municipal infrastructure works at its own expense, save for a financial contribution by the City;

NOW THEREFORE WITNESSETH that in consideration of the covenants and agreements hereinafter reserved and contained, and the sum of ten dollars (\$10.00) paid by the City to the Owner (the Option Price), the receipt and adequacy of which is hereby acknowledged, the parties hereto mutually covenant and agree as follows:

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PART 1 – TERMINOLOGY

Definitions

1. For the purposes of this Agreement:

"Agreement" means this Agreement granting an Option to purchase the Property and setting out the terms thereof and includes the schedules to this Agreement;

"Business Day" means a day which is not a Saturday or a Sunday or a statutory holiday in the Province of Ontario or a day proclaimed as a civic holiday;

"City" means the City of Greater Sudbury. The City is the optionee and purchaser hereunder;

"Closing" means the purchase of the Property by the City from the Owner in accordance with this Agreement. In the event that the Option is exercised;

"Closing Date" means the date on which the City's purchase of the Property from the Owner, will be completed, after any exercise of the Option by the City and determined in accordance with section 18;

"Draft Plan" means the Draft Plan of subdivision for the Owner's Lands, dated October 24th, 2016, and attached as Schedule 'A';

"Law" or "Laws" means all applicable federal, provincial and local laws (statutory and common), rules, ordinances, treaties, regulations, judgments, decrees, and other valid governmental restrictions, including permits and other similar requirements, whether legislative, municipal, administrative or judicial in nature;

"Option" means the Option by the City to purchase the Property from the Owner as set out in section 2 of this Agreement;

"Owner" means 1916596 Ontario Ltd. and includes any subsequent owner of the Owner's Lands from time to time. The Owner is also the optionor and vendor in this Agreement;

"Owner's Lands" means PIN 73561-0264(LT), PIN 73561-0282(LT) and PIN 73561-0261(LT) collectively, being part of Lots 9 & 10 Concession 4, Township of Neelon, City of Greater Sudbury;

"Party" means either the City or the Owner and includes the successors and any permitted assign of each and "Parties" means both the City and the Owner;

11.3

"Property" means part of the Owner's Lands, identified as Block 27 on the Draft Plan and to be more particularly described by a reference plan to be prepared by the City at its own expense;

"Purchase Price" means the price as set out in section 3, for which the City will purchase the Property from the Owner in the event that the City exercises the Option;

"Road Lands" means that part of the Owner's Lands identified as Street A and Street C on the Draft Plan and to be more particularly described by a reference plan to be prepared by the Owner at its sale cost and expense;

"Servicing / Contribution and Road Transfer Agreement" means the document of the same name attached as Schedule 'B' to this Agreement; and

"Works" means the Works to be constructed pursuant to the Servicing / Contribution and Road Transfer Agreement.

PART 2 – OPTION

Grant of Option

- 2(1). The Owner hereby grants to the City an Option on the terms set out in this Agreement, permitting the City to purchase the Property for the Purchase Price and otherwise on the terms set out in this Agreement.
- 2(2). The Owner acknowledges being advised that it is the intent of the City to construct a event centre/arena on the Property and has targeted April 2020 as the desired completion date. The Owner further acknowledges that there are many factors which may prevent the City from achieving that target date. If the City does not commence development of the event centre within 5 years of exercising the option agreement, the City will transfer the lands back to 1916596 ONTARIO LIMITED for \$10.00, unless there is a mutually agreed extension.

Purchase Price

- 3.(1) The Purchase Price for the Property shall be the amount of \$ 10.00 in Canadian Dollars.
- (2) Any applicable HST shall be payable in addition to the Purchase Price. The City is an HST Registrant under Registration Number 12157 5229 RT0001. The City shall self assess any HST payable on the purchase of the Property.

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Exercise of Option / Closing Date

- 4.(1) The City may abandon the Option at any time prior to December 31st, 2017, by written notice delivered to the Owner, specifying the date of abandonment and In such event, the Option shall expire and this Agreement shall terminate on the date specified.
- (2) Unless the Option is earlier abandoned in accordance with subsection 4.(1), the City may exercise the Option at any time prior to midnight of the 31st day of December, 2017, or such later date as may be agreed to by the Parties, acting reasonably, by delivering written notice of its intent to the Owner. If the Option is not exercised by such time, this Agreement shall be null and void.
- (3) If the Option is exercised by the City in accordance with this Agreement the Closing shall take place on the terms set out in this Agreement.

Servicing / Cost Sharing / Road Transfer Agreement

- 5.(1) It is the intent of the Parties that in the event of the exercise of the Option by the City, the Owner will construct the Works, including a road on the Road Land, and related sanitary sewers, storm sewers, watermain and appurtenances to the foregoing, curbs, gutters, sidewalks, street lights and such related services as described in the Servicing/Contribution and Road Transfer Agreement. It is the intent of the Parties that such Works be designed and constructed or installed at the Owner's expense, subject to a financial contribution by the City, and that the Road Land and Infrastructure so constructed will be conveyed to or vest in the City without further compensation.
- (2) The Parties covenant that in the event that the City exercises the Option, the Parties will enter into and deliver on Closing as a condition of Closing, a fully executed copy of the Servicing /Contribution and Road Transfer Agreement in the form or substantially in the form attached as Schedule 'B' to this Agreement or such amended form as may be agreed to by the parties.
- (3) The financial contribution provided for in the Servicing /Contribution and Road Transfer Agreement shall be the sole compensation to the Owner for the completion of the Works, and the transfer of the road and infrastructure provided for therein. The Owner agrees not to request from the City any further cost sharing or other contribution related to the cost of design and construction of the Works.
- (4) It shall be the responsibility of the Owner to have the Reference Plan to establish the legal description for the Road Lands prepared, approved by the City and deposited on file at its own cost in order to effect the transfer of the Road Lands.

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Liquidated Damages

- 6.(1) The Owner has represented and warranted to the City that it will develop the Owner's Lands exclusive of the Property, within 5 years of the date of the exercise of the Option by the City and further represented and warranted to the City that the development will include a Sports and Entertainment District consisting of a Motor Sports Park, Ice Pads and Fieldhouse, a Sudbury Wolves facility, a Casino and Resort, and a Conference Centre, all of which will be open for business within 5 years of the date of the exercise of the Option by the City and further represented and warranted to the City that there will be substantial benefit to the City resulting from such proposed development.
- (2) The Owner acknowledges that these representations and warranties are being relied on in entering into this Agreement, and will be considered by Council for the City in determining whether or not to exercise the Option, and that damages will result to the City in the event that the City exercises the Option, and the Owner does not comply with its representations and warranties.
- (3) In the event that the City exercises the Option, the Owner undertakes to use reasonable efforts to:
- (a) develop the Owner's Lands exclusive of the Property, within 5 years of the date of the exercise of the Option by the City, in accordance with the conditions of the draft approval of the plan of subdivision, approved under file 780-6/100002;
 - (b) construct or cause to be constructed on the Owner's Lands exclusive of the Property, a Sports and Entertainment District consisting of a Motor Sports Park, Ice Pads and Fieldhouse, a Sudbury Wolves facility, a Casino and Resort, and a Conference Centre on the abutting lands
- (4) The Parties agree that in the event that the Option is exercised by the City the failure to comply with subsection 6.(3) will result in damages being sustained by the City. The Parties further agree that it is and will be impracticable to ascertain the actual damage which the City will sustain in the event and by reason of such non-compliance in whole or in part with subsection 6.(3) and the Owner agrees that in the event that the City exercises the Option, that it will pay to the City liquidated damages of \$100,000.00 for each year beyond the date in subsection 6.(3), that the Owner is not in substantial compliance with subsection 6.(3). Payment of the liquidated damages shall be due and payable on December 31st in each year that the liquidated damages accrue.
- (5) The Owner shall not be assessed liquidated damages for delay or failure to perform under the terms of this Agreement resulting from matters beyond the control of the Owner including strike, lockout or any other action arising from a labour dispute, fire, flood, act of God, war, riot or other civil insurrection, lawful

17 3

act of public authority, which cannot be reasonably foreseen or provided against.

- (6) Subsection 6.(5) shall not apply to:
- (a) any event that is caused by the negligence or intentional action of the Owner or its agents or employees;
 - (b) any event that a diligent party could reasonably have been expected to take into account at the time of execution of this Agreement and avoid or overcome in the carrying out of its obligations under the Agreement; or
 - (c) insufficiency of funds.
- (7) Without prejudice to any other remedies the City may have at law, any amounts owing to the City as liquidated damages may be deducted from any amounts owing to the Owner by the City for any reason.
- (8) Despite any other provision in this Agreement, the undertaking contained in this section 6 shall survive the exercise of the Option, the Closing of the sale of the Property by the Owner to the City and the termination or expiration of this Agreement and shall continue in full force subsequent to and notwithstanding such termination or expiration for twenty five (25) years after the Closing of the sale of the Property by the Owner to the City.

Expiry of Agreement

7. Unless earlier terminated, this Agreement shall expire on the earliest of:
- (a) the expiry of the Option without the Option having been exercised in accordance with this Agreement;
 - (b) the abandonment of the Option in accordance with this Agreement; or
 - (c) the Closing of the sale of the Property in accordance with the terms of this Agreement, in the event that the Option is exercised.

PART 3 - RIGHTS OF ENTRY PRIOR TO EXERCISE OF OPTION

Right of Entry

- 8.(1) During the term of this Agreement and prior to exercise, if any, of the Option granted by this Agreement, the City and its authorized contractors and agents shall have the right to enter, cross over, across and remain on the Owner's Lands from time to time, together with any required equipment and machinery for the purposes of the assessing the suitability of the Property for the City's intended use, including the gathering of information for the development of the detailed design for the event centre proposed to be constructed on the Property.

Handwritten initials/signature

conduct of surveys, geotechnical investigations, site inspections, such such environmental and other studies as may be reasonably required for such purposes. Any such entry shall be at the sole risk and expense of the City and its authorized contractors and agents.

- (2) The City shall take all reasonable care in the conduct of such inspections, investigations, surveys and tests shall implement reasonable safety precautions in the circumstances and shall restore any damage to the Property to its pre-investigation condition or utility. The City shall indemnify and save harmless the Owner from and against claims, demands, costs, damages, expenses and liabilities arising solely out of or resulting solely from the City's activities on or in connection with the Property and except to the extent that such claims, demands, costs, damages, expenses and liabilities arise out of the conduct and/or negligence of the Owner, or those for whom the Owner is in law responsible.

Confidentiality – Test Results

9. The City acknowledges, covenants and agrees that all information and documentation obtained by the City through the inspections, investigations, surveys and tests as a result of its activities under section 8, and all copies thereof together with any analysis, compilation, studies or other documents obtained by the City or its agents, representatives or employees which contain or otherwise reflect such information or documentation (collectively the "Confidential Information") is confidential and as such:
- (a) will be kept confidential, and will not be:
 - (i) used in any way detrimental to the Owner;
 - (ii) used by the City, or any of its agents, representatives or employees, for any purpose other than in connection with the contemplated purchase of the said Lands described herein and the financing thereof.
 - (b) nothing herein shall restrict or prohibit the City from disclosing Confidential Information to its consultants, advisors, agents, lenders, members of City Council and solicitors so long as such parties agree to keep such Confidential Information confidential or the City receives such other assurances which are acceptable to it.
 - (c) The Confidential Information referred to in this Section shall not include:
 - (i) public information or information in the public domain at the time of receipt by a party or its consultants, agents, advisors and solicitors;
 - (ii) information which becomes public through no fault or act of a party or its consultants, agents, advisors or solicitors;

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- (iii) information received in good faith from a third party lawfully in possession of the information and not in breach of any confidential obligations; or
- (iv) information which the City is required to release pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, or otherwise required to release at law.

Right of Entry – Surveyor

10. The Owner consents to the City's surveyor, together with any necessary staff, equipment and machinery entering onto the Owner's Lands, for the purpose of preparing a reference plan to establish a legal description of the Property and consents to the planting any necessary pegs, markers or the like as part of the survey process. The right of entry may be exercised prior to the exercise of the Option or prior to closing of the sale of the Property to the City and the cost of the preparation and deposit of the reference plan shall be borne by the City. The Owner shall consent, if required, to the registration of the reference plan(s) on title to the Owner's Lands or any part thereof.

Indemnity of City

11. The Parties agree that in the event that an order, direction, or instruction is made by an governmental authority during the term of this Agreement, or before it is terminated as provided for herein, identifying the City as an "owner" as defined in that Act as a result of rights granted under this Agreement, the Owner shall indemnify and save harmless the City in respect of any such order, direction or instruction, and shall be responsible at its cost to comply with the order, direction or instruction.

PART 4 - RIGHTS TO REZONE – PRIOR TO EXERCISE OF OPTION

Rezoning

- 12.(1) The City may, at any time prior to the exercise, if any, of the Option make application at its own expense, to any authority for the purpose of having the Property rezoned to meet the City's intended use and the Owner shall provide, upon request, such consent or authorization as may be required or such sign such applications as may be required.
- (2) For clarity, it is not a condition of the exercise of the Option, that the Property be rezoned prior to the exercise of the Option and nor is the City required to exercise the Option if an application for rezoning has been commenced or completed.

PART 5 - TERMS OF PURCHASE AND SALE – ON EXERCISE OF OPTION**Purchase and Sale**

13. If the Option is exercised by the City, sections 14 to 28 shall be the terms of the purchase and sale of the Property:

Payment of Purchase Price

14. The City shall pay the Purchase Price to the Owner on Closing, by uncertified cheque, subject to the usual adjustments on closing. The City is an HST registrant under Registration Number 12157 5229 RT0001 and shall be entitled to self assess any applicable HST on the Purchase Price.

Reference Plan

15. The legal description of the Property to be conveyed shall, if necessary, be established by a reference plan arranged for by the City at its own expense, and registered on title to the Property at the Land Titles Office at Sudbury (No. 53), prior to Closing. As provided in this Agreement, the Owner shall allow the City's surveyors to enter onto the Owner's Lands for all purposes related to the preparation of the reference plan.

Good Title.

16. The Owner shall convey to the City on the Closing Date, good and marketable title to the Property to the City, free of all mortgages, charges, debentures, encumbrances, leases and other interests, save and except for such registered easements for utilities that run with the Property. The Owner shall ensure that any easements or other registered restrictions or covenants the City agrees to accept are complied with and in good standing on closing.

Realty Taxes

17. The Owner will be responsible to pay all realty taxes for the Property to the day of closing. Where the Property purchased is only part of the lands assessed for property taxes under a single tax roll number, there shall be no adjustment for taxes and the Owner will be entitled to pursue any tax rebate it may be entitled to upon reassessment of the remaining lands. Where the City is purchasing all of a property subject to a single property tax roll number, the City shall be responsible for taxes as of the date of Closing.

Closing Date

18. This Agreement shall be completed by no later than 6:00 p.m. on the 60th day next following the giving of Notice of exercise of the Option, and in the event that the Closing Date is a non-Business Day, then the Closing shall take place on

the next Business Day. Nothing herein limits the parties from agreeing to advance or delay the Closing Date to a mutually agreeable date. Upon completion, vacant possession of the Property shall be given to the City unless otherwise provided for in this Agreement.

Electronic Registration

19. Where the transaction will be completed by electronic registration pursuant to Part III of the *Property Registration Reform Act*, R.S.O. 1990, Chapter L.4, and any amendments thereto, each of the parties shall retain a lawyer to act on its behalf. The Owner and City acknowledge and agree that the exchange of closing funds, non-registrable documents and other items (the "Requisite Deliveries") and the release thereof to the Owner and City will
- (a) not occur at the same time as the registration of the Transfer/Deed (and any other documents intended to be registered in connection with the completion of this transaction) and
 - (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and to release same except in accordance with the terms of a document registration agreement between the said lawyers, the form of which is as recommended from time to time by the Law Society of Upper Canada.

Unless otherwise agreed to by the lawyers, such exchange of the Requisite Deliveries will occur in the applicable Property Titles Office or such other location agreeable to both lawyers.

Restriction on Transfer / Mortgage

- 20.(1) In order to protect the rights of the City, the Owner agrees that it shall not sell, convey, mortgage or otherwise encumber all or part of the Owner's Lands during the term of this Agreement or otherwise act in such a manner as to adversely affect the rights granted to the City under this Agreement. The Owner agrees upon execution of this Agreement to register on title to the Owner's Lands, a Restriction on Transfer or Mortgage, without the Consent of the City. The restriction on transfer or mortgage will expire on the earliest of:
- (a) the date the Option is abandoned by the City;
 - (b) the date on which the Option expires, if not earlier abandoned or exercised; and
 - (c) on the Closing Date for the Property in the event the Option is exercised.

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- (2) The Owner indemnify and save harmless the City for all costs and damages which flow from a contravention of the obligations in subsection 20.(1), which obligation shall survive the expiry of this Agreement.
- (3) Despite subsection (1), the City agrees to release the restriction on transfer and mortgage from any or all of the Owner's Land except for the Property and the lands intended to be conveyed as road, upon the request of the Owner and provided there is at that time, a reference plan deposit which will describe either the land from which the restriction is to be released, or the land on which the restriction is to remain.

Closing Documents

- 21.(1) The Parties agree to execute and deliver on or before Closing, 3 fully executed copies of the Servicing / Contribution and Road Transfer Agreement in the form attached as Schedule 'B', or such amended form as may be agreed to by the parties. It is a condition of Closing, that such executed Agreement be delivered on Closing.
- (2) The Owner shall be required to deliver on Closing in addition to the Servicing / Contribution and Road Transfer Agreement, a Transfer, Statement of Adjustments, evidence satisfactory to the City that the Owner is not a non-resident of Canada, evidence that there are no liens or claims pending against the Property under the *Construction Lien Act* or otherwise, evidence of discharge of any charge, mortgage or other registration on title other than the permitted encumbrance, or alternatively, the Owner's solicitor's undertaking to register same forthwith after title, undertaking to re-adjust, and such usual documents as are typically provided on a sale of property.
- (3) The Transfer / Deed shall save for the Property Transfer Tax Affidavit is prepared in registerable form at the expense of the Owner. Registration costs for the transfer shall be borne by the City.

Planning Act

22. This Agreement is subject to compliance with the *Planning Act*, R.S.O. 1990, c. P.13.

Time of the Essence.

23. Time shall in all respects be on the essence hereof provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by Owner and City or by their respective solicitors who may be specifically authorized in that regard.

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Tender

24. Any tender of documents or money hereunder may be made upon Owner or City or their respective lawyers on the day set for completion. Money may be tendered by bank draft or cheque certified by a Chartered Bank, Trust Owner, Province of Ontario Savings Office, Credit Union or Caisse Populaire.

Agreement in Writing

25. There is no representation, warranty, collateral agreement or condition, which affects this Agreement other than as expressed herein. This Agreement shall be read with all changes of gender or number required by the context.

Real Estate Commission

26. Each Party shall be responsible for any commission to any real estate agent retained by it and payable as the result of this Agreement.

Authorizations

27. The Owner agrees to promptly provide to the City those authorizations as may be required for the municipal and governmental inquiries, and to further provide any survey in the Owner's possession or under the control of the Owner.

Risk

28. The Property shall remain at the risk of the Owner pending completion of the sale to the City.

PART 6 - GENERAL**Notice**

- 29.(1) Any notice provided for in this Agreement shall be in writing, signed by an authorized representative of the Party and shall be delivered by registered or certified mail, postage pre-paid and with return receipt requested, by hand, by overnight delivery courier or by facsimile transmission to the Parties at the addresses listed below (or at such other address for a Party as may be specified by like notice).

In the case of the City: CITY OF GREATER SUDBURY
P.O. Box 5000, Station 'A'
200 Brady Street
Sudbury ON P3A 5P3

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Attention: Director of Assets and Fleet Services
Facsimile Number: (705)-673-5171

In the case of the Owner: 1916596 ONTARIO LIMITED
874 Lapointe Street
Sudbury ON P3A 5N8

Attention: Dario Zulch
Facsimile Number: (705)-_____

- (2) If any question arises as to the date upon which notice was given by one party to the other, notice will be deemed to have been received:
- (a) If it is delivered in person, on the day it is delivered;
 - (b) if it is sent by registered or certified mail, on the third Business Day after the day upon which it is mailed; and
 - (c) if it is sent by facsimile transmission before 3:00 p.m. on a Business Day, on the day it is sent, and if sent after 3:00 p.m., on the next following Business Day
- (3) Either party may give notice to the other of a change in address for notice purposes.
- (4) In the event of a mail disruption, service shall not be effected by mail.

Owner's Representations and Warranties

30. In addition to any other provision, including as provided in subsection 6(8), the Owner hereby represents and warrants to the City, which representations and warranties shall not merge and shall continue after the Closing Date, as follows:
- (a) the Owner has full power, authority and capacity to sign this Agreement and to carry out the transaction contemplated herein and to execute and carry out the Servicing / Contribution and Road Transfer Agreement to be delivered on Closing;
 - (b) the Owner will at the Closing Date have full and absolute right and power to convey and transfer to the City or cause to be conveyed or transferred to the City good and marketable title to the Property free of any lien, charge or encumbrance except as provided for in this Agreement and to convey good and marketable title to the Road Lands in accordance with the Servicing / Contribution and Road Transfer Agreement;

- (c) the execution and delivery of this Agreement and the exercise by the City of the rights granted to it under this Agreement will not conflict with or be in contravention of any Law or conflict with rights of third parties or result in a breach of or default under any agreement or other instrument of obligation to which the Owner is a party or by which the Owner or the Property may be bound;
- (d) no authorization, consent or approval of, or filing with or notice to, any governmental authority or other Person is required in connection with the execution, delivery or performance of this Agreement by the Owner;
- (e) this Agreement constitutes a legal, valid and binding obligation of the Owner;
- (f) to the best of the Owner's knowledge, there are not any suits, actions, prosecutions, investigations or proceedings, actual, pending or threatened, against or affecting the Owner or that relate to or have an adverse effect on the Property and there are no grounds on which any such suit, action, prosecution, investigation or proceeding might be commenced with any reasonable likelihood of success; and
- (g) to the best of the Owner's knowledge, all rentals, taxes, duties, royalties, rates, charges, fees or other levies of every nature and kind heretofore levied against the Property have been fully paid and satisfied.

Execution Conditional on Council Approval

31. The Owner acknowledges and understands that any execution of this Option Agreement by the Director of Assets and Fleet Services for the City of Greater Sudbury on behalf of the City is expressly conditional upon the approval of the terms of the Option Agreement by the Council for the City of Greater Sudbury and does not bind the City unless the within Option Agreement is finally approved by Council by By-law on or before 11:59 p.m. on the 26th day of September, 2017 or such other date as may be agreed to by the Parties. The Owner further understand and agrees that until the expiry of or meeting of such condition, this Agreement cannot be revoked or terminated by the Owner. If this condition is not satisfied by the date specified, this Agreement shall be at an end, and neither party shall have any further obligation to the other respecting this Agreement.

Applicable Law

32. The terms and provisions of this Agreement shall be interpreted in accordance with the laws of Ontario and enforced in the court system in the Province of Ontario.

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Entire Agreement

33. This Agreement constitutes the entire agreement between the Parties with respect to the Property and terminates and replaces all prior agreements, either written, oral or implied, between the City and the Owner with respect to the Property. There are no representations, warranties, collateral agreements or conditions relating to the Property except as specified in this Agreement.

Void or Invalid Provision

34. If any term, provision, covenant or condition of this Agreement, or any application thereof, should be held by a court of competent jurisdiction to be invalid, void or unenforceable, all provisions, covenants and conditions of this Agreement, and all applications thereof not held invalid, void or unenforceable shall continue in full force and effect and in no way be affected, impaired or invalidated thereby.

Additional Documents

35. Each Party shall do and perform all such acts and things, and execute all such deeds, documents and writings, and give all such assurances, as may be necessary to give effect to this Agreement.

Binding Effect

36. This Agreement shall enure to the benefit of and be binding upon the Parties hereto and their respective successors and permitted assigns.

Time of the Essence

37. Time shall be of the essence of this Agreement.

Gender and Number

38. In this Agreement the use of the singular number includes the plural and vice versa and the use of any gender includes all genders.

Contra Proferentem Rule Not Applicable

39. Should any provisions of this Agreement require judicial interpretation, mediation or arbitration, it is agreed that the court, mediator or arbitrator interpreting or construing the same shall not apply a presumption that the terms thereof shall be more strictly construed against one Party by reason of the rule of construction that a document is to be construed more strictly against the Party who itself or through its agent prepared the same, it being agreed that both Parties, directly or through their agents have participated in the preparation of this Agreement.

Independent Legal Advice

40. The Owner acknowledges that it has been advised to consult a lawyer before executing this Agreement. The Owner represents and warrants that it has either obtained independent legal advice from its own lawyer with respect to the terms of this Agreement prior to execution or declined seeking such independent legal advice. The Owner represents and warrants that it has read this Agreement and understands the terms and conditions and its rights and obligations under this Agreement and agrees to be bound by it.

DATED at the City of Greater Sudbury, this 8 day of June, 2017.

CITY OF GREATER SUDBURY

Per: *Maura Tamm*
 Director of Assets and Fleet Services

I have the authority to bind the municipality,
 Subject to Council approval

1916596 ONTARIO LIMITED

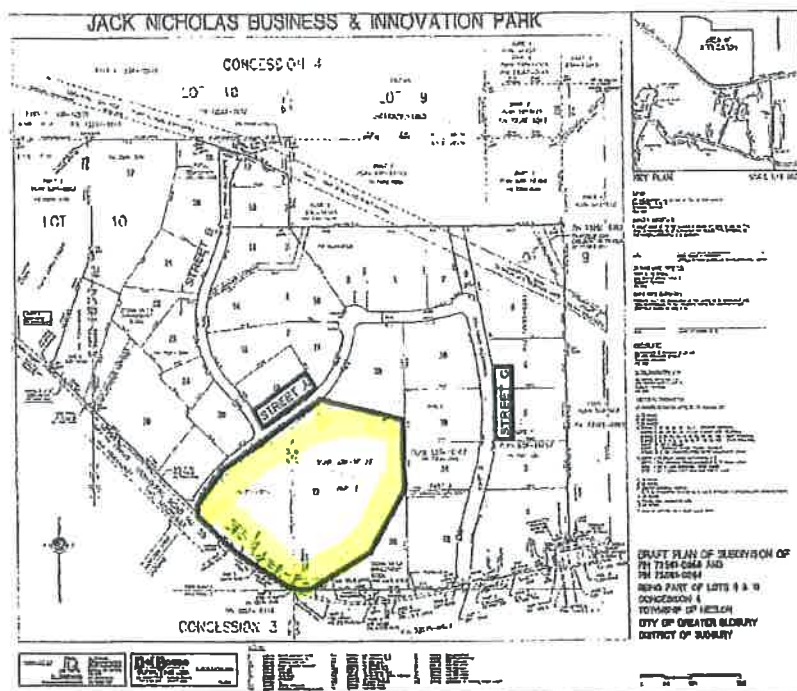
Per: *[Signature]*
DARRIA ZULICH
 Print Name, Title
PRESIDENT

I have the authority to bind the corporation

REVIEWED BY:

Corporate Services	
Finance, Assets & Fleet	
Legal Services	
Advisor to CAO	<i>[Signature]</i>
Community Development	
Growth & Infrastructure	
Economic Development	
Communications & Community Engagement	

SCHEDULE 'A'
DRAFT PLAN OF SUBDIVISION



Handwritten initials and a large number '3'.

SCHEDULE 'B'

THIS SERVICING, CONTRIBUTION AND ROAD TRANSFER AGREEMENT
made as of the 1st day of June 2017

BETWEEN:

CITY OF GREATER SUDBURY

Hereinafter called the "City"
Party of the First Part

- and -

1916596 ONTARIO LIMITED

Hereinafter called the "Developer"
Party of the Second Part

WHEREAS the Developer is the registered owner of certain land on the Kingsway, Sudbury, which is subject to draft approval for a plan of subdivision described as the Jack Nicholas Business & Innovation Subdivision;

AND WHEREAS City has entered into an option to purchase part of the land for development thereon of an arena/event centre;

AND WHEREAS in the event that the City exercises the option to purchase, the Developer has agreed to construct certain roads, including the installation or construction of sewer and water services and related appurtenances, to City urban standard, in accordance with this Agreement, prior to closing of the sale to the City and to transfer to the City good title to the road and other infrastructure works as constructed;

AND WHEREAS the road is required to provide access to the arena/event centre proposed to be constructed on the lands purchased from the Developer and will serve other properties in the area;

AND WHEREAS as a result, the City has agreed to make a contribution of \$1,000,000 to the agreed upon final costs to design, supervise and construct the infrastructure works;

AND WHEREAS the parties wish to set out the terms of their agreement;

NOW THEREFORE in consideration of the sum of \$2.00 now paid by each party to each other party, the receipt and adequacy of which is hereby acknowledged, and the mutual covenants contained herein, the parties hereto agree as follows:

Handwritten initials: BS and AT

PART 1 - TERMINOLOGY

Terminology

1.(1) For the purposes of this Agreement:

"Construction Inspection" includes but is not limited to construction contract review, administration and supervision, payment certification, inspection and testing services and approval of construction works;

"Detailed Design and Tender Preparation" means the engineering design services to be performed for the Works, and shall include services for the preparation of construction documents for tendering purposes and any and all documents or deliverables in relation to such services;

"Developer" means 1916596 Ontario Limited, and includes its successors in title to all or any part of the Developer's Lands including any part conveyed therefrom;

"Developer's Engineer" means such Engineer as is retained by the Developer in conjunction with the Project and approved by the General Manager in accordance with this Agreement;

"Developer's Lands" means PIN 73561-0264(LT), PIN 73561-0282(LT) and PIN 73561-0261(LT) collectively, all in the Township of Neelon, City of Greater Sudbury;

"Engineer" means a professional consulting civil engineer who has a valid Certificate of Authorization from the Association of Professional Engineers of Ontario;

"Financial Contribution" means the funds to be provided by the City to the Developer as a contribution towards the Final Costs of the Works in accordance with this Agreement;

"General Manager" means the General Manager of Growth and Infrastructure and includes his or her authorized designate;

"Initial Acceptance" means acceptance in writing of the Works by the City following completion of the Works by the Developer in accordance with the terms of this Agreement and shall fall immediately prior to the Maintenance Period;

"Maintenance Period" shall have the meaning in section 13 hereof;

"Plans" means those engineering plans and specifications for the Works prepared by the Developer's Engineer in accordance with City standards and approved by the General Manager in accordance with this Agreement and includes any amendments thereto approved by the General Manager in writing;

"Project" means the design, contract award and installation or construction associated with the development of the Works on the Road Lands and such collateral or ancillary works as may be required to comply with City standards and the Plans and Traffic Impact Study;

"Party" means either the City or the Developer and Parties means both of them;

"Road Lands" means that part of the Developer's Lands shown as Street A and Street C on the draft plan of subdivision for the Developer's Lands, attached as Schedule 'A';

"Supervision" means the full time inspection and scrutiny by the Developer's Engineer, of the design and construction or installation of the Works for the express purpose of ensuring compliance with this Agreement and includes the certification by the Developer's Engineer that the work has been performed in accordance with this Agreement, the Plans and City standards; and

"Works" include the construction of installation of a watermain and related appurtenances and connections, storm sewers, sanitary sewers and all related appurtenances and connections, road construction to urban standards, sidewalks on both sides of the road, curbs and gutters along the road and street lights, all of which are being designed, installed or constructed as part of the Project.

- (2) The parties accept the recitals to this Agreement and incorporate the recitals into this Agreement.

Representations by Developer

- 2.(1) The Developer represents, warrants and covenants that:
 - (a) it is, and shall continue to be for the term of this Agreement, a validly existing legal entity with full power to fulfill its obligations under this Agreement; and
 - (b) It has the experience and expertise necessary to carry out the Project.
- (2) The Developer represents and warrants that:
 - (a) It has the full power and authority to enter into this Agreement; and
 - (b) It has taken all necessary actions to authorize the execution of this Agreement.

PART 2 – CONDUCT OF THE PROJECT

Plans

- 3.(1) The Developer shall, at its own cost and expense, have the Developer's Engineer design the Works in accordance with City standards for such Works, and secure the approval in writing of the General Manager of the proposed design and construction plans, in accordance with standard City protocols. The City shall be entitled, in its sole and absolute discretion as future owner of the Works and the Road Lands, to approve or reject any design, part of a design or recommendation of the Developer's Engineer that is not satisfactory.
- (2) No work shall commence on the installation or construction of the Works until the proposed Plans prepared by the Developer's Engineer for all of the Works have been submitted to and approved in writing by the General Manager. The Developer shall not

amend or permit any amendments to be made to the Plans as approved, without the prior written approval of the General Manager. The Developer shall not change the Developer's Engineer without prior written notification to the General Manager.

- (3) The Developer shall provide or cause to be provided, an electronic copy of the CAD file of the final as-built data with respect to the Works within three months of Initial Acceptance of the Works by the General Manager. The data shall be in a form which conforms to City standards.
- (4) In the conduct of the Works and the Project, the Developer shall ensure that the Engineer and any contractors used by the Developer in the Project has the appropriate experience and financial capacity to undertake the Project.

Tender of Works

- 4.(1) The Developer will acquire all supplies, equipment and services required for the Project, through one or more appropriate open, public, competitive bid processes, based on achieving value for money.
- (2) The Developer shall ensure that the City is the owner of all design documentation including but not limited to drawings, plans, information, mathematical or computer models, statistical data and reports as well as any background documentation or studies prepared by the Developer's Engineer or the Developer and the Developer shall further ensure that the use of the documentation is not subject to any limitations.

Costs

- 5.(1) The Developer shall have all the Works installed, constructed and completed as the case may be, at its own expense, subject to any right to receive the City's Financial Contribution towards the Final Costs of the Project as provided in this Agreement.
- (2) The Developer will manage the Project wisely and prudently achieving value for money. The Developer shall apply for all rebates to which it is entitled under provincial or federal taxation statutes, including but not limited to the Harmonized Sales Tax.
- (3) The Developer shall discharge all liabilities incurred by the Developer for labour, materials and services used, or reasonably required for use in the performance of this Agreement on the date upon which each becomes due.
- (4) If the City is called upon to pay any liability of the Developer, or where the Developer owes any amount to the City regardless whether such amount relates to this Agreement, the City shall become entitled to deduct any amounts paid by or owed to the City from the Financial Contribution. The City shall be entitled to pursue any means available to it in order to recover from the Developer amounts paid by the City on behalf of the Developer.

Developer's Engineer / Completion of Works

- 6.(1) The Developer shall ensure that the Developer's Engineer and any professionals and other contractors retained to carry out the Works or any part of the Works shall have in place at all times, adequate insurance that is appropriate to the Works, including professional liability insurance for any professional services that may be involved as well as course of construction insurance including builders' risk to cover 100% of the completed construction costs including soft costs and wrap-up liability coverage; are appropriately bonded; are in good standing under the *Workplace Safety and Insurance Act*. Insurance shall be maintained in good standing with coverage held and limits of insurance typical to the exposures and perils of a construction project of this nature.
- (2) The Developer shall include in any agreement with any Engineer, contractor or subcontractor for work to be done pertaining to this Agreement, terms similar to and no less favourable to the City than the terms of this Agreement to the extent that they are applicable to the work contracted or subcontracted. Evidence of such insurance coverages shall be produced upon request.
- (3) The Developer shall cause all Works shall be installed, constructed and completed as the case may be, under the supervision of the Developer's Engineer, in accordance with the Plans and to the satisfaction of the General Manager. The Developer shall be responsible for all costs of supervision.
- (4) The Developer shall cause the Developer's Engineer to test, where applicable, that Works operate in accordance with City standards, and further shall cause the Developer's Engineer to certify to the General Manager that all Works are compliant with the Plans, this Agreement and City standards.

Time Limit and Schedule of Work

- 7.(1) Except as expressly provided to the contrary in this Agreement, the Developer agrees to complete the design, construction and installation of the Works within 2 years of the date on which the City exercises the option to purchase the land for the arena/event centre from the Developer.
- (2) The Developer acknowledges being advised and understands that the City is relying on the completion of the Project in its development of an arena/event centre, and that the City will suffer damages in the event that the Project is not completed in a timely manner. Despite the foregoing, in the event that the Developer does not complete the construction and installation of the Works within the time limit specified, the General Manager may, in his or her discretion, grant an extension in writing of the time for completion of the Works. Any such extension may be subject to conditions imposed by the General Manager.
- (3) The Developer understands and agrees that the approved standard for materials, installation, location and design of the Works and approved costing shall be in effect for three years from the date of approval of the Plans by the General Manager unless expressly provided to the contrary in this Agreement. After this period, where the Developer has secured an extension of time for the construction and completion of the

Works, the Developer shall, at its own expense, and upon written notice from the General Manager comply with such changes in materials, installation, location and design as directed so as to conform to standards in effect at such time and shall pay to the City such additional amounts for security of obligations as may then be required, to reflect approved changes.

Permits, Licences, Etc.

- 8.(1) Prior to commencing work of any kind on the construction or installation of any of the Works the Developer shall obtain at its expense, all permits, licences, approvals, required by City by-law or any federal or provincial statutes or by any regulatory body, with respect to the commencement, conduct and completion of any of the Work pursuant to this Agreement. Such permits, licences, approvals shall be produced upon request by the General Manager.
- (2) Without limiting the generality of subsection 8.(1), where the construction or installation of any part of the Works is taking place on any City road, the Developer shall ensure that any necessary Road Occupancy Permit has been issued to the Developer and that the Road Occupancy Permit is maintained in good standing. In the event of any inconsistency between the requirements of this Agreement and the Road Occupancy Permit, the more onerous provisions offering the higher level of protection to the City shall prevail.
- (3) Nothing herein shall be construed or deemed to be a waiver of any obligation to obtain any necessary permit, licence, authorization or approval or construed or deemed to be an approval by the City in its capacity as an issuer of any such permit or licence, approval or authorization.

Developer Responsible for Project

- 9.(1) The Developer is responsible for the conduct of the Project. Neither the entry into this Agreement nor the review or approval of Plans or any review or approval of any contractor or engineer retained or used by the Developer, nor any review of, approval or consent to any other matter by the City, its employees or agents shall derogate from or diminish the Developer's obligations contained in this Agreement or any liability thereunder.
- (2) The Developer shall ensure all work done on the Project and the Works complies with all applicable federal, provincial and municipal, statutes, by-laws regulations, guidelines codes and policies and shall be responsible for any additional costs and any fines or penalties incurred for non-compliance. Where a fine or penalty is levied against the City as owner of the land, the Developer shall indemnify and save harmless the City.

Connections to Existing Sewer and Water Systems

10. Connection of the sewer and water mains being installed or constructed as part of the Works to the existing City systems at the point of connection shall be done by City forces at the expense of the Developer or by private contractors as approved in writing in advance by the General Manager. A cash deposit in the amount estimated by the

General Manager will be required prior to commencing this work, if completed by the City.

Dust Control

- 11.(1) The Developer understands and agrees to control the blowing sand and/or dust emanating from either construction of the Works, and to take appropriate action to prevent any situation(s) from developing that may create blowing sand conditions.
- (2) The Developer further agrees to conform with the *Environmental Protection Act*, R.S.O. 1990, c. E. 19

Performance Guarantee – Works

- 12.(1) Prior to the commencement of any of the Works, and prior to receiving a Road Occupancy Permit for the Works, the Developer shall deposit as a performance guarantee with the City, a sufficient sum in form of a cash deposit, irrevocable letter of credit from a chartered bank in a form acceptable to the General Manager, an irrevocable letter of credit or other negotiable security approved by the City Treasurer which will serve as a bid deposit and will be retained by the City as a performance guarantee until completion of the work as approved by the City. The performance guarantee shall be in an amount to cover:
- (a) 100% of the total of the cost of the Works as set out in the Agreement between the Developer and its contractors and subject to increase after 3 years from the date of this Agreement, if the Works are not then completed. The Developer shall provide documentation to the City to confirm the required amount of the deposit actually required, which may differ from the estimated deposit;
 - (b) an amount for the anticipated cost of preparing "as-constructed drawings" acceptable to the City, in an amount determined by or approved by the General Manager; and
 - (c) an administration and contingency allowance equal to 15% of the cost estimate provided by the Developer's Engineer.
- (2) The Developer agrees to provide such further evidence to establish the cost of the Works as the General Manager may require from time to time. Should the General Manager be of the opinion that the security taken out is inadequate in any respect whatsoever, he or she shall forthwith advise the Developer of his or her reasons therefore and the Developer shall forthwith deposit additional security satisfactory to the General Manager.
- (3) The Developer shall deposit the security for the performance guarantee with such person(s) as the General Manager may designate and in the event of default hereunder, the City Treasurer may realize upon such security on behalf of the City.
- (4) Upon the failure of the Developer to complete a specified part of the Works in the time requested, the City Treasurer may, at any time, authorize the use of all or part of the cash deposit, letter of credit or other negotiable security as referred to in the section

above to pay the cost to complete any part of the Works the General Manager may deem necessary.

- (5) Notwithstanding anything herein contained, there shall be no reduction in the principal amount of any cash deposit, letter of credit or other negotiable security received as the performance guarantee if such reduction would result in the said principal amount being less than the aggregate total of the estimated cost as established by the General Manager which have not yet been accepted by the City as being completed and the Developer shall be required to supply such details of completed and uncompleted works as are required by the General Manager.
- (6) The City may release the cash deposit, letter of credit or other negotiable security received as the performance guarantee once Initial Acceptance of the Works has been received following the expiration of the limitation period of 45 days stipulated in the Act, provided that the City may retain out of such security any sums required by law to satisfy any liens against the Works or any other monetary claims against the Developer and enforceable against the City or any claims by the City hereunder against the Developer upon receipt of:
- (a) a statutory declaration that all accounts relative to the installation of the completed Works have been paid;
 - (b) a certificate of the Developer's Engineer certifying that there are no outstanding or potential lien claims in respect of the completed Works pursuant to the Act; and,
 - (c) all certificates of substantial performance of all contracts and sub-contracts as required by the Act, for such completed Works together with the proof of publication thereof.

Any cash deposit shall be released to the then owner of the Developer's Lands.

- (7) The Developer agrees to provide to the General Manager the following contract documentation:
- (a) certificate of substantial performance given pursuant to the provisions of the Act; and
 - (b) particulars of publication of certificate of substantial performance.
- (8) The Developer agrees to certify to the City that there are no lien claims or potential lien claims relating to any of the completed Works as and when the Developer requests the City to release or reduce the performance guarantee or finally accept the Works or transfer the Road Lands to the City.
- (9) The Developer shall comply with all of the provisions of the Act and without limiting the generality of the foregoing, shall hold in its possession all the statutory holdbacks and any additional funds required to be held by the Act. These holdbacks and funds shall not be disbursed except in accordance with the Act.

- (10) The Developer shall, at its own expense, within 10 days of receiving written notice from the City to do so, pay, discharge, vacate and obtain and register a release of all charges, claims, liens and all preserved or perfected liens made, brought or registered pursuant to the Act which affect any lands owned by the City including public highways, and which arise out of the performance of this Agreement by the Developer and its servants, employees, agents and contractors.
- (11) The Developer shall indemnify and hold harmless the City from all losses, damages, expenses, actions, causes of action, suits, claims, demands and costs whatsoever which may arise either directly or indirectly by reason of any failure, neglect or refusal by the Developer to comply with the Act or by reason of any action brought against the City pursuant to the Act and arising out of the performance of this Agreement by the Developer and its servants, employees, agents and contractors.
- (12) The City Treasurer may, at any time, authorize the use of all or part of the cash deposit, letter of credit or other negotiable security received as a Performance Guarantee in accordance with this Agreement:
- (a) to pay, discharge, vacate and obtain and register a release of all charges, claims, liens and all preserved or perfected liens, and all preserved or perfected liens made, brought or registered pursuant to the Act which affect any lands owned by the City, including public highways, in the event the Developer defaults in the performance of this Agreement; and
 - (b) to pay to the City any amounts owing to it pursuant to this Agreement.
- (13) The Developer acknowledges that the City shall not be required to reduce or release the cash deposit, letter of credit or other negotiable security in accordance with this Section until the City is satisfied that all applicable provisions of this Agreement have been complied with.
- (14) The Developer grants the City, and its authorized employees, contractors and agents, the right to enter onto and use and occupy the Road Land and the Developer's Land together with such equipment, vehicles, materials, supplies as may be as necessary to complete the Works or any part of the Works the General Manager may deem necessary, should the City determine such entry is required.

Maintenance Guarantee

- 13.(1) All Works shall be subject to a two year maintenance period commencing on the date of Initial Acceptance of the Works. The termination date of the two year maintenance period shall be two years after Initial Acceptance of the Works.
- (2) Upon Initial Acceptance of the Works by the General Manager the Developer shall deposit with the City in cash, or other acceptable financial guarantee, an amount equivalent to 10% of the total of the estimated cost of the Works as estimated by the Developer's contractor together with an amount equal to the value of any deficiencies identified by the City at the time of Initial Acceptance. This deposit shall be retained by the City until the later of the termination date outlined above and the completion and

acceptance of all corrected deficiencies identified by the City. The deposit or other financial guarantee must be arranged such that draws may be made on this deposit by the City to defray the cost of repairs to the services or any other expense to complete the terms of this Agreement at any time within the Maintenance Period, and at the sole reasonable discretion of the General Manager.

- (3) At the termination of the Maintenance Period the remainder of the deposit, with interest if applicable, shall be refunded to the then Developer of the Developer's Lands.
- (4) Where reasonably required under the circumstances, the City may release the deposit, later than the termination date of the Maintenance Period following the expiration of the limitation period of 45 days stipulated in the Act, provided that the City may retain out of such deposit any sums required by law to satisfy any liens against the Works or any other monetary claims against the Developer and enforceable against the City or any claims by the City hereunder against the Developer, upon receipt of:
 - (a) a statutory declaration that all accounts relative to the installation of the completed Works have been paid;
 - (b) a certificate of the Developer's Engineer certifying that there are no outstanding or potential lien claims in respect of the completed Works pursuant to the Act; and
 - (c) all certificates of substantial performance of all contracts and sub-contracts as required by the Act, for such completed Works, together with the proof of publication thereof.
- (5) The Developer understands and agrees that it is responsible for all Works within the maintenance period, including any damage(s) which may arise as a result of the action of others, including building contractors and their suppliers, and/or owners.
- (6) Prior to the expiration of the warranty period, the Developer's Engineer shall carry out an inspection of the works, which shall include, but not be limited to C.C.T.V. inspections of the sanitary sewers, storm sewers and subdrains, adjustment of appurtenances as required, including valves, hydrants and curbstops, review grading, sodding and other surface treatments being the swales, boulevards, fencing, walkways and easements and a review of all concrete works.
- (7) The Developer's Engineer shall provide a certification that the development has been reviewed and is in full compliance with the City approved construction drawings, free of any defects or deficiencies.
- (8) Following receipt of the Certification of the Works by the Developer's Consulting Engineers, the City will carry out an inspection of the works. The Developer will be responsible for correction of any deficiencies found during the inspections. If the Developer does not perform the repairs satisfactorily, the City may utilize the financial guarantee for such purpose.
- (9) If repairs to the storm sewer or sanitary sewers are necessary, the City may, at its discretion, have a second C.C.T.V. inspection of the sewers carried out to ensure the

repairs are satisfactory. The Developer will be responsible for the cost of this second inspection.

- (10) The Owner understands and agrees that the City will provide one free inspection to determine whether or not the work shown on the approved Plans has been complied with. A fee will be assessed, in accordance with City Council's Policy, for any subsequent inspections required to determine if the deficiencies have been rectified.

Uncompleted or Faulty Work

14. If, in the opinion of the General Manager, the Developer is not prosecuting or causing to be prosecuted the work required in connection with this Agreement within the specified time, or in order that it may be completed within the specified time, or is improperly performing the work, or should the Developer neglect or abandon it before completion, or unreasonably delay the same so that the conditions of this Agreement are being violated, or carelessly executed, or in bad faith or should the Developer neglect or refuse to renew or again perform such work as may be rejected by the General Manager as defective or unsuitable, or should the Developer in any other manner, in the opinion of the General Manager, make default in performance of the terms of this Agreement, then in any such case, the General Manager shall promptly notify the Developer and its surety in writing of such default or neglect and, if such notification be without effect within 7 days after such notice, then in that case the General Manager shall thereupon have full authority and power immediately to purchase such materials, tools and machinery and to employ such workmen as in his or her opinion shall be required for the proper completion of the said work at the cost and expense of the Developer or its surety, or both. In cases of emergency, in the opinion of the General Manager, such work may be done without notice. The cost of such work shall be calculated by the General Manager whose decision shall be final. It is understood and agreed that such costs shall include a management fee of 10% of the labour and materials value. The Developer further understands that in the event that the City is required to complete any part of the Works it agrees to reimburse the City for the full amount of the cost of the work as outlined above plus whatever interest has accrued until the date of payment.

The Developer grants the City, and its authorized employees, contractors and agents, the right to enter onto and use and occupy the Road Land and the Developer's Land together with such equipment, vehicles, materials, supplies as may be as necessary to complete the Works or any part of the Works the General Manager may deem necessary.

Insurance

- 15.(1) The Developer shall obtain from an insurance company acceptable to the City insurance coverage in respect of liability for property damage and personal injury and maintain same in good standing until the Works have received Initial Acceptance. Such policy or policies shall:
- (a) include the City as an additional insured;

- (b) provide insurance coverage in respect of any one accident or occurrence in the amount of at least \$5,000,000, exclusive of interest and costs;
 - (c) be effective for the period of this Agreement, including the period of guaranteed maintenance;
 - (d) contain a clause indicating that the insurance coverage applies to hazard or damage from "completed operations";
 - (e) contain no exclusions for damage or loss from blasting, hoisting or lifting; application of hot tar or asphalt or from any other work that may be associated with the development and construction of the development on the Developer's Lands or the City Road Lands; and
 - (f) contain a provision that the policy or policies will not be changed or cancelled without at least 30 days prior written notice being given to the City.
- (2) Prior to proceeding with the Works, the Developer shall deposit with the City a certificate of insurance in a form acceptable to the City, adding the City as an additional insured and certifying that insurance, as required by this clause, has been obtained and is in force.
- (3) If required by the City the Developer shall prove to the satisfaction of the City that all premiums on such policy or policies have been paid and that the insurance is in full force and effect.
- (4) The Developer shall file a renewal certificate with the City not later than one month before the expiry date of any policy provided pursuant to this Agreement, until the City have indicated in writing that the policy need not continue in force any longer. In the event that such renewal certificate is not received, the City shall be entitled to either renew the policy at the expense of the Developer and the City shall be entitled to call upon any security deposited with the City or to order that all work on the lands within the plans cease until the policy is renewed.
- (5) The issuance of such a policy of insurance shall not be construed as relieving the Developer from the responsibility for other or larger claims, if any, for which it may be held responsible.
- (6) The limits and types of coverage requested herein are minimum requirements and may not reflect potential insurable risks or exposures for all circumstances. It is the responsibility of the developer, relying on the advice of their insurance or legal representative, to purchase higher limits and/or any additional coverage appropriate for all claim circumstances.

PART 3 – FINANCIAL CONTRIBUTIONCity Financial Contribution

- 16.(1) The City agrees to provide the Developer a Financial Contribution in accordance with the provisions of this Agreement, equal to \$1,000,000 for the construction, design and inspection of the Works. No payment or any part thereof shall be made unless:
- (a) the Works have received Initial Acceptance;
 - (b) good and marketable title to the Road Lands have been conveyed to the City, in accordance with this Agreement; and
 - (c) in the opinion of the General Manager, the Developer is compliant with this Agreement.
- (2) The City will not pay interest for any delay in making or failure to make a payment under this Agreement.

Claims Process

- 17.(1) Upon Initial Approval of the Works, the Developer may submit a claim to City for payment of the City's financial contribution to the cost for the Works, in a form acceptable to City.
- (2) Upon review and acceptance of a claim in accordance with the terms and conditions of this Agreement, the City will forward payment to the Developer. Nothing herein prevents the City from rejecting all or part of a claim, or requiring further or better documentation to approve the claim.
 - (3) The City may retain up to 10% of its contribution under this Agreement. Any amount retained by City will be released by City when the Developer fulfills all of its obligations under this Agreement and upon submission of a final claim containing all the information in subsection 17.(1).

PART 4 – ROAD TRANSFERCompletion of Works – Road Transfer

- 18.(1) Upon completion and Initial Acceptance of the Works, and written request by the City, the Developer agrees to transfer to the City on written request good and marketable title to the Road Lands free of all mortgages, charges, liens, executions, agreements and encumbrances.
- (2) The legal description of the Road Lands shall be determined by a reference plan, in the event that the Road lands have at that point not been laid out by a plan of subdivision. The reference plan shall be prepared and deposited at the expense of the Developer and approved by the City prior to deposit. The Developer shall, at all times, allow entry onto the Developer's lands, by the surveyor, to prepare the reference plan.

- (3) The Transfer of the Road Lands to the City shall be in the usual statutory form, shall reflect a nominal consideration of \$5.00 or such other nominal amount as may be appropriate at the time and shall be prepared by and registered by the City at its expense.
- (4) Where the Developer is not represented by a lawyer, and provided it is then permitted, the Developer agrees to authorize the City Solicitor to electronically execute the Transfer of the Road Lands on behalf of the Developer, to sign such documentation as may be necessary to provide such authority and to provide routine documentation and representations as are typically provided in a land transfer. The Developer agrees to secure and provide such consents under the *Family Law Act*, R.S.O. 1990, c. F.3 as amended, or such other legislation as may have application to permit the registration of the transfer to proceed with clear title to the City.
- (5) The Developer shall be responsible to secure at its expense, a discharge of every debenture, charge, mortgage or similar encumbrance and all leases, agreements or other encumbrances affecting title to the Road Lands and to arrange for the discharges to be registered at the Developer's expense, upon the registration of the Transfer of the Road Lands, or at such later time as the City Solicitor may consent to in writing and to provide evidence that no construction or other liens have or will attach to the land being conveyed.

Completion of Works- Ownership

- 19.(1) Upon Initial Acceptance of the Works by the General Manager, the Developer acknowledges that title to and all rights, claims and interest in the Works, shall vest in the City without compensation to or claim by the Developer and thereafter all incidents of ownership shall rest with the City.
- (2) Upon vesting in the City of the ownership of the Works the Developer shall take such steps as may be reasonably required to assign or transfer to the City the benefit of any guarantee of performance, warranties or the like pertaining to Works and shall also provide to the General Manager all documentation in its possession pertaining to the design and construction of the Works.

Access to Road Lands Prior to Transfer

- 20.(1) The Developer acknowledges that the City requires access over the Road Lands for the purpose of access to lands owned by the City and on which development will be occurring.
- (2) During the term of this Agreement, the Developer grants a non-revocable temporary easement in the nature of a right of way over the Road Lands for use by vehicles, equipment and persons for the purposes of ingress and egress from City land, acquired from the Developer under the Option Agreement, described as Block 27 on the draft plan of subdivision approved for the Developer's Land. The rights granted hereunder may be exercised by the City, its employees, contractors and agents.

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PART 5 - GENERALContact Person

21. The Developer shall provide to the General Manager such phone or pager numbers at which one or more representatives of the Developer and of its approved contractor(s) can be reached at all times.

Timely approvals

22. Unless otherwise specifically provided in this Agreement, no consent or approval of the City shall be unreasonably withheld or delayed and all determinations and decisions by or on behalf of the City shall be made by the General Manager, acting reasonably.

Term

23. This Agreement will commence on the date of signing and continue until the earlier of the fulfillment of all obligations hereunder, including the correction of any deficiencies in the required Works, or written termination of this Agreement by the City.

Limitation of Liability

24. The City is not responsible, either directly or indirectly, for any damage to or loss of any equipment, vehicles or property of the Developer, its employees, contractors or agents nor is the City liable for any bodily injury or personal injury to any of the foregoing or for any losses claims, charges, damages and expenses whatsoever suffered by any of the foregoing including, without limitation, claims for loss of revenue or loss of profits, indirect or consequential damages, on account of any actions or omissions of any of the foregoing arising out of or related in any way to this Agreement or the Works authorized by this Agreement, unless caused by the negligence of the City, or its employees or agents, acting in the course of their employment or agency, as the case may be.

Indemnity

25. The Developer shall indemnify and save harmless the City, its elected and non-elected officers, employees, contractors and agents from and against all claims, demands, actions and causes whatsoever that may arise, directly or indirectly, out of any act or omission of the Developer, its employees, contractors or agents, in the performance of the Works or resulting from or in any way arising out of this Agreement or the rights and obligations hereunder. This obligation shall survive the expiry or other termination of this Agreement.

Notices

26. Any demand, notice or other communication to be given in connection with this Agreement shall be given in writing and may be given by personal delivery or by registered mail, courier or facsimile transmission, addressed to the Developer as follows:

To the City: CITY OF GREATER SUDBURY
200 Brady Street
Bag 5000, Station A
Sudbury ON P3A 5P3

Attention: General Manager Growth and Infrastructure

To the Developer: 1916596 ONTARIO LTD.
874 Lapointe Street
Sudbury ON P3A 5N8

Attention: Darlo Zulch

or to such other address or facsimile number as may be designated by notice by either Party to the other. Any such notice: if given by personal delivery shall be conclusively deemed to have been given on the day of actual delivery thereof; if given by registered mail, on the third day following the deposit thereof in the mail; if given by courier, on the second day after delivery to the courier; and if given by facsimile transmission, on the same day if sent prior to 4:00 p.m. on a business day and on the next following business day if sent after 4:00 p.m. or on a day other than a business day, where a business day is Monday to Friday other than a statutory or civic holiday. If the Party giving any notice knows or ought reasonably to know of any difficulties with the postal system which might effect the delivery of mail, any such notice shall not be mailed but shall be given by personal delivery, courier or facsimile transmission.

Work Stoppage

27. The General Manager or any employee authorized by him or her to enforce the provisions of this Agreement shall have the discretionary right to order work in progress stopped, and such work shall not be recommenced without the written authority of the General Manager.

Relationship

- 28.(1) Nothing in this Agreement shall be read or construed as conferring upon the Developer, its officers, directors, employees the status of employee, or agent of, or partner or joint venturer with the City. The Developer acknowledges and agrees that the City is entering into this Agreement with the Developer as an independent contractor, for the delivery of Services to the City and that this Agreement is in no way to be deemed or construed to be a contract of employment. Specifically the parties agree that it is not intended by this Agreement that the Developer or any of its directors, officers, employees, agents or volunteers, employed or retained by the Developer, shall be an employee of the City for the purpose of the *Income Tax Act*, the *Canada Pension Plan Act*, the *Employment Insurance Act*, the *Workplace Safety and Insurance Act*, the *Occupational Health and Safety Act*, the *Health Insurance Act*, the *Employment Standards Act, 2000*, all as amended from time to time and any legislation in substitution therefor.
- (2) The Developer shall be responsible for and shall pay when due to all relevant governmental authorities, remittances on account of income and without limiting the

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generally of the foregoing, all premiums on account of *Employment Insurance, Canada Pension Plan Act and Income Tax Act* remittances.

- (3) The Developer shall indemnify and save harmless the City from any and all taxes, duties, penalties, costs, interest or other amounts which may be payable by or assessed against the City as a result of any failure by the Developer to comply with this Section of this Agreement.
- (4) The Developer agrees that the Developer is not, nor is any person hired by the Developer, covered by the City pursuant to the *Workplace Safety and Insurance Act, S.O. 1997, c.16, Schedule 'A', as amended* (the "WSIA"). The Developer shall be responsible for and shall pay all dues and assessments payable under the WSIA, whether provincial or federal in respect to the Developer, the Developer's employees and operators. And, upon failure to do so, the City may pay such assessment or compensation to the Workplace Safety and Insurance Board and shall collect such expenses from the Developer.
- (5) The Developer shall upon request of the City, furnish the City with satisfactory evidence that the Developer has complied with the provisions of the WSIA or has secured alternative acceptable coverage or evidence that the WSIA is not applicable. Without limiting the generality of the foregoing, the Developer shall, on request, submit to the City a Current Certificate of Good Standing from the Workplace Safety and Insurance Board of Ontario or other evidence of compliance with the *Workplace Safety and Insurance Act* as may be acceptable to the General Manager.

Occupational Health and Safety

- 29.(1) The Developer acknowledges that it has read, understood and shall at all times comply and take all necessary steps to ensure compliance by its workers and any subcontractors with all applicable federal, provincial or municipal legislation relating to occupational health and safety, all applicable regulations thereunder and any and all applicable industry standards and guidelines (the "Health & Safety Requirements") pertaining to the Works. The Developer shall be the Constructor for the purposes of the *Occupational Health and Safety Act* (the "OHS"), any regulations thereunder and any applicable industry standards and guidelines pertaining to the Works and shall meet all applicable requirements including but not limited to registration as a "constructor" and filing of a Notice of Works as may be required.
- (2) Without limiting the generality of the foregoing, the Developer shall be responsible for taking every precaution in the circumstances for the protection of all workers associated with the Works, whether employed by the Developer, the City, or a third party. The Developer shall be solely and exclusively responsible for controlling the site of the Works and shall take all necessary steps to effectively direct and supervise the Works to ensure conformity with the Health & Safety Requirements.
- (3) The Developer shall ensure that it has implemented and maintains a comprehensive safety program in relation to the Works including but not limited to having written policies and procedures relating to health and safety aspects of the Works, training on the Health

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& Safety Requirements, standards and guidelines and monitoring and enforcement of its safety program.

- (4) Upon request, the Developer shall provide the City with its health and safety policies and program for control and supervision of the Works. The Developer agrees that the receipt and/or review by the City of any health and safety policies, procedures or programs of the Developer shall not constitute an approval as to the content of such policies, procedures or programs and it shall be the responsibility of the Developer to ensure that such documents meet the Health & Safety Requirements.
- (5) The Developer shall be responsible for the selection of its subcontractors and shall be solely responsible for the means, methods, techniques, sequences and procedures and for coordinating the Works and ensuring that foreseeable health or safety hazards are known by its own employees and the employees of any subcontractor as well as the employees of the City or any other third parties required to be at or on the Works site. The Developer shall ensure that all of its employees and the employees of any subcontractor are qualified to perform the Works and are trained in any applicable Health & Safety Requirements. The City or its authorized representatives shall have access to the site of the Works at all times for the purposes of determining compliance with the requirements of this Agreement and it is understood and agreed that the City shall not be performing any supervisory or inspection function with respect to health and safety requirements or controlling the Works at the site of the Works.

Registration

- 30.(1) The Developer hereby agrees that this Agreement may be registered on the title to Developer's Land and consents to the registration of this Agreement against the said lands by way of Notice of Agreement and further understands that the said Agreement shall remain on title until Final Acceptance of the Works.
- (2) The Developer understands and agrees that the Developer shall be responsible for all fees incurred in the registration of this Agreement against the title to the said property and for all registration fees incurred in the registration of any subsequent amendment or deletion of the Agreement from title and for any approvals or consents required to register the Agreement.
- (3) The Developer shall arrange for and shall be responsible for all fees incurred in the registration of postponements of all debentures, charges, mortgages, or other similar documents registered prior to the registration of this Agreement.
- (4) The Developer hereby authorizes and directs the City Solicitor to register electronically on the Developer's behalf this Agreement as well as any other documents required to complete the transaction or agreement.

Further Assurances

31. The Developer will upon reasonable request of the City, provide such further assurances as may be required for the better performance of the terms and conditions of this Agreement.

Contra Proferentem Rule Not Applicable

32. Should any provisions of this Agreement require judicial interpretation, mediation or arbitration, it is agreed that the court, mediator or arbitrator interpreting or construing the same shall not apply a presumption that the terms thereof shall be more strictly construed against one Party by reason of the rule of construction that a document is to be construed more strictly against the Party who itself or through its agent prepared the same, it being agreed that both Parties, directly or through their agents have participated in the preparation of this Agreement.

Entire Agreement

33. This Agreement constitutes the whole agreement between the parties with respect to the matters dealt with in it, and it rescinds all prior agreements, understandings, discussions and the like respecting the matters dealt with in this Agreement and entered into by the parties before the date of execution of this Agreement. There are no other agreements, understandings, representations or warranties, either collateral, oral or otherwise.

Amendments

34. This Agreement may be amended, altered or modified only by agreement of the parties entered into in writing and signed by them.

Governing Law

35. This Agreement and the rights, obligations and relations of the parties shall be governed by and construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable therein and enforced in the courts of the Province of Ontario.

Freedom of Information and Protection of Privacy Legislation

36. The Developer acknowledges that this Agreement and any information collected by the City pursuant to this Agreement is subject to the rights and safeguards provided for in the *Municipal Freedom of Information and Protection of Privacy Act*.

Independent Legal Advice

37. The Developer acknowledges that the Developer has been advised to consult a lawyer before executing this Agreement. The Developer represents and warrants that it has either obtained independent legal advice from the Developer's own lawyer with respect to the terms of this Agreement prior to execution or declined seeking such independent legal advice. The Developer represents and warrants that it has read this Agreement and understands the terms and conditions and the Developer's rights and obligations under this Agreement and agrees to be bound by it.

Headings

38. Headings or descriptive words at the commencement of the various sections are inserted only for convenience and are in no way to be construed as a part of this Agreement or as a limitation upon the scope of the particular section to which they refer.

Number and Gender

39. In this Agreement the use of the singular number includes the plural and vice versa and the use of any gender includes all genders.

Non-Waiver

40. No condoning, excusing or waiver by any party hereto of any default, breach of, non-observance by any other party hereto, at any time or times with respect to any covenant or condition herein contained, shall operate as a waiver of that party's rights hereunder with respect to any continuing or subsequent default, breach or non-observance and no waiver shall be inferred from or implied by any failure to exercise any rights by the party having those rights.

Invalidity of Clause

41. If any provision of this Agreement shall be held to be invalid or unenforceable, it shall be considered separate and severable from this Agreement and the remaining provisions of this Agreement shall not be affected thereby and shall remain in full force and effect and shall be binding as though such invalid or unenforceable provision had not been included in this Agreement.

Third Party Observance

42. The Developer shall take all reasonable measures to ensure that its officers, directors, employees, agents and contractors shall be bound to observe the terms of this Agreement.

Binding

43. This Agreement shall be binding upon the parties and their successors and permitted assigns.

Assignment

44. The Developer shall not assign the whole or any part of the benefit of this Agreement without the prior written consent of the City.

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IN WITNESS WHEREOF the Parties have affixed their corporate seals attested to by the hands of its proper officers duly authorized in that behalf.

CITY OF GREATER SUDBURY

Per:

General Manager Growth and Infrastructure

1916596 ONTARIO LIMITED

Per:

Dario Zucchi

Print Name, Title

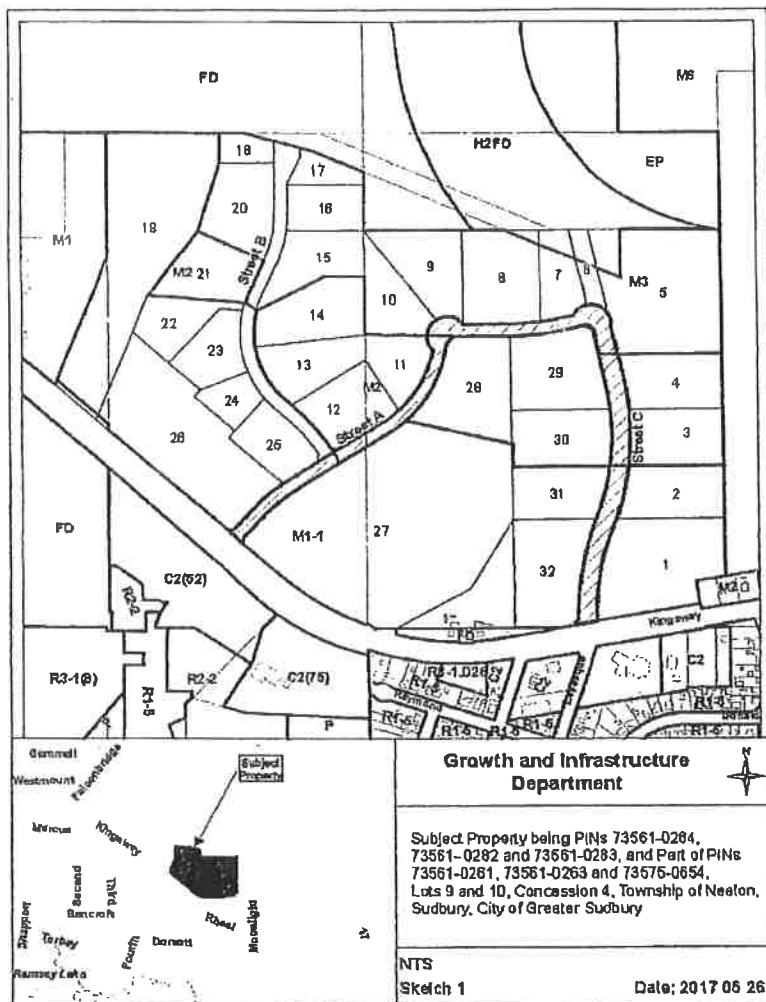
I/we have authority to bind the Corporation

PRESIDENT

REVIEWED BY:

Corporate Services	
Finance, Assets & Fleet	
Legal Services	
Advisor to CAO	DK
Community Development	
Growth & Infrastructure	
Economic Development	
Communications & Community Engagement	

SCHEDULE 'A'



MS

DATED this 8th day of June, 2017

1916596 ONTARIO LIMITED

- and -

CITY OF GREATER SUDBURY

OPTION AGREEMENT

CITY OF GREATER SUDBURY
Real Estate Section
P.O. Box 5000, Station A
200 Brady Street
Sudbury ON P3A 5P3

Tanya Rossmann-Gibson
Property Administrator
(705) 674-4455 ext. 2511

tsb

Handwritten initials

**THIS IS EXHIBIT "23" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Gateway inks deal with True North for Kingsway casino

Jun 13, 2017 12:26 PM by: Sudbury.com Staff



A conceptual drawing of the True North Strong project. (File)

The gaming and entertainment company tapped to run and build casinos in the northeast announced moments ago that it has signed a deal with True North Strong to put a casino on The Kingsway as part of the proposed event centre.

Gateway Casinos & Entertainment (Gateway) announced it has signed a letter of intent with Dario Zulich's True North Strong to become part of the proposed development.

Gateway said it plans to build a premier casino and entertainment property at this location.

In a press release, Gateway said the proposed casino and entertainment property will feature "a spectacular gaming floor and multiple dining and culinary options to suit any taste."

The company said it plans to spend \$60 million on the project in a deal it says will create up to 250 new jobs, growing Gateway's work force in the Nickel City to more than 400 workers.

The project will result in approximately 700 person-years of construction employment, Gateway said.

“Gateway is very excited to take this important step forward in bringing a major investment and up to 250 new jobs to Greater Sudbury,” said Keith Andrews, senior vice president and managing director of Ontario for Gateway. “The True North Strong proposal envisions creating a vibrant regional entertainment district. A Gateway property in the district is a perfect complement to this dynamic development.”

Gateway took over operations of the Slots at Sudbury Downs on May 30. If the True North project goes ahead, gaming operations would be transferred to The Kingsway from Chelmsford.

The company said municipal consent is needed for the project to go ahead.

In a news release, Gateway anticipates the property will open in the spring of 2020. In the interim, it will continue to work with the track owner at Sudbury Downs as Gateway takes over the day-to-day operations.

Gateway has previously said it plans to invest more than \$300 million to develop its operations in in northern and southwestern Ontario. Expect more details on Gateway’s plans for its operations in the city in the coming weeks.

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Don't Care



Sad



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**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM FORTIN

Applicants

-and-

CITY OF GREATER SUDBURY

Respondent

APPLICATION RECORD

Volume 2 of 6

DATE: October 22, 2019

MUNICIPAL LAW CHAMBERS

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APPLICATION RECORD OF THE APPLICANTS

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- 90 Facebook post by M. Jakubo, dated June 2017
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3 Affidavit of Rowan Faludi, sworn October 18, 2019

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- B** Kingsway Entertainment District Economic and Financial Analysis, dated March 12, 2018
- C** WND Report, dated March 20, 2018
- D** Hemson Report, dated Nov. 2002
- E** Coming of Age in the 21st Century, dated June 2003
- F** Minutes of City Council Meeting, dated June 26 2003
- G** From the Ground Up, dated Oct. 1, 2014
- H** Minutes of City Council Meeting, dated Nov. 03, 2015
- I** Downtown Master Plan, dated March 2012
- J** Minutes of City Council Meeting, dated April 17, 2012
- K** Staff Report on 10 Year Implement Plan, dated Aug. 2, 2012
- L** Minutes of City Council Meeting, dated Aug. 14, 2018
- M** Greater Together, 2015 – 2018
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- O** Presentation on Sudbury Community Arena, dated March 31, 2015
- P** Staff Report on Ten Year Implementation Plan Update, Nov. 4, 2015
- Q** Summary and Analysis Report on Large Projects Session, dated April 6, 2016
- R** Large Projects Priority Session, dated April 21, 2016
- S** PwC Report “Proposed Sports and Entertainment Centre – Feasibility and Business Case Assessment”, dated Feb. 21, 2017
- T** Resolutions of City Council, dated March 07, 2017
- U** PwC Report “Greater Sudbury Event Centre Site Evaluation”, dated June 2017
- V** Public notice, dated June 19, 2017
- W** Staff Report on Arena/Event Centre Update, dated June 15, 2017
- X** Bylaw 2017 – 149, dated Aug. 22, 2017
- Y** 2018 Approved Budget
- Z** Public Notice - Public Hearings for Kingsway Official Plan and Rezoning By-law Applications, dated March 12, 2018

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AA Official Plan Amendment No. 88

4 Affidavit of Henry Vincenzo Goegan, sworn October 18, 2019

5 Affidavit of Stephanie A. Fleming, sworn October 22, 2019

- A** Minutes of the City of London Council Meeting held June 12, 2012
- B** Letter from the City of London to the OLG, dated June 21, 2012
- C** Minutes of the City of London Strategic Priorities and Policy Committee Meeting held Dec. 11, 2017
- D** Presentation titled "Welcome to Gateway Casinos & Entertainment", dated Dec. 11, 2017
- E** Letter from Jake Pastore of OLG to the City of London, dated Jan. 17, 2018
- F** Staff Report to the Strategic Priorities and Policy Committee of the City of London, dated Jan. 29, 2018
- G** Minutes of the Strategic Priorities and Policy Committee of the City of London held Jan. 29, 2018
- H** Minutes of the City of London Council Meeting held Jan. 30, 2018
- I** Letter from the City of London to Anna Lisa Barbon, dated Jan. 31, 2018
- J** Email from Anna Lisa Barbon to Jake Pastore of OLG, dated March 21, 2018
- K** Email from Jake Pastore of OLG to Anna Lisa Barbon, dated March 26, 2018
- L** Display Boards for Public Open House and Information Session
- M** Summary of Public Consultation Results: Public Comments on Social Media
- N** Summary of Public Consultation Results: Survey
- O** Staff Report to the Strategic Priorities and Policy Committee of the City of London, dated April 23, 2018
- P** Minutes of Meeting of the Strategic Priorities and Policy Committee of the City of London held April 23, 2018
- Q** Minutes of the City of London Council Meeting held January 30, 2018

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- A** Letter from Prime Real Estate Inc. to Sudbury, dated June 26, 2017
- B** Minutes of City Council Meeting held Nov. 24, 2015
- C** *Modernizing Lottery and Gaming in Ontario*, dated March 12, 2012
- D** Minutes of City Council Meeting held May 15, 2012
- E** Staff Report on City of Greater Sudbury Submission to OLG for Casino RFP, dated Aug. 2, 2014
- F** Presentation to City Council, dated Aug. 14, 2012
- G** Minutes of City Council Meeting held Aug. 14, 2012
- H** Open house presentation on "Potential Casino Development", dated October 10, 2012
- I** Schedule of payments in respect of capital donation
- J** Facebook Messenger communication between J. MacIntyre and R. Kirwan, dated June 28, 2017
- K** News articles and Facebook posts from Councillor Kirwan in respect of BIA
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- M** Agenda of City Council Meeting, dated July 9, 2019
- N** Letter from BIA to Gordon Petch, dated August 2, 2019
- O** Complaint from BIA to Integrity Commissioner
- P** Email from J. MacIntyre to G. Petch, dated September 16, 2019
- Q** Agenda of City Council Meeting, dated September 24, 2019

**THIS IS EXHIBIT "24" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Fellow councillors,

I have obtained a copy of the options agreement signed by Dario Zulich on June 8th, 2017 regarding terms and conditions of the proposed partnership between the city and 1916596 Ontario Limited (Dario Zulich) for the "Kingsway Entertainment District". This document was retrieved through an FOI by Bill Crumpin. It was not shared with council before or after the vote and so it is attached for your information. Note that this option agreement was signed before the June 27, 2017 vote and is what council was voting for on that date.

This document raises many questions and I would like to make two observations concerning the terms and conditions in the document.

1. In Schedule B (Servicing, Contribution and Road Transfer Agreement) the city agreed to make a \$1,000,000.00 financial contribution to the costs to design, supervise and construct the infrastructure works. This was to be the only contribution by the city towards the design, site preparation, and infrastructure. On page 4 of the agreement it states;

"(3) The financial contribution provided for in the Servicing/Contribution and Road transfer Agreement shall be the sole compensation to the Owner for the completion of the works, and the transfer of the roads and infrastructure provided for therein. The owner agrees not to request from the city any further cost sharing or other contribution related to the cost and design and construction of the works."

2. Schedule B states the developer is to finance and complete the works in advance of receiving the City's financial contribution. On page 21 it states;

5.(1) The developer shall have all the works installed, constructed and completed as the case may be, at its own expense, subject to any right to receive the City's Financial Contribution towards the final costs of the project as provided in this agreement"

To summarize, in the agreement we (the City) agreed to purchase the lot for the arena for \$10, and further agreed to contribute a maximum \$1,000,000.00 to pay for servicing (including design, site preparation and infrastructure) AFTER the developer had financed and completed the work.

There is no mention in the agreement of the City financing \$8.5 Million for site preparation of the entire project and assuming all the risks if the project is successfully appealed by the LPAT, or the casino withdraws due to time constraints. This is an unreasonable amount of risk for the taxpayer to bare. If Mr. Zulich would like to proceed with site preparation, he is free to do so at his own risk, and expense.

Further, it is obvious that with our contribution to the site preparation and other design costs, we will far exceed our agreed \$1,000,000 contribution limit stipulated in this agreement.

We have asked that staff allow council to review the site preparation cost-sharing agreement with council before its is signed. I suggest we also request to review the final purchase agreement that is to be signed. This project has evolved far from the original agreement signed by Mr. Zulich on June 8th, 2017 to the detriment of taxpayers and we as council must assert our responsibilities of oversight in the interests of taxpayers.

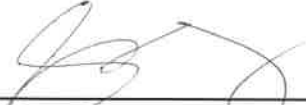
THIS IS **EXHIBIT "25"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

THIS IS **EXHIBIT "26"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.




A Commissioner, & etc.



83,208 Views

True North Strong Centre Project

June 13, 2017

 Like Page

WELCOME TO THE REGIONAL ENTERTAINMENT DISTRICT - VIDEO

If you could help elevate the city by liking, sharing or commenting on this post would you do it?

[#TrueNorthStrong](#) [#thisisthetime](#) [#2017](#)

  44

20 Comments 20 Shares

**THIS IS EXHIBIT "27" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Date: 22/06/17 [04:48:44 PM]
From: tf@ontrak.net
To: mayor@greatersudbury.ca
Subject: It's all about the casino.

Mr. Bigger,

My name is Tom Fortin, lifelong resident of Sudbury, owner of Ontrak Control Systems, Director of The Fortin Foundation and Director/Creator of the Fortin Discovery Lab at NORCAT. I am a community builder.

Back in 2013/14 I did extensive research on the economic effects of Casinos on northern communities while the debate about whether to host one in our city was raging. The report has been updated and is available on-line at www.ontrak.net/casino.htm. The information was gathered from a variety of sources including, the OLG (financial statements, RFP's etc.), municipal publications, Ontario Problem Gambling Research Centre, Regional Innovation and Business organizations, charity executives and a host of other sources.

I believe the proposed event center on the Kingsway will not proceed without a casino.

Convention/event/arena complexes are almost exclusively public efforts as the cultural and economic benefits to the community of such facilities are not easily monetized by private developers. The Sudbury Arena losses 600K per year, however, the net economic benefit is positive due to the increased local business activity, resulting higher property taxes, and the availability of reasonably priced space for local cultural events (The Sudbury Wolves would not Exist without this subsidized facility) . Adding a casino to the equation and suddenly these type of facilities do make economic sense for a private developer as the casino can be made to subsidize the adjacent facilities. Unfortunately, the addition of a casino has profound negative economic and cultural impacts upon the host community that far outweigh any benefit gained by such a complex. As seen in the data at www.ontrak.net/casino.htm , the monies that are siphoned off by casinos are substantial, and equal to the cost of building one of these facilities each, and every year.

Regards,
Tom Fortin
www.ontrak.net
www.fortinlab.com
705 671 2652

AN ECONOMIC LOOK AT SUDBURY'S PROPOSED NEW CENTRAL CASINO

My name is Tom Fortin and I was born, raised, and educated in Sudbury. I operate an electronics manufacturing company . I care about this community and have spoken with many people & most people have little real information about the project. The goal of these ads is to increase the awareness of what economic and social impacts a centrally located casino would have on c has been substantial over the past few years and we as citizens have a lot to be proud of. From our new School of Medicine, The Architect School, downtown revitalization, the Elgin Greenw industrial base, we have built a strong, vibrant and culturally diverse community . I believe a casino will have a profound negative social and economic impact on all we have accomplished to

The following OLG Casino FACT ads were published in the Northern Life from NOV 26, 2013, through Jan 2014.

OLG Casino FACT # 1/10 : Casinos Hurt Local Business -Published NOV 26, 2013

OLG Casino FACT # 1/10

In 2000 the City of Thunder Bay opened their new downtown casino to help combat 25M/year in gambling losses by residents at a US casino 45 minutes away. The mayor at the time expected "tourists to arrive by the busload! " Trillium funding was increased from 100K to 1M for the region, the Smith Clinic for gambling addictions was funded, and the city was to receive 5% of slot revenues. The casino opened with the support of 68% of local businesses and things were looking good!

~~OLG~~
Thunder Bay ~~Charity~~ Casino - Economic Impact

What impact do you believe the Casino is having on the economy of Thunder bay?

Year	Positive (%)	Negative (%)
2000	68	32
2001	61	39
2002	44	56
2003	37	63
2004	30	70
2005	15	85
2006	10	90
2007	19	81
2008	22	78
2009	13	87
2010	15	85
2011	16	84
2012	23	77

Source: Thunder Bay Ventures Annual Small Business Opinion Survey - (35 employees or less)

By 2006, fully 90% of businesses felt the casino was having a negative economic impact! Why you ask?

1. Gambling losses went from 25M to 50-60M/year in Thunder Bay
2. There was no increase in tourism.
3. 50-60M/Year in losses diverted from local businesses and charities.
4. 1M from Trillium Foundation only 2% of gambling losses.
5. The word "Charity" is removed from casino building.
6. Scores of business failures. Many charities fund raising efforts impaired.
7. 55% of businesses polled in 2006 actually want casino CLOSED!

Fact # 1

Casinos Hurt Local Business

Concerned?

- Call your local councillor by dialling 311
- Call the Sudbury Chamber of Commerce at (705) 673-7133
- Visit A&J Home Hardware on Bouchard St. to sign the petition.
- Visit www.nocasinosudbury.ca to sign on-line petition

More Information and Data...<http://www.ontrak.net/casino.htm>

This ad is paid for by Tom Fortin email: tf@ontrak.net

The primary data for this graph was compiled from the Annual Small Business Survey conducted by Thunder Bay Ventures which is a federally funded business development institution. The survey is sent out every year to business located in Thunder Bay with 35 employees or less. The database of businesses is obtained from the Thunder Bay Chamber of Commerce. On average, 108 surveys are returned from the 700 sent out to local businesses. If you visit their web site (<http://www.thunderbayventures.com/article/small-business-survey-114.asp>) you can download the individual surveys which makes for very interesting reading as it shows business conditions in Thunder Bay, before and after the casino opened in 2000. The preamble data was obtained through communications with Ken Boshcoff, the Mayor of Thunder Bay at the time the casino was brought to the city. Gambling loss data was obtained from the OLG financial reports (http://www.olg.ca/about/public_disclosure/annual_report.jsp) which for the year ending March 31 2012, showed gambling losses of \$50M. The most relevant business failure was that of the roving casino which was a private organization that hosted casino events throughout the city and returned 85% of gambling losses to man, Foundation" which shared approx 2% of gambling losses in the casino with local charities.

OLG Casino FACT # 2/10 : 1 Job=4 Jobs Lost in Community -Published NOV 28, 2013

OLG Casino FACT # 2/10

In Sudbury, the gambling losses at the SLOTS at Sudbury Downs averages approx. \$50M/Year. That works out to an average loss per patron/per visit of \$88. Of the \$50M in gambling losses, \$8M is used to pay salaries and benefits to the 142 employees.

OLG Slots at Sudbury Downs Economic IMPACT (Year Ending March 31, 2011)(360 SLOTS)	
Gaming Revenue	49.4 Million
Payment to City	2.468 M
Payroll (148 Employees)	7.956 M
Track Holder	4.937 M
To Horse People	4.937 M
Other <small>Facilities, Amortization, Promotions etc.</small>	6.000 M
Govt of Canada (Horse People)	8.000 M
Province of Ontario (Horse People)	8.000 M
Total Economic Impact	123 Million/Year!

NOTE: As of March 31 2013 **32 Million/Year** is removed from Sudbury Economy. (The OLG no longer compensates the track holder or the horse people.)

The bad news is that of the \$50M in gambling losses, approx \$32Million just leaves our community immediately while only \$850K/Year is spent in Greater Sudbury by the Trillium Foundation. (The Trillium Foundation is the "charity" arm of the OLG and the 850K spent is our share of the gambling losses from not only the casino, but the tens of millions lost on lottery tickets in Sudbury each year.)

So, to sum up...50M in gambling losses, 8M in wages, and 32M leaves the economy, which is 4 times the money spent on wages in the casino.

Fact # 2
1 Casino Job = 4 Jobs Lost in Community

Concerned?

- Call your local councillor by dialling 311
- Call the Sudbury Chamber of Commerce at (705) 673-7133
- Visit Café 11 on Cedar Street to sign the petition ← Great Food
Great People
- Visit www.nocasinosudbury.ca to sign on-line petition

More Information and Data...<http://www.ontrak.net/casino.htm>

This ad is paid for by Tom Fortin email: tf@ontrak.net

The data for the table in this ad is extracted from the OLG Financial Report for the year ending March 31st, 2011. The report can be downloaded at : http://www.olg.ca/about/public_disclosure

The revision as of Mach 31st, 2013, is due to the OLG suspending the compensation for the track holder and horse people who each has previously received 10% of gambling losses. The t downs, however it is a small fraction of the 5 Million or so they previously received.

The Trillium Foundation claims \$1.4 Million is returned to charities in Sudbury, however, they include payments made to many entities outside the City of Greater Sudbury. When examining sponsorships outside of Greater Sudbury the actual number works out to 850K +/-5K for each of the last 5 years. You can view the archives of where the Trillium money is spent in reports pos <http://www.otf.ca/en/grantRecipients/acms.asp>

OLG Casino FACT # 3/10 : Northern Ontario Casinos Do Not attract Tourists -Published Dec 3, 2013

OLG Casino FACT # 3/10

Back in 2006 the Ontario Problem Gambling Research Centre commissioned a survey of visitors to Northern Ontario casinos to determine where they came from. The casino patrons were simply asked "Where do you live?" Here is the data.....

- Patron Exit Survey - "Where do you live?" <small>Prepared for: Ontario Problem Gambling Research Centre By: Robert Hann and Associates Limited Aug 13., 2006</small>	Thunder Bay Casino	S.S.Marie Casino
Local Community	90.0%	86.5%
Outside local community but within County.	3.3%	3.3%
Outside local county but within Ontario.	4.5%	5.4%
Outside Ontario but within Canada.	2.0%	1.9%
Outside of Canada	0.2%	2.9%
Total Responses	1291	1362

From 86 to 90% of patrons were from the local host community. It gets much worse when parsing the data as the remaining 10% or so were asked if they came to the community specifically to visit the casino. Less than 2% of patrons came to the community specifically to visit the casino. This means the patrons who came to the casino from the surrounding communities were people who visited the host city regardless of the casino. The difference is, that they were now spending money in the casino, and not in locally owned establishments.

Fact # 3 **Casinos in Northern Ontario do not attract tourists!**

Concerned?

- Call your local councillor by dialling 311
- Call the Sudbury Chamber of Commerce at (705) 673-7133
- Visit A&J Home Hardware on Bouchard St. to sign the petition.
- Visit www.nocasinosudbury.ca to sign on-line petition

More Information and Data...<http://www.ontrak.net/casino.htm>

This ad is paid for by Tom Fortin email: tf@ontrak.net

The largest misconception about casinos in Northern Ontario is that they will attract tourists to our community. Both Thunder Bay and SS Marie have had casinos in their cities for over a decade attracting any significant numbers of visitors to their respective communities. The data for this ad is from a survey of casino patrons that shows where they are from, and why they came to the report [HERE_PDF_413K](#)). Although Sudbury may have a higher population base in surrounding communities it is obvious that a casino will only displace tourist spending in existing restaurants. The greatest proportion of people gambling in our casino will be from our community. This will have a profound effect on the financial viability of the range of home grown restaurants and attract

After only a glance at OLG Casino FACT #4/10 you will realize that Sudbury would not be special in any way if a full casino is built in our city. In fact, if we really want to be different we should

OLG Casino FACT # 4/10 : The Americans are Coming -Published DEC 3, 2013

OLG Casino FACT # 4/10

CASINO'S in Ontario 2013

■ OLG CASINO
● Racetrack SLOTS

CASINO'S in Ontario 2015

■ OLG CASINO
■ Modernized CASINO

Fact # 4 The Americans are coming!

Concerned?

- Call your local councillor by dialling 311
- Call the Sudbury Chamber of Commerce at (705) 673-7133
- Visit Café 11 on Cedar Street to sign the petition ←
- Visit www.nocasinosudbury.ca to sign on-line petition

Great Food
Great People

More Information and Data...<http://www.ontrak.net/casino.htm>

This ad is paid for by Tom Fortin email: tf@ontrak.net

Presently, the OLG Slots at Sudbury Downs is an OLG owned and operated facility. The OLG leases the space from Sudbury Downs. The OLG is a part of the Ontario Ministry of finance : employees. As part of the casino modernization, the new casinos will be privately owned and virtually all of the bidders are large American gambling companies.

OLG Casino FACT # 5/10: Gambling losses are about to increase 2-3X in Sudbury.

-Published DEC 5, 2013

OLG Casino FACT # 5/10

Gambling losses at the OLG Slots at Sudbury Downs is approx. 50Million/year. The total Gaming Revenue (gambling losses) in the new central casino is expected to be from \$100 to \$150 Million per year based on statements by the OLG and the city. The OLG RFP documents makes calculating where this revenue will go, quite simple. Here are the numbers.....

New Central Sudbury Casino Economic IMPACT		
Gaming Revenue (EXPECTED) 100 Million ↔ 150 Million		
Payment to City	5.0M	6.6M
US Owner/Oper. (Fixed)	9.0M	9.0M
US Owner/Oper. (Variable)	+28.0M	+63.0M
US Owner/Oper. (TOTAL)	=37.0M	=72.0M
Less Payroll (300-400 Employees)	-16M	-21M
Less Facilities, Mortgage and/or Lease	-10M	-10M
Less Advertizing and Incentives	-4M	-6M
Less Utilities, Taxes to City	-6M	-6M
US Owner/Oper. PROFIT	1.0M	29.0M
Govt of Canada	3.0M	4.5M
OLG/Province	55.0M	66.9M
Total \$ REMOVED from Sudbury's Economy EVERY YEAR!!!	59 Million	↔ 100.4 M

The only bright spots in this data are, the payment to the city of from 5.0 to 6.6M, which is only 1-1.3% of the city's budget, and the payroll to employees. Sadly, these numbers pale in comparison to the up to 29M we will be paying out to our American owner/operator and the 58-71Million removed from our community each year by the government. Keep in mind that the total money leaving our community is enough to build us a new OHL arena and convention centre **every year!!**

The worst of it is that the 100-150Million that will be lost to gambling in this casino will be offset by money not spent elsewhere in our community. Money not spent in our attractions, restaurants, festivals and virtually all other businesses that define who we are as a community. It is these locally owned/inspired enterprises that make us different from every other community in Ontario.

Note that the US owner/operator also keeps 100% of the expected 10-15M revenue from the new casino's included restaurant, bar, and any other included amenities.

Fact # 5 Gambling losses are about to increase 2 - 3 X in Sudbury

Concerned?

- Call your local councillor by dialling 311
- Call the Sudbury Chamber of Commerce at (705) 673-7133
- Visit A&J Home Hardware on Bouchard St. to sign the petition.
- Visit www.nocasinosudbury.ca to sign on-line petition

More Information and Data...<http://www.ontrak.net/casino.htm>

This ad is paid for by Tom Fortin email: tf@ontrak.net

The request for proposal (RFP) documents sent out by the OLG amke calculating where the revenue from the new casino will go quite trivial. the expected revenues are based upon the sta from the new casino.

The new central casino in Sudbury will extract from 59 to 100 Million dollars from our community EVERY year. That is enough to build a new large arena, AND a convention/arts centre, ever money is equivalent to a property tax increase of from 26-45% based on Sudbury's property tax revenues of 222 Million/year.

As the targeted patrons of the casino will be from Sudbury and area, these dollars will no longer be available to be spent in existing businesses including, restaurants, festivals and cultural e other type of business.

OLG Casino FACT # 6/10 : When seniors gamble, the community loses. -Published DEC 10, 2013

OLG Casino FACT # 6/10

In 2011 there were 558,000 patron visits to the Slots at Sudbury Downs. It is no secret that the majority of visitors to casinos in Northern Ontario are seniors. In 2006 a survey was done of 2,292 Ontario seniors and they were asked to list their favourite recreational activities. Of all the respondents, 19.9% indicated they visited a casino at least once a week and 23.4% of seniors listed casino gambling as one of their favourite activities. Here are all the activities they identified.....

Table 10. Participants Favourite Recreational Activities

	N	%
1. Visiting with family	1562	68.2
2. Visiting with friends	1492	65.1
3. Eating at a restaurant	1476	64.4
4. Reading	1232	53.8
5. Musical performances	1050	45.8
6. Volunteering for a church or service group	971	42.4
7. Theatrical performances	832	36.3
8. Sewing, knitting, quilting or needlework	729	31.8
9. Casino Gambling	537	23.4
10. Watching a movie at home	530	23.1
11. Moderately active sports	519	22.6
12. Going to movies	484	21.1
13. Vigorous sports	221	9.6
14. Taking a course	180	7.9
15. Other (e.g., walking, woodworking, cards and gardening)	325	14.2

Consider that in 1993 there were no casinos in Ontario. What were the favourite activities of seniors then? Casino gambling would not even had made the "Other" category. It is obvious that items 1-8 have suffered at the expense of casino gambling since 1994 when the first casino was opened in Ontario. What will this table look like in a few years after we increase gambling activities in our community 2-3X?

Seniors are the people who built this city. They are some of the most knowledgeable citizens we have concerning life, values, family, community, and even business and economics.

Families should be spending more time with seniors, not less. Our city should be working on plans to engage our seniors and encouraging their involvement in our evolution. The city should not be planning ways to have them spend more time sitting in front of slot machines.

Fact # 6 **When seniors gamble,
the community loses!**

Concerned?

- Call your local councillor by dialling 311
- Call the Sudbury Chamber of Commerce at (705) 673-7133
- Visit Café 11 on Cedar Street to sign the petition ← Great Food
Great People
- Visit www.nocasinosudbury.ca to sign on-line petition

More Information and Data...<http://www.ontrak.net/casino.htm>

This ad is paid for by Tom Fortin email: tf@ontrak.net

The first anti-casino ad published by Tom was a two page AD on July 18, 2013 in the Northern Life. It is shown below.

AN ECONOMIC LOOK AT SUDBURY'S PROPOSED

What is this about?

The OLG is proposing 25 new privately owned/operated full casinos to replace the 17 OLG operated Racetrack/Slot locations and 4 OLG operated casinos. The new model is one where casinos no longer specifically target visitors to communities. The new casino's target patrons are the citizens of the host community or "zone". The Greater City of Sudbury has indicated it is a willing recipient of a new centrally located casino. We are now waiting for an announcement of which private company will be permitted to design, develop and operate a full casino in a new central location to replace the present OLG slots at Sudbury Downs. It is expected that the new private operator will be a large American gambling company.

Gaming Revenue = Gambling Losses

After Sudbury's new central casino is operational, the citizens of Sudbury will attend the casino in its new central location to play on the up to 600 slot machines and up to 180 gaming tables. At the end of the year the difference between what was gambled and what was won by patrons is the total gambling losses or, **Gaming Revenue**. At OLG Slots at Sudbury Downs the total **Gaming Revenue** for the year ending March 31 2011 was \$49.4 Million. There were 558,405 patrons (visits) over this period which translates to an average gambling loss per patron/visit of \$88.¹

The total **Gaming Revenue** in the new central casino is expected to be from \$100 to \$150 Million per year. The OLG RFP documents makes calculating where this revenue will go, quite simple. Here are the numbers.

New Central Sudbury Casino Economic Impact ²		
	100 Million <->	150 Million
Gaming Revenue (Expected)		
Payment to City ³	5.0M	6.6M
US Owner/Operator (Fixed) ⁴	9.0M	9.0M
US Owner/Operator (Variable) ⁵	+28.0M	+63.0M
US Owner/Operator (Total)	=37.0M	=72.0M ¹⁵
Less Payroll (300-400 Employees) ⁶	-16M	-21M
Less Facilities, Mortgage and/or Lease ⁷	-10M	-10M
Less Advertising and Incentives ⁸	-4M	-6M
Less Utilities, Property Taxes ⁹	-6M	-6M
US Owner/Operator PROFIT	1.0M*	29.0M*
Government of Canada ¹⁰	3.0M	4.5M
OLG/Province ¹¹	55.0M	66.9M
Total \$ REMOVED from Sudbury's Economy EVERY YEAR!	59 Million <->	100.4 Million

Only 1-1.13% of the City's \$497 Million in annual budget!

OK... This is good!

This \$ not only leaves Sudbury, it leaves the country!

This \$ is in addition to the provinces share of income tax on payroll and their portion of the HST on everything else listed above!

***IMPORTANT:** The US Owner/Operator also keeps 100% of all non-gaming revenue. Non-gaming revenue includes revenue from the included restaurant, bar, conference centre and all other sources of income. This revenue will be in the area of \$10-15 Million¹².

Summary

The new central casino in Sudbury will extract from 59 to 100 Million dollars from our community EVERY year. That is enough to build a **new large arena, AND a convention/arts centre, every year!** Another way to look at it is that this amount of money is equivalent to a property tax increase of from 26-45% based on Sudbury's property tax revenue of 222 Million/year.

As the targeted patrons of the casino will be from Sudbury and area, these dollars will no longer be available to be spent in existing businesses including restaurants, festivals and cultural events, local entertainment, charities and virtually every other type of business.

To give you an idea of how huge these numbers are, here are the ticket sales for some of our most popular festivals, attractions and sporting venues.

Cinefest (2012)	225K	Sudbury Theatre Centre (2012)	384K
LOL Festival (2013)	170K	Sudbury Arena Ticket Sales (2012)	3.2M
NL Festival (2012)	90K	(All events, Wolves, Concerts, etc.)	
Science North (2011)	1.3M		
IMAX (2011)	705K	Our largest charity, the United Way	
Dynamic Earth (2011)	431K	raised 1.96 Million last year.	

These institutions will suffer considerably along with many others. Overall there will be a lot less pocket money as the casino works its magic and siphons cash from everyone who enters. Many businesses will see their income fall as business slows outside the casino walls. Local restaurants will have fewer patrons and many will fail as in all casino towns. There are many examples of towns in our province stripped of their identity by a local casino.

It really does not matter what business you work in. There will be much less money floating around the community for entertainment, culture and everything else that makes life worth living.

My Perspective

It is our festivals, cultural events, locally grown entertainment, varied restaurants, unique attractions and many sporting events that define who we are as a community. This is where we interact, create relationships and inspire our individuality, creativity, and entrepreneurial spirit. This is what makes us different from everyone else.

It is all enabled by the thin wedge of our income used for what we want, and left over after we've paid for what we need. This is the income the casinos prey upon.

With 25 casino's across the province, the OLG will attain its goal of Ontarians not having to travel a significant distance to gamble. The worst part is, there may be no reason to travel in Ontario at all.

The bottom line is that we stand to lose much more than money if we continue to allow these plans to progress. It does not matter if you don't gamble or never will, because saying nothing is the biggest gamble of all.

OLG Slots at Sudbury Downs Economic Impact (Year ending March 31, 2011) (360 slots)

Gaming Revenue	49.4 Million
Payment to City	2.468 M
Payroll (148 employees)	7.956 M
Track Holder	4.937 M
To Horse People	4.937 M
Other (Facilities, Amortization, Promotions, etc)	6.152 M
Government of Canada	1.57 M
OLG/Province	21.38 M

Total \$ REMOVED from Sudbury economy is \$23 Million!

The Alternative... The

Proponents of the new casino see it as a quick fix to obtain

There is a better way. The Community Way! It involves the Heritage Fund, The Trillium Foundation¹⁴, and others to build

We've done it before with the new School of Medicine. The three were built because a champion stepped forward. We forward.

Imagine a multi-use Community/Convention/Arts Centre on social impact, and developers would be lined up to build a centre around the centre appreciate in value. This is the opposite of

The best news is that once completed, after several years a community.

The casino option on the other hand is a one time deal as magnitudes that make this type of project nearly impossible



COME ON SUDBURY, LET'S



My name is Tom Fortin and I was born, raised, and educated in Sudbury about my community and have spoken with many people about Sudbury information about the project. The goal of this ad is to increase the awareness we would have on our city. I believe a casino will have a profound negative

There will be no referendum on this new casino heard through other means. For or against, here

CONCERNED CITIZEN?

Visit www.nocasinosudbury.ca to sign the petition.
Call your councillor by dialing 311.

CONCERNED BUSINESS OWNER/ CHAMBER MEMBER?

Call the Sudbury Chamber of Commerce at 705-673-7133

CONCERNED MUNICIPAL COUNCIL MEMBER?

We

1. OLG Annual Report 2010-2011 48-49; 2010-2011 48-49; 2. \$100M Centre / Convention Centre 3. \$10M Slot Revenue up to \$80M slot revenue need 1. Bunkle OLG RFP # 1373-02 1820449; 3. 25M + 80.2M 5. Variable portion based on 10M fixed; 6. 100M-40M x 75% = 28M and 150M-60M x 70% 7. OLG Annual Report 2010-2011 48-49; 8. Disaggregated to 300 and 400 employees; 9. 100M-40M x 75% = 28M and 150M-60M x 70% 10. Capital requirements for consideration to private vs government's 5. MTR Rate 4. 154. remainder is utility; 11. See item in OLG 2010-2011 annual report page 23 12. 17M/05/04M - report that it paid to the province 2.96 billion dollars as its share of profits from all OLG activities. 13. That amount 100 million (2.0%) was given to The Trillium Foundation (Sudbury) to fund for charitable purposes and some of it is done through local charities. The other 94% is general revenue. 14. Incentive to increase impact on that leave our community.

[Click here for the AD in PDF Format!](#)

**THIS IS EXHIBIT "28" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Date: 27/06/17 [12:25:57 PM]
From: Deb McIntosh <Deb.McIntosh@greatersudbury.ca>
To: tf@ontrak.net
Subject: Re: It's all about the casino.

Hello Mr Fortin,,
 Thank you for your note.
 You and I are on the same page regarding the casino.
 Deb

Deb McIntosh
 City Councillor - Ward 9
 City of Greater Sudbury
 705-929-2517 (cell)
 705-673-1651 (fax)

>>> <tf@ontrak.net> 6/22/2017 4:44 PM >>>

Ms McIntosh,

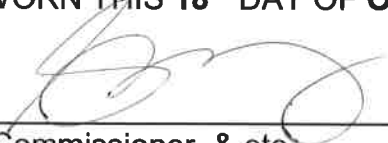
My name is Tom Fortin, lifelong resident of Sudbury, owner of Ontrak Control Systems, Director of The Fortin Foundation and Director/Creator of the Fortin Discovery Lab at NORCAT. I am a community builder.

Back in 2013/14 I did extensive research on the economic effects of Casinos on northern communities while the debate about whether to host one in our city was raging. The report has been updated and is available on-line at www.ontrak.net/casino.htm. The information was gathered from a variety of sources including, the OLG (financial statements, RFP's etc.), municipal publications, Ontario Problem Gambling Research Centre, Regional Innovation and Business organizations, charity executives and a host of other sources.

I believe the proposed event center on the Kingsway will not proceed without a casino.

Convention/event/arena complexes are almost exclusively public efforts as the cultural and economic benefits to the community of such facilities are not easily monetized by private developers. The Sudbury Arena losses 600K per year, however, the net economic benefit is positive due to the increased local business activity, resulting higher property taxes, and the availability of reasonably priced space for local cultural events (The Sudbury Wolves would not Exist without this subsidized facility) . Adding a casino to the equation and suddenly these type of facilities do make economic sense for a private developer as the casino can be made to subsidize the adjacent facilities. Unfortunately, the addition of a casino has profound negative economic and cultural impacts upon the host community that

**THIS IS EXHIBIT "29" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



For a Healthier Sudbury

November 17, 2017

To whom it may concern,

We are aware of the use of the Fabio Belli Foundation (FBF) name in some marketing materials recently which has been viewed many times and may give the impression that the FBF is already committed to a location.

We want to clarify that there has been no agreement made between the FBF and any developer in Greater Sudbury.

There was no request made by any campaign to the FBF for use of its name for inclusion in marketing campaigns and in particular we have not given authority to use our name in these images and videos.



We wish to be clear that we continue to look for suitable locations within the City of Greater Sudbury.

Sincerely,

Fabio Belli Foundation

Board of Directors

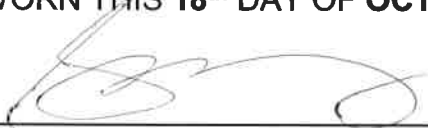
THIS IS **EXHIBIT “30”** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

THIS IS EXHIBIT "31" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.



A Commissioner, & etc.



Location:	Tom Davies Square
Commencement:	6:00 PM
Adjournment:	10:00 PM

Minutes For the City Council Meeting held Tuesday, June 27, 2017

His Worship Mayor Brian Bigger, In the Chair

Present Councillors Signoretti, Vagnini, Montpellier [D 6:03 p.m.], Dutrisac, Kirwan, Lapierre, Jakubo, Sizer, McIntosh, Cormier, Reynolds, Landry-Altman, Mayor Bigger

City Officials Ed Archer, Chief Administrative Officer; Kevin Fowke, General Manager of Corporate Services; Caroline Hallsworth, Executive Director Legislative Services/Deputy City Clerk; Tony Cecutti, General Manager of Growth and Infrastructure; Ron Henderson, General Manager/Advisor to the CAO; Catherine Matheson, General Manager of Community Development; Ed Stankiewicz, Executive Director of Finance, Assets and Fleet; Trevor Bain, Chief of Fire and Paramedic Services, General Manager of Community Safety; Eric Labelle, Assistant City Solicitor; Eliza Bennett, Director of Communications and Community Engagement; Melissa Zanette, Mayor's Chief of Staff; Ian Wood, Director of Economic Development; Jason Ferrigan, Director of Planning; Christine Hodgins, Legislative Compliance Coordinator; Lisa Locken, Clerk's Services Assistant.

Declarations of Pecuniary Interests and the general nature thereof

Councillor Montpellier declared a conflict of interest due to his full time Motorsport entertainment business.

Councillor Montpellier departed at 6:03 p.m.

1 .. Arena/Event Centre Update

Report dated June 15, 2017 from the General Manager regarding Arena/Event Centre Update.

Ron Bidulka, Managing Director, PricewaterhouseCoopers Consulting, Conrad Boychuk, Senior Director of Recreation and Venue Development, HDR/CEI Architecture Associates Inc. and Ron Henderson, General Manager/Advisor to the CAO, provided an electronic presentation regarding the Arena/Event Centre.

Rules of Procedure

Councillor Cormier requested a simultaneous written recorded vote for Options 1 and 2.

The following resolution was presented:

Resolution One:**Option 1:**

CC2017-182 Signoretti/Cormier: THAT the City of Greater Sudbury selects the Downtown location, as identified in the attached report from PWC attached as Appendix A and assessed by the Site Evaluation Committee as the site that received the highest overall rating across the eight criteria approved by Council, as the preferred location to construct the Arena/Event as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

YEAS:Councillors Sigoretti, Lapierre, Sizer, McIntosh, Cormier, Mayor Bigger

NAYS:Councillors Vagnini, Dutrisac, Kirwan, Jakubo, Reynolds, Landry-Altman
LOST

Recess

At 8:35 p.m. Council recessed.

Reconvene

At 8:52 p.m. Council reconvened.

Resolution to Proceed past 9:00 p.m.

Reynolds/Kirwan: THAT this meeting proceeds past the hour of 9:00 p.m.

CARRIED BY TWO-THIRDS MAJORITY

Change of Chair

At 9:01 p.m., His Worship Mayor Brian Bigger, vacated the chair.

Deputy Mayor Landry-Altman, In the Chair**Option 2:**

Mayor Bigger presented the following amendment:

CC2017-183A Bigger/Cormier: THAT the resolution be amended by adding the following 267 conditions at the conclusion of the motion presented in the report:

subject to the delivery by the True North Strong Group providing firm binding agreements for the construction of:

A casino, with appropriate land tenure

A resort with appropriate land tenure

A motor sports park with appropriate land tenure

Ice pads and field house with appropriate tenure

A Sudbury Wolves facility with an appropriate tenure

A conference centre with an appropriate tenure

All other "entertainment district" commitments as identified to the public

Along with an implementation to plan acceptable to City Council to address all of these features

YEAS:Councillors Signoretti, Lapierre, McIntosh, Cormier, Mayor Bigger

NAYS:Councillors Vagnini, Dutrisac, Kirwan, Jakubo, Sizer, Reynolds, Landry-Altmann (Abstained)

DEFEATED

Change of Chair

At 9:07 p.m., Deputy Mayor Landry-Altmann, vacated the chair.

His Worship, Mayor Brian Bigger, In the Chair

The following resolution was presented

CC2017-183 Reynolds/Kirwan: THAT the City of Greater Sudbury selects the Kingsway location, as identified in the attached report from PWC attached as Appendix A and assessed by the Site Evaluation Committee as being the highest rated site for two of the three criteria identified by City Council as being of the highest importance, as the preferred location to construct the Arena/Event Centre as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

YEAS:Councillors Vagnini, Dutrisac, Kirwan, Lapierre, Jakubo, Sizer, McIntosh, Reynolds, Landry-Altmann, Mayor Bigger

NAYS:Councillors Signoretti, Cormier
CARRIED

The following resolution was presented:

Resolution Two:

CC2017-184 Reynolds/Signoreitt: THAT the City of Greater Sudbury approves a financing plan for inclusion in the 2018 capital budget that utilizes the following funding sources: 267

- a) Contributions from senior governments where available 268
- b) Operating funds assigned to completed community grant obligations
- c) Debt financing
- d) Fundraising
- e) Other non-property tax based funding sources, as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

CARRIED

Resolution Three:

Recess

At 9:47 p.m. Council Recessed

Reconvene

At 9:50 p.m. Council Reconvened

Councillor Landry-Altman presented the following amendment:

CC2017-185A Landry-Altman/Reynolds: THAT the resolution be amended by striking the amount of \$7 million and replacing it with the amount of \$100.

CARRIED

The resolution as amended was presented:

CC2017-185 Kirwan/Dutrisac: THAT the City of Greater Sudbury execute the Option to Purchase Agreements negotiated for the selected site and that any necessary funding required to execute these agreements be provided from the Land Acquisition Reserve Fund, Industrial Park Reserve Fund and the WSIB Schedule 2 Reserve Fund at a value no greater than \$100, which funds will be replenished through the Arena/Event Centre debt financing plan as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

CARRIED

The following resolution was presented:

Resolution Four:

CC2017-186 Dutrisac/Signoretti: THAT the City of Greater Sudbury approves an honorarium of \$150,000 to each unsuccessful Design/Build team, total \$300,000 to be included in the total project costs as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

CARRIED

The following resolution was presented:

Resolution Five:

CC2017-187 Bigger/McIntosh: THAT the City of Greater Sudbury approves the recommended next steps as presented in the report from the Special Advisor to the CAO dated June 14, 2017 as described in the report from the Special Advisor to the CAO

entitled Arena/Event Centre Update dated June 15th, 2017.

269

CARRIED

Rules of Procedure

Resolution to Proceed past 10:00 p.m.

Kirwan/Landry-Altmann: THAT this meeting proceeds past the hour of 10:00 p.m.

DEFEATED

Adjournment

..

Automatic Adjournment at 10:00 p.m.

The following items were not addressed at the meeting and have been moved to the July 11, 2017 City Council Meeting:

Motions

- M-1 .. Request for Report for Removal of Ice Blading/Scraping Debris from Driveway Entrances
- M-2 .. Lafontaine Street Fire Hall
- M-3 .. Request for the Installation of Portable Toilet Facilities at all Neighbourhood and Community Parks operated by the City of Greater Sudbury.

Addendum

..

Civic Petitions

..

Question Period and Announcements

..

Notices of Motion

269

THIS IS **EXHIBIT "32"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

**THIS IS EXHIBIT "33" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



**Minutes
For the City Council Meeting held
Tuesday, August 22, 2017**

Location:	Tom Davies Square
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Commencement:	11:43 AM
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Adjournment:	5:30 PM
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Deputy Mayor Sizer, In the Chair

Present	Councillors Signoretti, Vagnini, Kirwan, Lapierre, Jakubo, Sizer, Reynolds
City Officials	Ed Archer, Chief Administrative Officer; Kevin Fowke, General Manager of Corporate Services; Eric Labelle, City Solicitor and Clerk; Melissa Zanette, Mayor's Chief of Staff; Ron Foster, Auditor General [A 12:54 p.m.]; Gabrielle Servais, Coordinator of Human Resources [A 12:54 p.m.]; Trevor Bain, Chief of Fire and Paramedic Services, General Manager of Community Safety [A 12:54 p.m.]

Declarations of Pecuniary Interests and the general nature thereof

None declared

Closed Session	The following resolution was presented:
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CC2017-235 Signoretti/Lapierre: THAT the City of Greater Sudbury moves to Closed Session to deal with four (4) items; three (3) items regarding Personal Matters - Identifiable Individual(s); and one (1) item regarding Labour Relations / Employee Negotiations providing an update

Report dated August 9, 2017 from the Chief Administrative Officer regarding Event Centre Development.

The following resolution was presented:

Resolution 1:

CC2017-257 Jakubo/Kirwan: THAT the General Manager of Community Development be authorized to enter into the following agreements:

a. On a single-source basis with Cumulus Architects Inc for the development of a Site Design Strategy at a cost not to exceed \$387,000 plus applicable taxes, with costs to be shared by Gateway Casinos and Entertainment Limited and with 1915695 Ontario Limited (Zulich) such that the City's share does not exceed one-third of the total cost;

b. With Gateway Casinos and Entertainment Limited and with Zulich for sharing the cost of a site concept plan on terms satisfactory to the Chief Administrative Officer and Executive Director, Finance, Assets and Fleet;

Motion for Deferral

Councillor Signoretti moved to defer this item to another City Council meeting in order for all Councillors and the Mayor to be present for the decision.

Rules of Procedure

Councillor Landry-Altman requested a simultaneous written recorded vote.

YEAS: Councillors Signoretti, Lapierre and Landry-Altman.

NAYS: Councillors Vagnini, Montpellier, Dutrisac, Kirwan, Jakubo, Sizer, Comier and Reynolds.

DEFEATED

Resolution to Proceed past 5:00 p.m.

Kirwan/Jakubo: THAT this meeting proceeds past the hour of 5:00 p.m.

CARRIED BY TWO-THIRDS MAJORITY

Councillor Signoretti presented the following amendment:

CC2017-257A Signoretti/Montpellier: THAT Resolution 1 a) be amended to read as follows:

a) A contract for the development of a site design strategy, subject to the results of a competitive bid solicitation, with the expenditure temporarily funded from the Tax Rate Stabilization Reserve Pending the approval of the Event Centre financing plan in the 2018 capital budget.

Rules of Procedure

Councillor Signoretti requested a simultaneous written recorded vote.

YEAS: Councillors Signoretti, Montpellier, Lapierre and Landry-Altmann.

NAYS: Councillors Vagnini, Dutrisac, Kirwan, Jakubo, Sizer, Comier and Reynolds.

DEFEATED

The following resolutions were presented:

Rules of Procedure

Councillor Signoretti requested a simultaneous written recorded vote for all resolutions for this report.

Resolution 1:

CC2017-257 Jakubo/Kirwan: THAT the General Manager of Community Development be authorized to enter into the following agreements:

a. On a single-source basis with Cumulus Architects Inc for the development of a Site Design Strategy at a cost not to exceed \$387,000 plus applicable taxes, with costs to be shared by Gateway Casinos and Entertainment Limited and with 1915695 Ontario Limited (Zulich) such that the City's share does not exceed one-third of the total cost;

b. With Gateway Casinos and Entertainment Limited and with Zulich for sharing the cost of a site concept plan on terms satisfactory to the Chief Administrative Officer and Executive Director, Finance, Assets and Fleet;

YEAS: Councillors Vagnini, Dutrisac, Kirwan, Jakubo, Sizer, Cormier and Reynolds.

NAYS: Councillor Signoretti, Montpellier, Lapierre and Landry-Altmann.

CARRIED**Resolution 2:**

CC2017-258 Jakubo/Kirwan: THAT staff be authorized to submit a re-zoning application on behalf, and with the consent, of the property owner to include "public arena" as a permitted use;

YEAS: Councillors Vagnini, Dutrisac, Kirwan, Lapierre, Jakubo, Sizer, Cormier, Reynolds and Landry-Altmann.

NAYS: Councillors Signoretti and Montpellier.

CARRIED

Resolution 3:

CC2017-259 Kirwan/Jakubo: THAT the General Manager of Community Development be delegated authority to negotiate, execute and subsequently amend or extend any agreements, including, without limitation, agreements for cost-sharing, professional and consulting services and for non-competitive purchases with a total acquisition cost of \$50,000 or more, including instruments, assurances and any other documents as may be necessary to complete the Event Centre Project subject to Council's approval of and in accordance with:

- A Site Design Strategy

- A financing plan

- Criteria used to evaluate proposals leading to the selection of a successful proponent to construct the Event Centre;

AND THAT a by-law be presented to formalize the decisions and authorities delegated to staff herein.

YEAS: Councillors Vagnini, Montpellier, Dutrisac, Kirwan, Lapierre, Jakubo, Sizer, Cormier, Reynolds and Landry-Altman.

NAYS: Councillor Signoretti.

CARRIED

By-Laws

..

The following resolution was presented:

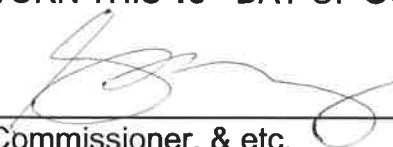
CC2017-260 Kirwan/Jakubo: THAT the City of Greater Sudbury read and pass By-law 2017-135 to and including By-law 2017-157.

CARRIED

The following are the By-Laws:

2017-
135

THIS IS **EXHIBIT "34"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.



Request for Decision

Event Centre Development

Presented To:	City Council
Presented:	Tuesday, Aug 22, 2017
Report Date	Wednesday, Aug 09, 2017
Type:	Managers' Reports

Resolution

Resolution 1:

THAT the General Manager of Community Development be authorized to enter into the following agreements:

a. On a single-source basis with Cumulus Architects Inc for the development of a Site Design Strategy at a cost not to exceed \$387,000 plus applicable taxes, with costs to be shared by Gateway Casinos and Entertainment Limited and with 1915695 Ontario Limited (Zulich) such that the City's share does not exceed one-third of the total cost;

b. With Gateway Casinos and Entertainment Limited and with Zulich for sharing the cost of a site concept plan on terms satisfactory to the Chief Administrative Officer and Executive Director, Finance, Assets and Fleet;

Resolution 2:

THAT staff be authorized to submit a re-zoning application on behalf, and with the consent, of the property owner to include "public arena" as a permitted use;

Resolution 3:

THAT the General Manager of Community Development be delegated authority to negotiate, execute and subsequently amend or extend any agreements, including, without limitation, agreements for cost-sharing, professional and consulting services and for non-competitive purchases with a total acquisition cost of \$50,000 or more, including instruments, assurances and any other documents as may be necessary to complete the Event Centre Project subject to Council's approval of and in accordance with:

- A Site Design Strategy
- A financing plan
- Criteria used to evaluate proposals leading to the selection of a successful proponent to construct the Event Centre;

Signed By

Report Prepared By

Ed Archer
Chief Administrative Officer
Digitally Signed Aug 9, 17

Financial Implications

Ed Stankiewicz
Executive Director of Finance, Assets
and Fleet
Digitally Signed Aug 9, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Aug 9, 17

AND THAT a by-law be presented to formalize the decisions and authorities delegated to staff herein.

Relationship to the Strategic Plan / Health Impact Assessment

The Event Centre project aligns with the Corporate Strategic Plan in both the Quality of Life and Place, Priority B: "Maintain great public spaces and facilities to provide opportunities for everyone to enjoy." and Growth and Economic Development, Priority D: "Invest in large projects to stimulate growth and increase conferences, sports and events tourism, and celebrate cultural diversity."

Report Summary

This report recommends the creation of a site design strategy in collaboration with key stakeholders to facilitate an integrated design for the anticipated developments. It also recommends the delegation of authority for project approvals, subject to limits established by Council that include approval of the site concept, a financing plan and evaluation criteria for selecting a proponent to complete the Event Centre's construction.

Financial Implications

If approved as presented, the recommendations authorize the expenditure of up to \$387,000 plus applicable taxes and delegate authority to the General Manager of Community Development for decisions that advance the project according to limits established by Council, including a financing plan. Expenditures incurred in 2017 will be temporarily funded from the Tax Rate Stabilization Reserve pending the approval in the 2018 capital budget of the Event Centre financing plan. The project budget, when established, would be used to replenish the Tax Rate Stabilization Reserve.

Event Centre Development

Background

City Council has received a number of reports regarding a new Event Centre. The most recent, considered at its June 27th, 2017 meeting, established a preferred location and directed that a financing plan be included in the 2018 capital budget utilizing a number of funding sources that were described in the report. It authorized the execution of the Option to Purchase Agreement for the subject land and approved an honorarium to be paid to the unsuccessful bidders that were prequalified to bid on the Event Centre's construction.

Event Centre Project Update

The purpose of this report is to seek direction following Council's June 27th decision to select the Kingsway site for a new arena/event centre ("Event Centre").

Recommendations for Council's consideration include directions that would establish:

- Council's support for producing a Site Design Strategy and integrated concept plan, with appropriate third party support to undertake the work that ensures a cohesive development and a strong sense of place.
- Cost sharing terms with both Gateway Casinos and 1915695 Ontario Limited (Zulich) regarding site development.
- Authority for staff to submit a re-zoning application to permit a public arena on the Event Centre site on behalf of and with the consent of the property owner.
- Authority for the General Manager of Community Development to prepare, negotiate, review, amend or extend any agreements, including, without limitation, agreements for cost-sharing and for non-competitive purchases with a total acquisition cost of \$50,000 or more, instruments, assurances and any other documents as may be necessary to give full effect to the Project Agreement entered into with the successful proponent identified and to complete the Project subject to Council's approval of:
 - A Site Design Strategy
 - A financing plan
 - The criteria used to evaluate proposals leading to the selection of a successful proponent.

Council's Desired Outcome

Council approved the Kingsway site for the Event Centre based on criteria it accepted and its desire to create synergies with other possible uses, namely a casino and a hotel/conference centre, which would attract visitors from across the region. Further, it expects construction of these buildings to occur concurrently as much as possible.

Key Stakeholders

It is clear that the City of Greater Sudbury cannot, on its own, produce all the outputs required for achieving Council's desired outcome. Gateway Casinos is a key stakeholder. It intends to build a new casino in Greater Sudbury and has to participate in the work necessary for realizing the desired outcome. It has previously expressed its support for the Kingsway site. Gateway representatives have met with staff over the last several weeks to review how its plans and the City's plans can be co-ordinated.

1915695 Ontario Limited (Zulich) is another key stakeholder. As the landowner of the surrounding property, its development plans should complement both the City's and Gateway's plans. Staff have had several meetings with Zulich over the last several weeks to review how its plans can be co-ordinated.

Issues

Achieving Council's desired outcome involves addressing several issues:

- A comprehensive and integrated approach to site planning and development
- Land use planning approvals
- Project governance, resourcing and coordination

Comprehensive and Integrated Site Planning and Development

The Kingsway site is currently undeveloped and lacks a comprehensive plan. The choice to establish it as the location for the new Event Centre, Casino and Hotel, surrounded by other uses, presents an opportunity to prepare a comprehensive design strategy for all of the land holdings and an integrated concept plan for the Event Centre, Casino and Hotel sites. The strategy and plan will maximize the site's potential for achieving Council's desired outcome.

In collaboration with Gateway and Zulich, staff recommends investing in the creation of a Site Design Strategy. This would produce a vision for how the site, when developed, could best realize Council's desired outcome and would be used as the basis for land use planning applications for the Event Centre and Casino developments. Hotel and restaurant uses are currently permitted on the site.

Preliminary discussions suggest the Site Design Strategy would incorporate features (e.g. street network, blocks and lots, built form, public realm, urban design, etc) that allow the separate developments to produce an integrated sense of place. Rather than a traditional development approach that could produce neighbouring buildings but no unique shared space, Gateway and Zulich have expressed interest in collaborating on a strategy and plan to guide short and long term development opportunities. The intended result is a high quality, cohesive place. With such collaboration, all stakeholders share responsibility for creating a place that would make it a destination within the city and region. Several examples of such developments exist across North America.

Staff recommend a single-source award to Cumulus Architects for the completion of a Site Design Strategy. There is a time-limited opportunity to collaborate and integrate the Arena and Casino projects before development approvals for each project must proceed independently. Given the narrow window, there is insufficient time to accommodate a full RFP process for developing the Site Design Strategy. All three parties support the award to Cumulus Architects.

Cumulus is the architect for the Gateway Casino project. It is intimately familiar with Gateway's operational model, security and servicing needs. Casinos have strict design parameters, and these are the constraints in an integrated project that are the most challenging to overcome.

Cumulus would lead a team of consultants to prepare a Site Design Strategy, coordinate the background studies to modify existing approvals and/or apply for new development approvals, as required, and consult with all relevant stakeholders. This would produce a coordinated and comprehensive development approach between the City and the Gateway facilities. However, each stakeholder would pursue its own project under its own control thereafter.

The Strategy and Plan would take approximately 8 weeks to produce, including public consultation. The cost is anticipated to be \$387,000 plus applicable taxes. The City's share would be one third of the cost, or approximately \$130,000.

Land Use Planning Approvals

The zoning for the site does not currently permit a public arena (Event Centre) or casino. A Zoning By-law amendment and Site Plan is required to permit the Event Centre's construction. The Casino requires an Official Plan amendment, Zoning By-law amendment and Site Plan approval to permit its construction on the site.

Since Zulich continues to own the property, both the City and Gateway require its authorization to submit the necessary planning applications that would begin the official plan amendment and rezoning processes. Meanwhile, Zulich needs to construct the street that would allow access to the site. The road's completion is required before building permits can be issued and Event Centre or Casino construction could commence.

Project Governance, Resourcing and Coordination

Steering Committee

The Large Project Steering Committee established in 2016 to guide the analysis of the four large projects selected by City Council will remain in place for the duration of the work required to bring each project to a conclusion. Chaired by the Chief Administrative Officer, its role is to direct the progress of the projects and provide sufficient, appropriate information to support Council's decisions about all four large

projects. Catherine Matheson, General Manager of Community Development, is a member of the Steering Committee and will serve as Event Centre Project Sponsor.

The General Manager of Growth and Infrastructure, Tony Cecutti, will continue to participate on the Steering Committee. However, Mr. Cecutti's portfolio is exclusively designed to serve in a regulatory role relative to this project. With responsibilities for Planning Approvals, matters within the Ontario Building Code, matters related to roads, sewer and water infrastructure, and matters related to Source Protection, his role and portfolio have been specifically excluded from project execution to preserve the community's need for the municipality's regulatory role to be fulfilled.

Event Centre Stakeholders Functional Committee

Council's desired outcome requires collaboration with key stakeholders. Subject to further discussion with Gateway and Zulich, staff anticipate forming an Event Centre Stakeholders Functional Committee. The purpose of the Committee is to maintain a shared focus on achieving the vision established by the Site Design Strategy, communicate with each other about each party's progress and collaborate to ensure concurrent development occurs as much as possible.

Staffing Requirements

Generally, the development of an Event Centre is complex. Combined with the potential for coordinating parallel development work by Gateway Casinos and a hotel developer, current staff resources are insufficient to properly support the project.

For this project to successfully achieve Council's desired outcome and appropriately manage risk, dedicated resources need to be assigned to execute the work, manage the project schedule and work with key stakeholders. A Project Director will be assigned full-time to this project, reporting to the General Manager of Community Development. He/she will be responsible for designing and executing a project schedule, managing staff resources and contractors required for the work and collaborating with stakeholders. Where staff are reassigned to this project their regular duties will be backfilled where required, with funding provided by the project budget.

Delegation of Council's Authority

Staff recommends Council delegate authority to the General Manager of Community Development to approve documentation, negotiate terms and execute agreements that support the project's successful on-time completion. Such authority would be applied according to the Site Design Strategy and financial terms established by Council. Maintaining a project schedule that respects the pace associated with neighboring private developments requires delegated authority from City Council to the Project Sponsor.

This means, for example, that where the City may need to establish contract terms to give full effect to a Project Agreement, the Project Sponsor would be empowered to do

so. The additional documentation could include such items as agreements with lenders, warranty certificates, undertakings, and closing certificates, all of which are typical for large commercial transactions of this type. It would enable the award of the construction contract following an evaluation of proposals that used the criteria Council approved for inclusion in the RFP.

Further, the delegated authority would permit the Project Sponsor to establish and execute agreements with key stakeholders regarding risk management, scheduling and cost sharing. This would be particularly applicable, for example, when coordinating site preparation work.

Regular reporting to Council will continue throughout the project. Council would retain authority over the project's key decisions, namely the approval of a concept plan, a financing plan and the criteria used to evaluate proposals leading to the selection of a successful proponent. Meanwhile, delegating authority to the Project Sponsor establishes a single point of accountability and enables effective, timely coordination with key stakeholders.

Next Steps

Staff anticipate the following next steps:

1. Proceed with the development of the overall site strategy and integrated concept plan.
2. Planning approvals: for the City, this involves seeking a Zoning By-law amendment; for Gateway, this involves an Official Plan amendment and Zoning By-law amendment; for Zulich, this involves securing detailed engineering approval to proceed with the construction of the street and registration of a part of the draft approved Plan of Subdivision.
3. Update bid document as required to reflect results of Site Design Strategy.

References

City Council, June 27, 2016:

<http://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=1&id=1130>

City Council, April 11, 2017:

<http://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=23&id=1125>

City Council, March 7, 2017:

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&lang=en&id=1124&minutes=1>

City Council, December 13, 2016

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1034&itemid=12449&lang=en>

City Council, July 12, 2016

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=943&itemid=10989&lang=en>

THIS IS **EXHIBIT "35"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: Synohware Sector: ICT-Phone
 Address: _____

For Profit
 Not For Profit
 Charitable

Phone Number: 1-800-519-5496 Webpage: _____
 Email: _____

of employees: 14

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): Kirk Petroski Title: _____
 Signature: _____ Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): KIRK PETROSKI Title: OCT 8 2017 OWNER
 Signature: _____ Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: Podco Designs. Sector: MANUFACTURING

Address: 1545 Maley Drive
Sudbury, ON
P3A 4R7

For Profit
Not For Profit
Charitable

Phone Number: 705-822-7521 Webpage: www.podcodesigns.com
Email: spodrucky@podcodesigns.com

of employees:

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Stephen Podrucky Title: Owner / Product Designer

Signature: Stephen Podrucky Date: Aug. 21, 2017.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Public Campaign Endorsement

To Greater Sudbury Mayor, Council, and Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: PRIMACY MEDICAL CENTRE Sector: HEALTH

Address: 1485 LASALLE BLVD
SUDBURY

For Profit

Not For Profit

Charitable

Phone Number: 705 822 5307

Webpage: PRIMACY MEDICAL CENTRE . CA

Email: _____

of employees:

Sudbury Chamber of Commerce Member: YES

NO

Downtown BIA Member: YES

NO

Public Endorsement

Logo used on webpage, in ads, and Letter used for lobbying purposes.

Name (Print): DR DENNIS REICH Title: DIRECTOR

Signature: Date: AUG 7 2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Notes

NO TA.
FRIDAY

Canvasser: _____



Public Campaign Endorsement

To Greater Sudbury Mayor, Council, and Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: Agawon Foot Clinic Sector: _____

Address: 1485 Lasalle Blvd

Sudbury, ON

P3A 5H7

For Profit

Not For Profit

Charitable

Webpage: _____

Phone Number: 705.222.3668

Email: sshlemkevich@gmail.com

of employees:

Sudbury Chamber of Commerce Member: YES

NO

Downtown BIA Member: YES

NO

Public Endorsement

Logo used on webpage, in ads, and Letter used for lobbying purposes.

Name (Print): S. Shlemkevich Title: President

Signature: [Signature] Date: Aug. 17/2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Notes

[Large empty box for notes]

Canvasser:



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: HERMAN'S 10A PHARMACY Sector: PHARMACY
 Address: 270 REGENT ST

 For Profit
 Not For Profit
 Charitable

Phone Number: 674-1339 Webpage: _____
 Email: _____

of employees: 20

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Herman Reich Title: President

Signature: [Signature] Date: Sept 17 2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: Sudbury Family Medication Sector: _____

Address: 176 LARCH ST
Sudbury ON
P3E 1C5

For Profit
Not For Profit
Charitable

Phone Number: 705 674 6664 Webpage: _____
Email: _____

of employees:

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): Sandra Mews Title: President / Secretary

Signature: [Signature] Date: Sep 19/2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Sandra Mews Title: Director

Signature: [Signature] Date: Sep 19 2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: Sandra News + Associates Inc Sector: _____
 Address: 176 LARCH ST
Sudbury ON
P3E 1C5
 For Profit
 Not For Profit
 Charitable

Phone Number: 705 525 5811 Webpage: www.sandranews.com
 Email: _____

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): Sandra News Title: Pres.
 Signature: [Signature] Date: SEP 19/2017
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Sandra News Title: President
 Signature: [Signature] Date: SEP 19/2017
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Canvasser: _____



Public Campaign Endorsement

To Greater Sudbury Mayor, Council, and Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: Priority Management Sudbury Sector: Service
 Address: 923 Chestnut Cr
Sudbury
P3A 5B3
 For Profit
 Not For Profit
 Charitable

Phone Number: 705-662-6390 Webpage: prioritymanagement.com/sudbury
 Email: craig@prioritymanagement.com

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Public Endorsement

Logo used on webpage, in ads, and Letter used for lobbying purposes.

Name (Print): Craig Jacobs Title: Owner
 Signature: Craig Jacobs Date: Sept 26/17
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Notes

Blank area for notes.

Canvasser: Vern/Chuck



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: SPA 21 Sector: SAA
 Address: 1583 REGENT
P3E 3Z7
 For Profit
 Not For Profit
 Charitable

Phone Number: 705 222 7723 Webpage: X
 Email: SPA twenty one@gmail.ca

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Kim Agostinucci Title: owner/operator

Signature: [Signature] Date: Sept. 17. 2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



#2

Public Campaign Endorsement

To Greater Sudbury Mayor, Council, and Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: ONTRAK CONTROL SYSTEMS Sector: MANUFACTURING

Address: 764 NOTRE DAME AVE
SUDBURY

For Profit
Not For Profit
Charitable

Phone Number: 705 671 2652 Webpage: www.ontrak.net
Email: tf@ontrak.net

of employees:

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Public Endorsement

Logo used on webpage, in ads, and Letter used for lobbying purposes.

Name (Print): TOM FORTIN Title: DIRECTOR

Signature: [Signature] Date: AUG 3 / 2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Notes

[Empty space for notes]

Canvasser: TOM



Public Campaign Endorsement

To Greater Sudbury Mayor, Council, and Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: Dalton Sector: _____

Address: 130 Elm Street
Sudbury, ON
P3C 1T6

For Profit

Not For Profit

Charitable

Phone Number: 705 560-9770

Webpage: Dalton.com

Email: Jernold@dalton.com

of employees:

Sudbury Chamber of Commerce Member: YES

NO

Downtown BIA Member: YES

NO

Public Endorsement

Logo used on webpage, in ads, and Letter used for lobbying purposes.

Name (Print): John Arnold Title: _____

Signature: [Signature] Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Notes

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: One Sky - Local Fine Goods Sector: Retail Gallery

Address: 125 Durham St.
Sudbury, ON
P3E 3M9

For Profit
Not For Profit
Charitable

Phone Number: 705-222-1759 Webpage: _____
Email: onesky@vianet.ca

of employees:

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): One Sky - Local Fine Goods Title: Co-Owner

Signature: [Signature] Date: Sept 13/17

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



CasinoFreeSudbury

The Power Of Community

Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: TOWNE HOUSE TAVERN Sector: _____

Address: 206 Elgin St
Sudbury, ON

For Profit
Not For Profit
Charitable

Phone Number: 705-674-6883

Webpage: thetownehouse.com
Email: pattydesjardins123@gmail.com

of employees: 30

Sudbury Chamber of Commerce Member: YES NO

Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

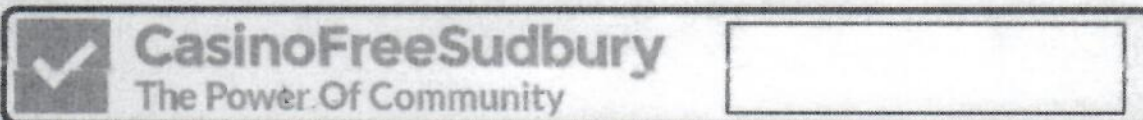
Name (Print): Patricia Desjardins Title: Owner

Signature: [Signature] Date: Nov 7, 17

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: SAWCHUK PEACH ASSOCIATES - ARCHITECTS Sector: BUILDING DESIGN & URBAN PLANNING

Address: _____

For Profit
 Not For Profit
 Charitable

198 CAK ST. SUDBURY ON P3C 1M7

Phone Number: 705 674 9633 Webpage: SAWCHUK PEACH ASSOCIATES
 Email: justpeachyjams@sympatico.ca
Sawchuk@vianet.ca

of employees: 2 CONSULTANT PARTNERS

Sudbury Chamber of Commerce Member: YES NOT NON-HAVE
 Downtown BIA Member: YES NO DONE WORK
 FOR BOTH.

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): ARTHUR PEACH Title: PARTNER - PROJECT MANAGER

Signature: [Signature] Date: 4 JAN 2018

Name (Print): CRYST SAWCHUK Title: PARTNER - PRINCIPAL ARCHITECT

Signature: [Signature] Date: 4 JAN 2018

Canvasser: _____



CasinoFreeSudbury

The Power Of Community

Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: Peddlers Pub Sector: _____
 Address: 63 CEDAR ST.

For Profit
 Not For Profit
 Charitable

Phone Number: 705 669 1075 Webpage: Peddlerspub.com
 Email: peddlerspub@yahoo.ca

of employees: 15

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____
 Signature: _____ Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Dina Garcia Title: Owner
 Signature: [Signature] Date: Nov 17
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Canvasser: _____



Public Campaign Endorsement

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: MAESTRO DANCE MINE Sector: MINE

Address: 87 MCGILL ST

LIVELY ON

Phone Number: 705 805 6910 Webpage: _____
Email: _____

of employees:

Sudbury Chamber of Commerce Member: YES NO

Downtown BIA Member: YES NO

Public Endorsement

Logo used on webpage, in ads, and Letter used for lobbying purposes.

Name (Print): DAVE BALLANTINE Title: DIRECTOR

Signature: [Signature] Date: APR 2

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Notes

[Empty space for notes]

Canvasser: Tom



CasinoFreeSudbury

Our community. Our way.

Public Campaign Endorsement

To Greater Sudbury Mayor, Council, and Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: Alexandria's Sector: RESTAURANTS
 Address: 211 Stouffville St. Sudbury
 For Profit
 Not For Profit
 Charitable

Phone Number: 705-688-1453 Webpage: _____
 Email: Alexandria's @ Vianet.ca

of employees: 17

Sudbury Chamber of Commerce Member: YES NO no
 Downtown BIA Member: YES NO

Public Endorsement

Logo used on webpage, in ads, and Letter used for lobbying purposes.

Name (Print): Mohamed Zohdy Title: owner

Signature: _____ Date: _____

Name (Print): Zohdy Title: owner

Signature: _____ Date: Aug 19, 2017

Notes

Canvasser:

HO 126



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: COSMIC DRES Sector: RETAIL
 Address: VINTL EMPORIUM
595 KATHLEEN ST.
SUDBURY ON7
P3C 2N4

For Profit
 Not For Profit
 Charitable

Phone Number: 705 222 9387 Webpage: _____
 Email: mark@cosmicdres
vintlemporium.com

of employees: 2

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____
 Signature: _____ Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): MARK BROWNING Title: _____
 Signature: _____ Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Canvasser: OUT OF TOWN!



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: JUNKALA WEALTH BUILDING Sector: _____

Address: 102-435 NOTRE DAME AVE
SUDBURY ONTARIO.

For Profit

Not For Profit

Charitable

Phone Number: 705 589 8899

Webpage: www.junkala.ca
Email: tina@junkala.ca

of employees:

Sudbury Chamber of Commerce Member: YES NO

Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public use of Logo +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): TINA JUNKALA Title: CEO

Signature: _____ Date: SEPT 8, 2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: CARMA Construction Inc Sector: Mining Const
Address: 295 FIELDING RD
LIVELY ON
P3Y 1A6

For Profit
Not For Profit
Charitable

Phone Number: 705-6824424 Webpage: _____
Email: CARMA@CARMAConstruction.com

of employees: 25-75

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____
Signature: _____ Date: _____
Name (Print): _____ Title: _____
Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): CARMA Construction Inc Title: Vice Pres.
Signature: [Signature] Date: June 14/18
Name (Print): _____ Title: _____
Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: JANNATEK TECHNOLOGIES Sector: MINING

Address: 1345 MALEY DR
SUDBURY P3A 4R7

For Profit
Not For Profit
Charitable

Phone Number: _____ Webpage: _____
Email: _____

of employees: 25

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): WAYNE ABLETT Title: _____

Signature: [Signature] Date: _____

Name (Print): _____ Title: _____

Signature: TAMMIE SMY Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: TUCOS TACO LOUNGE Sector: RESTAURANT
 Address: 582 KATHLEEN ST.
SUDBURY ONT
 For Profit
 Not For Profit
 Charitable

Phone Number: 705 222 9387 Webpage: _____
 Email: mark@tucostaco
lounge.com

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____
 Signature: _____ Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

+++ Optional - Public Endorsement +++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): MARK BROWNING Title: OWNER
 Signature: _____ Date: SEPT 8/17
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Canvasser: WILL STONE



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: HOURLASS RESTAURANT & LOUNGE Sector: RESTAURANT
 Address: 183 CEDAR STREET For Profit
SUDBURY, ON Not For Profit
P3E 1B5 Charitable

Webpage: HOURLASSRESTAURANT.CA
 Phone Number: 705-674-5277 Email: ERICPARENT1329@GMAIL.COM

of employees: 14

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): ERIC PARENT Title: OWNER / OPERATOR
 Signature: *Eric Parent* Date: Nov. 9th / 2017
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): _____ Title: _____
 Signature: *Eric Parent* Date: Nov. 9th / 2017
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: Norsona Marketing Sector: Marketing
 Address: _____

For Profit
 Not For Profit
 Charitable

Webpage: _____
 Phone Number: _____ Email: _____

of employees: 110

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): J. G. Coudon Title: PRESIDENT / CEO

Signature: _____ Date: 09/11/17

Canvasser: LEFT MESSAGE



CasinoFreeSudbury

The Power Of Community

310

Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: LAUGHING BUDDHA Sector: _____

Address: 194 ELGIN ST
SUDBURY, ON
R3E 3N5

For Profit
Not For Profit
Charitable

Phone Number: 705-673-2112

Webpage: laughingbuddhasudbury.com
Email: patrydesjardins123@gmail.com

of employees: 60

Sudbury Chamber of Commerce Member: YES NO

Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): PATRICIA DESJARDINS Title: OWNER

Signature: [Signature] Date: Nov 7/17

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____

LEFT MESSAGE

310



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: Softub Canada Sector: Manufacturing
Address: 267 Falconbridge Rd
Sudbury, ON P3A 5K8
For Profit
Not For Profit
Charitable

Phone Number: 705-525-6155 x202 Webpage: softubcanada.com
Email: wayne@softubcanada.com

of employees:

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____
Signature: _____ Date: _____
Name (Print): _____ Title: _____
Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Wayne Fraser Title: VP Sales & Marketing
Signature: [Signature] Date: 9/29/17
Name (Print): _____ Title: _____
Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: Golden Grain Bakery Sector: _____
Address: 153 Brady Street
Sudbury, ONT.
For Profit
Not For Profit
Charitable

Phone Number: 705 675-7341 Webpage: _____
Email: Golden Grain Bakery
@Bell.net.ca

of employees: 12

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): John Andlar Title: Owner Manager

Signature: [Signature] Date: Aug 24/17

Name (Print): David Andlar Title: Owner Manager

Signature: [Signature] Date: Aug 24 / 17

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: ROCK TECH Sector: DINING

Address: _____

For Profit
Not For Profit
Charitable

Phone Number: _____ Webpage: _____
Email: _____

of employees: 25

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Ricky Lemieux Title: President

Signature: [Signature] Date: Sept 11, 2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Public Campaign Endorsement

To Greater Sudbury Mayor, Council, and Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: ALL ABOUT MASSAGE Sector: RETAIL

Address: 105 DURHAM ST

For Profit
Not For Profit
Charitable

Phone Number: (765) 675 677 7 Webpage: All . CA
Email: _____

of employees:

Sudbury Chamber of Commerce Member: YES NO

Downtown BIA Member: YES NO

Public Endorsement

Logo used on webpage, in ads, and Letter used for lobbying purposes.

Name (Print): BOBBI DEISINGER Title: OWNER

Signature: [Signature] Date: Aug 8/17

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Notes

Canvasser: _____



Public Campaign Endorsement

To Greater Sudbury Mayor, Council, and Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: Coulson Sector: _____

Address: 52 Larch

For Profit

Not For Profit

Charitable

Phone Number: 705 674 4031 Webpage: _____
Email: _____

of employees:

Sudbury Chamber of Commerce Member: YES

NO

Downtown BIA Member: YES

NO

Public Endorsement

Logo used on webpage, in ads, and Letter used for lobbying purposes.

Name (Print): Antonio Monteleone Title: owner

Signature: Antonio Monteleone Date: Oct 17 2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Notes



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: DURA 21 INC. Sector: MANUFACTURING
 Address: 1545 MALEY DRIVE
SUDBURY, ONTARIO.
 For Profit
 Not For Profit
 Charitable

Webpage: www.dura21.com
 Phone Number: 705-521-8324 ext 402 Email: sales@dura21.com

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): DAVID DILLON Title: GENERAL MANAGER
 Signature: [Signature] Date: SEPTEMBER 19, 2017
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): DAVID DILLON Title: GENERAL MANAGER
 Signature: [Signature] Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: Dr. H. Reich (REICH DENTAL) Sector: _____

Address: 1280 Lasalle Blvd
Sudbury, Ontario.
P3A 1V8

For Profit
Not For Profit
Charitable

Webpage: _____

Phone Number: 705 560 2727 Email: reception@reichdental.ca

of employees:

Sudbury Chamber of Commerce Member: YES NO

Downtown BIA Member: YES NO

through dental society

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): Mark Reich Title: President

Signature: [Signature] Date: Oct 20/17

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: Ionic Engineering Sector: Industrial
 Address: 95 Mumford Road
Lively Ontario
 For Profit
 Not For Profit
 Charitable

Phone Number: 705 6920101 Webpage: _____
 Email: steven@ionic-eng.com

of employees: 80

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): Steve Matusch Title: _____
 Signature: [Signature] Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Steve Matusch Title: CEO
 Signature: [Signature] Date: Aug 25/2017
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: Medicor Research Inc. Sector: Medical
 Address: 359 Riverside Drive
Sudbury ON
P3E 1H5

For Profit
 Not For Profit
 Charitable

Phone Number: 705-566-0005 Webpage: www.medicorresearch.com
 Email: barb.ward@medicorresearch.com

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____
 Signature: _____ Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): BARB WARD-DAIGNON Title: CEO
 Signature: B Ward-Daignon Date: 07-July-2017
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: Kamri Systems Incorporated Sector: Mining
 Address: 1545 Maley Dr
Sudbury, On
P3A 4R7

For Profit
 Not For Profit
 Charitable

Phone Number: 705 612 2716 Webpage: www.kamrisystems.com
 Email: karim.omri@kamrisystems.com

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____
 Signature: _____ Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Karim Omri Title: President
 Signature: _____ Date: 11/09/2017
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Canvasser: Jumaine



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: BEARDS Sector: RESTAURANT
 Address: 587 KATHLEEN ST.
SUDBURY ON
P3C 2N4
 For Profit
 Not For Profit
 Charitable

Phone Number: 705 222 9387 Webpage: _____
 Email: _____

of employees: 12

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____
 Signature: _____ Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): MARY BROWNING Title: _____
 Signature: [Signature] Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Canvasser: _____



CasinoFreeSudbury
The Power Of Community

[Empty box]

Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: Danquard Ind. Sector: _____
Address: 580 Notre Dame Ave
Unit # 16.
Sudbury, Ont P3C 5L2
For Profit
Not For Profit
Charitable

Phone Number: 705-2521-1115 Webpage: _____
Email: _____

of employees: 28

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Ren Boudry Title: General Manager

Signature: [Signature] Date: Sept 11 2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser:

Juliane



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: AUTUMNWOOD MATURE LIFESTYLE Sector: RETIREMENT

Address: 130 ELM ST. SUITE 201

Sudbury

For Profit

Not For Profit

Charitable

Phone Number: 560 8733

Webpage: autumnwood.ca

Email: info@autumnwood.ca

of employees:

Sudbury Chamber of Commerce Member: YES

NO

Downtown BIA Member: YES

NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): JOE (JOHN MARINO) Title: GET FROM JOHN A.

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: 84 Station Sector: _____
 Address: 84 Elgin St

For Profit
 Not For Profit
 Charitable

Phone Number: 705-222-3422 Webpage: _____
~~705-928-10~~ Email: jpsmith@visioned.ca

of employees: 3

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____
 Signature: _____ Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): John Sumner Title: Barista/owner!
 Signature: _____ Date: _____
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: Personal Energy Coaching Sector: Service
 Address: 919 Brookfield
Sudbury P3A4K3
 For Profit
 Not For Profit
 Charitable

Phone Number: 705-929-2463 Webpage: personalenergycoaching
 Email: louise@je.ca

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Louise Bergeron Title: Owner

Signature: [Signature] Date: Sept 14/17

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: THE SCUBA SHOP Sector: _____
Address: 764 NORTH DUNE
P3A-2T4
For Profit
Not For Profit
Charitable

Phone Number: 705-674-7928 Webpage: _____
Email: MIKE@THESCUBASHOP.CA

of employees: 1

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____
Signature: _____ Date: _____
Name (Print): _____ Title: _____
Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): MIKE PATRICK Title: OWNER
Signature: [Signature] Date: OCT 19
Name (Print): _____ Title: _____
Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: FINANCIAL DECISIONS Sector: FINANCIAL
Address: 1546 BELLEVUE
SUDBURY
For Profit
Not For Profit
Charitable

Phone Number: 705 525 7526 Webpage: /
Email: _____

of employees: 6

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____
Signature: _____ Date: _____
Name (Print): _____ Title: _____
Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): JOHN LINDSEY Title: OWNER
Signature: [Signature] Date: OCT 25 / 17
Name (Print): _____ Title: _____
Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: FORTIN DISCOVERY LTD Sector: INNOVATION
 Address: 1545 MALEY DR.
SUDBURY
 For Profit
 Not For Profit
 Charitable

Phone Number: 705 562 0260 Webpage: Fortinlob.com
 Email: _____

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Jon Form Title: OWNER

Signature: [Signature] Date: SEPT 10 / 17

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Public Campaign Endorsement

To Greater Sudbury Mayor, Council, and Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: Advance Worx Inc Sector: Tech
 Address: 1545 Maley Dr.
Sudbury On
D3A 4R7

For Profit
 Not For Profit
 Charitable

Phone Number: 705-845-0120 Webpage: advanceworx.ca
 Email: michael@advanceworx.ca

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Public Endorsement

Logo used on webpage, in ads, and Letter used for lobbying purposes.

Name (Print): Michael Dolinar Title: CEO
 Signature: M. Dolinar Date: Aug 16, 2017
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Notes

Canvasser:



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: EL MERCADO LTD Sector: GIFT & HOME DECOR
 Address: 88 DURHAM STR.
SUDBURY, ONT
 For Profit
 Not For Profit
 Charitable

Phone Number: 705 6753092 Webpage: www.elmercado.ca
 Email: elmercado@shaw.ca

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): MARSHA FABBRO Title: PRESIDENT
 Signature: M. Fabbro Date: OCT 17 / 2017
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): MARSHA FABBRO Title: President
 Signature: M. Fabbro Date: OCT 17 / 2017
 Name (Print): Stirley Vincent Title: Treasurer
 Signature: _____ Date: OCT 17 / 2017

Canvasser:



CasinoFreeSudbury
The Power Of Community

[Empty box]

Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: Canadian Custom Textiles Sector: Industrial

Address: 967 Falconbridge Rd
Sud ON P3A 5K5

For Profit
Not For Profit
Charitable

Phone Number: 705 525-6152 Webpage: customtextiles.ca
Email: info@

of employees:

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Lee Tremblay Title: Operations Manager

Signature: [Signature] Date: 9/29/17

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: LONGHORN FINANCIAL PLANNING Sector: FINANCE

Address: SUITE 245
469 Bouchard St.
SUDBURY ON P3E 2K8.

For Profit
Not For Profit
Charitable

Webpage: _____

Phone Number: _____ Email: _____

of employees: 7

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: 10/1

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): RUBY LAVERGNE Title: _____

Signature: [Signature] Date: OCT

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Public Campaign Endorsement

To Greater Sudbury Mayor, Council, and Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: 50 Carleton Sector: ADVERTISING
 Address: 143 DARTMOUTH ST
SUDBURY, ON. P3E 5K9
 For Profit
 Not For Profit
 Charitable

Phone Number: (705) 675-3183 Webpage: 50carleton.com
 Email: hquayman@50carleton.com

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Public Endorsement

Logo used on webpage, in ads, and Letter used for lobbying purposes.

Name (Print): H. Quayman Title: PRESIDENT
 Signature: [Signature] Date: Aug. 8/17
 Name (Print): _____ Title: _____
 Signature: _____ Date: _____

Notes

Canvasser:



CasinoFreeSudbury
The Power Of Community

[Empty box]

Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

~~NE NUVO-SANTE MEDICAL~~

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: Dr Paul Rheault (NUVO-SANTE MEDICAL) Sector: _____
Address: 202-1780 Lasalle Blvd
Sudbury ON
P3A 1Y8
For Profit
Not For Profit
Charitable

Phone Number: 705 670-2950 Webpage: www.drcheault.ca
Email: paul.rheault@gmail.com

of employees:

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____
Signature: _____ Date: _____
Name (Print): _____ Title: _____
Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Paul Rheault Title: MD
Signature: [Signature] Date: Aug 23/2017
Name (Print): _____ Title: _____
Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: ACTIVATED WHITE Sector: _____
 Address: 1000 Chevalier Blvd.

For Profit
 Not For Profit
 Charitable

Webpage: www.activatedwhite.com
 Email: dennis@activatedwhite.com

Phone Number: _____

of employees: 5

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): DENNIS REICHT Title: CEO

Signature:  Date: Sept 17/17.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: FRANKS TREE Service Sector: _____

Address: 80 Normandy Crst
Sudbury, On

For Profit
 Not For Profit
 Charitable

Phone Number: 705 920 4567 Webpage: fftree service .com

Email: frank@fftree service .com

of employees:

Sudbury Chamber of Commerce Member: YES NO

Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): Frank Langemann Title: owner operator

Signature: [Signature] Date: Oct 16, 2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Frank Langemann Title: owner operator

Signature: [Signature] Date: Oct 16, 2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



April 5th, 2018

PRESS RELEASE - VIA EMAIL

Re: Proposed Sudbury Full Casino

The Sudbury and District Medical Society represent hundreds of doctors working to advance the health and well-being of Sudbury citizens daily. We are concerned with the negative health effects likely to be sustained with an enlarged and more easily accessible casino facility in Greater Sudbury.

We are all too familiar with the negative effects gambling has on our patients and we agree with much of the recent assessment from the Sudbury Public Health Unit:

- negative impacts of gambling introduction result in an increase in the number of problem gamblers.
- Problem gambling has adverse health impacts on individuals, families and communities.
- The impacts of problem gambling are not evenly distributed in the community, and affect some groups disproportionately including males, youth, older adults, Aboriginal peoples, and individuals and families with low incomes.
- The increased availability and accessibility of gambling in Greater Sudbury will likely result in an increase in the prevalence of problem gambling.
- Communities with greater proximity to casinos are likely to experience greater impacts.
- Much remains unknown about how to successfully treat problem gambling and emphasis should be placed on preventing exposure to gambling and mitigating harm.

For these reasons, today we are endorsing the casinofreesudbury.com campaign and will contribute to the legal appeal. Further, we encourage all of our members to contribute individually to the legal appeal fundraising campaign.

Sincerely,

Dr. Sanj Mathur – President SDMS

Dr. Dennis Reich – Vice-President SDMS



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: WEB DYNAMICS Sector: Comms
 Address: 1894 LASALLE
 For Profit
 Not For Profit
 Charitable

Phone Number: 562 4311 Webpage: webdynamics.ca
 Email: _____

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): R Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): ROBERT WILSON Title: _____

Signature: [Signature] Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: The Monique Legault Studio Sector: Art
Address: 172 Elgin
Sudbury Ont.
For Profit
Not For Profit
Charitable

Phone Number: 705-507-1352 Webpage: _____
Email: petalpusher@mac.com

of employees:

Sudbury Chamber of Commerce Member: YES NO
Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): Monique Legault Title: Owner

Signature: M. Legault Date: January 19 2017.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities."

Business Name: ENCOMPASSIT.CA Sector: _____
 Address: 1894 LASALLE BLVD
SUDBURY, ON
B3A 2A4
 For Profit
 Not For Profit
 Charitable

Phone Number: 705-525-0558 Webpage: WWW.ENCOMPASSIT.CA
 Email: MARK@ENCOMPASSIT.CA

of employees:

Sudbury Chamber of Commerce Member: YES NO
 Downtown BIA Member: YES NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): MARK ANDERSON Title: DIRECTOR

Signature: [Signature] Date: 10/25/2017

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: BRYSTON'S Sector: Food Service

Address: 5 CREMONA ROAD

COPPER CLIFF ON PONTIAC

For Profit

Not For Profit

Charitable

Phone Number: 682-0159

Webpage: BRYSTON'S.COM

Email: me

of employees: 32

Sudbury Chamber of Commerce Member: YES

NO

Downtown BIA Member: YES

NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): _____ Title: _____

Signature: [Signature] Date: _____

Name (Print): _____ Title: _____

Signature: BRYSTON'S Date: _____

Canvasser: _____

**THIS IS EXHIBIT "36" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Endorsements

The following businesses endorse the goal of the Casino Free Sudbury campaign.

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Note: While the vast majority of businesses prefer a **confidential** endorsement, some have agreed for their logo's to be publically displayed on this webpage.





Dr. Rheault Medical Offices



Frank's Tree Service

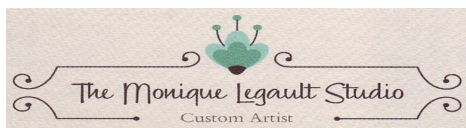
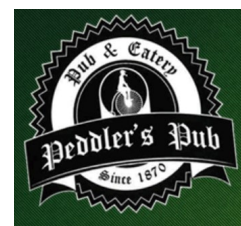
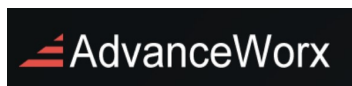


GOLDEN GRAIN BAKERY



terry vendetti interiors





the **XY** co.

ONTRAK
CONTROL SYSTEMS
DATA ACQUISITION AND CONTROL


SAWCHUK PEACH ASSOCIATES • ARCHITECTS – PLANNERS
198 OAK ST. – SUDBURY ONTARIO – P3C 1M7 – TEL. (705) 674-9633

Copyright ©2017 CasinoFreeSudbury.com

Phone: 705-562-0260 Email: info@casinofreesudbury.com



Campaign Endorsement

To: Greater Sudbury Mayor, Council, Sudbury Chamber of Commerce Board, and The Ontario Minister of Finance,

"We believe a full casino is not in the best interests of the City of Greater Sudbury and demand a moratorium be placed on any expansion of casino type gambling facilities in our community. This includes, changes in size, location, or type of gambling activities. "

Business Name: _____ Sector: _____

Address: _____

For Profit

Not For Profit

Charitable

Webpage: _____

Phone Number: _____ Email: _____

of employees:

Sudbury Chamber of Commerce Member: YES

NO

Downtown BIA Member: YES

NO

Confidential Endorsement

No public disclosure of endorsement. Letter used for lobbying purposes only.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

++++ Optional - Public Endorsement +++++

I/we consent to use of our corporate logo on the web page, in mailings and advertisements relating to the "Casino Free Sudbury" campaign.

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Name (Print): _____ Title: _____

Signature: _____ Date: _____

Canvasser: _____

**THIS IS EXHIBIT "37" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Robert T. Kirwan

Admin · September 21, 2017



When is it going to end?

This is what I found on a web site about plans to sabotage the big projects that we have set in motion in Greater Sudbury.

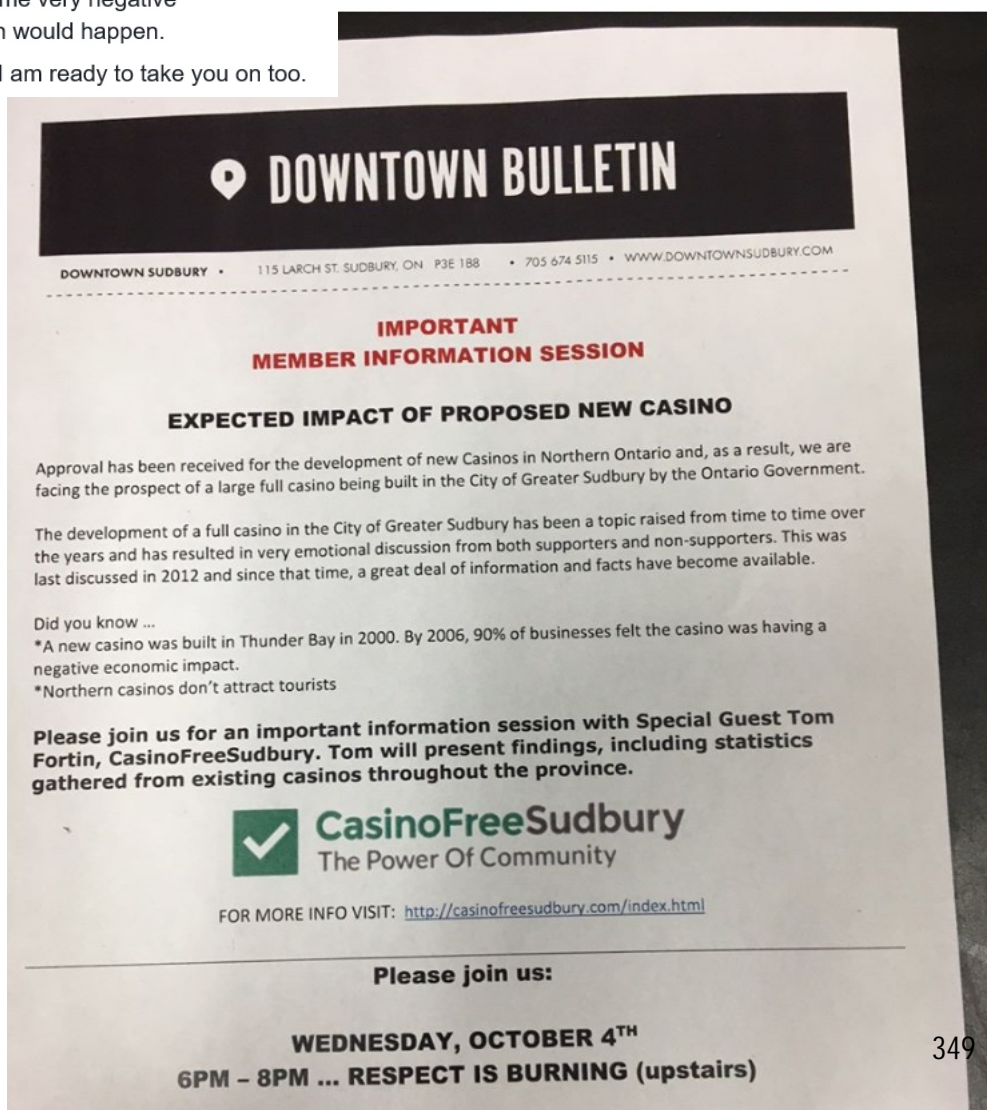
"The CasinoFreeSudbury campaign to prevent the development of a full casino in Sudbury starts after Labour Day 2017."

I can't even begin to describe how disgusted I am with the group that has started to mount a campaign to prevent Gateway Casino from being part of the Kingsway Sports and Entertainment District. This is nothing more than an attempt to sabotage the biggest development initiative that the City of Greater Sudbury has ever experienced. I cannot believe how much energy is being expended by the downtown proponents to destroy the future of this City.

Right now, we are in position to establish a casino, hotel and arena/event centre on the Kingsway. We are in position to establish a new library/art gallery, synergy centre and hotel in the downtown to go along with Place des Arts.

But there are people who are bound and determined to ruin everything because they are upset that they didn't get the arena downtown. I took on David Robinson in a public debate and I am prepared to take on Mr. Tom Fortin, who is spearheading this campaign. Mr. Robinson and Mr. Fortin are both demonstrating characteristics of people who are so focused on their downtown that they forget about the other six communities that were forced to amalgamate with Sudbury. What they are doing is infuriating to the outlying areas and is going to end up with some very negative consequences that they ought to have known would happen.

So, Mr. Fortin. If you are ready for a debate, I am ready to take you on too.



DOWNTOWN BULLETIN

DOWNTOWN SUDBURY • 115 LARCH ST. SUDBURY, ON P3E 1B8 • 705 674 5115 • WWW.DOWNTOWNSUDBURY.COM

**IMPORTANT
MEMBER INFORMATION SESSION**


EXPECTED IMPACT OF PROPOSED NEW CASINO

Approval has been received for the development of new Casinos in Northern Ontario and, as a result, we are facing the prospect of a large full casino being built in the City of Greater Sudbury by the Ontario Government.

The development of a full casino in the City of Greater Sudbury has been a topic raised from time to time over the years and has resulted in very emotional discussion from both supporters and non-supporters. This was last discussed in 2012 and since that time, a great deal of information and facts have become available.

Did you know ...
 *A new casino was built in Thunder Bay in 2000. By 2006, 90% of businesses felt the casino was having a negative economic impact.
 *Northern casinos don't attract tourists

Please join us for an important information session with Special Guest Tom Fortin, CasinoFreeSudbury. Tom will present findings, including statistics gathered from existing casinos throughout the province.

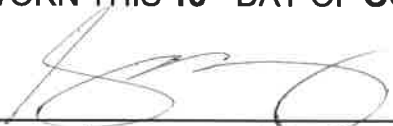
 **CasinoFreeSudbury**
The Power Of Community

FOR MORE INFO VISIT: <http://casinofreesudbury.com/index.html>

Please join us:

WEDNESDAY, OCTOBER 4TH
6PM – 8PM ... RESPECT IS BURNING (upstairs)

**THIS IS EXHIBIT "38" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

25th MEETING OF THE BOARD OF DIRECTORS OF 'DOWNTOWN SUDBURY'

Thursday, December 7, 2017, School of Architecture Board Room

A REGULAR MEETING OF THE BOARD HELD AT 4:00 P.M.**J. MACINTYRE IN THE CHAIR.****PRESENT**

S. Vincent, K. MacIsaac (LA 4:50pm), J. Browning, A. Gilmore, F. Cormier (ED – 5pm)

ALSO PRESENT

M. Luoma	Executive Director
B. Deisinger	
R. Green	Vista Hospitality
T. Fortin	CasinoFree Sudbury

REGRETS

D. Brouse, A. Vardy, B. McCullagh

GUESTS

T. Fortin was present to provide an update on activities specific to the **CasinoFree Sudbury** movement, together with anticipated next steps. The Chair also provided an overview of the results of the recent Member survey undertaken.

R. Green, Vista Hospitality, was also present to provide an update on the proposed site option of the Art Gallery/Library at the Rainbow Centre. Correspondence from Vista Hospitality to the Mayor and Council, including additional clarification, was previously circulated.

PART ONE – CONSENT AGENDA

DECLARATIONS OF CONFLICT - None declared.

IN CAMERA

The Chair requested an in-camera session to discuss a legal matter. B. Deisinger was excused from this portion of the meeting (as she officially becomes a Director following ratification by Council at their meeting of December 12th). Following the in camera portion – nothing to report.

CASINO

Further to the presentation/update by T. Fortin, Directors continued to discuss this matter and the results of the member survey. The following resolution was then presented but tabled:

17-144 Vincent-Browning

FURTHER to a recent Downtown Member poll;

BE IT THEREFORE RESOLVED THAT the Board of Directors of 'Downtown Sudbury' BIA believes that a full Casino is not in the best interests of the City of Greater Sudbury;

AND FURTHER THAT a moratorium be placed on any expansion of casino type gambling facilities in our community, including changes in size, location, or type of gambling activities;.

C-1 BOARD OF DIRECTORS**17-145 Gilmore-MacIsaac**

THAT Item C-1, contained in the Consent Agenda, as duplicated and circulated, be hereby accepted.

CARRIED

17-146 Gilmore-MacIsaac

THAT the Board minutes of the 24th Meeting (October 5, 2017), as duplicated and circulated, be hereby accepted.

CARRIED

THIS IS EXHIBIT "39" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.



A Commissioner, & etc.



Mike Jakubo

November 5, 2017



So Many People Had a Good Look at the Preliminary Site Plan for the Kingsway Entertainment District!

Today Ward 7 has its chance to check out the drawings and give its input at the Garson & Capreol Arenas!

The pic boards were set up in the foyers so everyone that attended the arena got a look at them and had a chance to give their input.

With Sundays being a very busy day at both rinks that ended up being a lot of people.

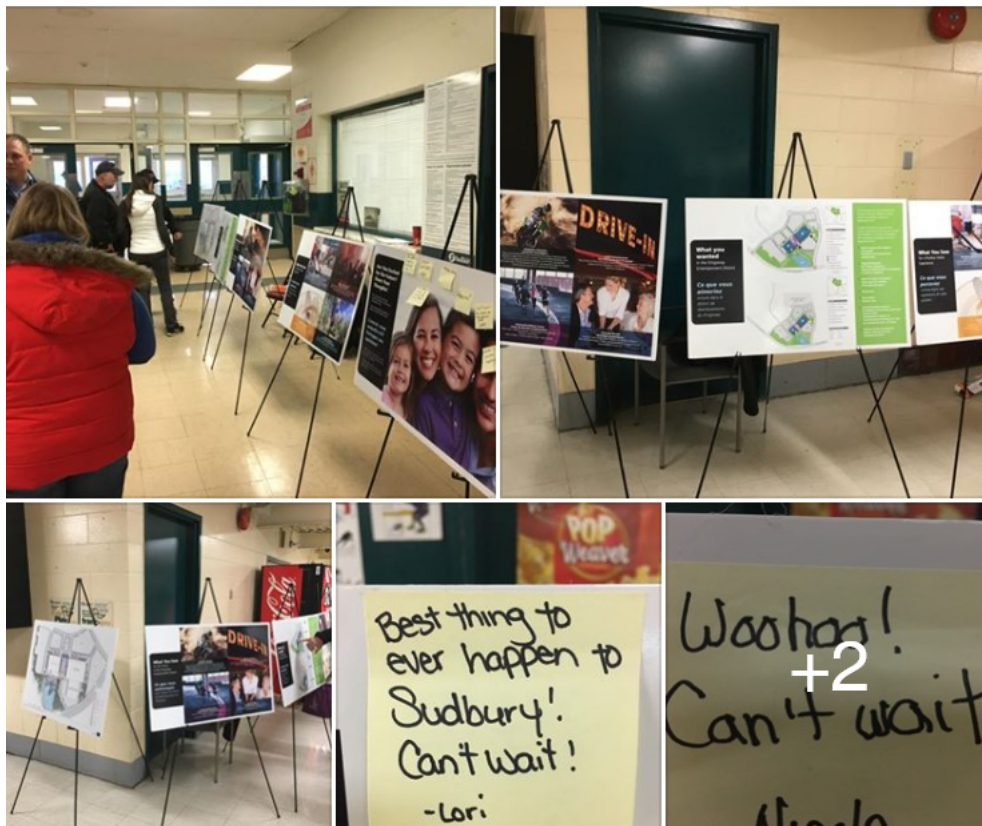
Overwhelmingly the most frequent and popular comments were: "This is so exciting!" "This is going to be awesome!" & "Its about time!"

That was and continues to be 95% of people.

Of course there are still some who refuse to accept that Council has made the decision to build a new Event Centre and that Council has also decided that it will be built on the Kingsway.

If you want to give further input you can do so online at

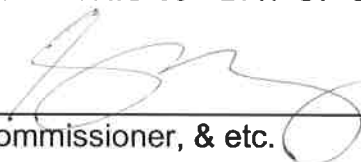
<https://www.greatersudbury.ca/.../kingsway-entertainment-dis.../>



5

6 Comments 2 Shares

**THIS IS EXHIBIT "40" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Date: 05/11/17 [12:13:05 AM]
From: tf@ontrak.net
To: perry@wildlaw.ca
Subject: TNS Project

Perry,

I don't believe we have ever been introduced, but we have many common friends in Sudbury. It is likely you are aware of my campaign to stop the TNS development you are involved in in Sudbury, because of its inclusion of a full casino. It is also not necessary that I get into why a casino in a remote community like Sudbury is not good for local business or the community as a whole.

In canvassing local businesses over the past months I have found that the majority of local business leaders/owners are very upset about the Kingsway Entertainment District, not just because of the casino, but also, regarding the effective creation of another downtown and the effects on the remaining parts of the city. There are a lot of people who have been working and building the community for many years that have a lot to lose if this project goes forward.

As for my effort, we are in the lawyer selection phase as the ultimate outcome of the campaign will likely be through an OMB appeal. With the pending OMB restructuring it is likely the process will be made more difficult and lessen our chances of a successful outcome. Regardless, I have made a commitment to the hundreds of business owners that have signed on to the appeal thus far and will continue.

If you ever want to sit down for a discussion, to find out about why we are doing this, or what we are doing, I would be willing to meet either in Sudbury or Toronto. (I am in Toronto quite often). A policy of the campaign is that we make no enemies as whatever the result, we as a community must move forward and work together, regardless of the landscape.

Regards,
Tom Fortin
(705) 562 0260 CELL

THIS IS **EXHIBIT “41”** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

Date: 15/10/19 [04:40:19 PM]
From: Bryston's <melnorm@eastlink.ca>
To: tf@ontrak.net
Cc: 'Bryston's' <melnorm@eastlink.ca>
Subject: FW: Cancellation of P00001189 for Bryston's On The Park

Hi Tom

We were the caterer of choice prior to this with 4 events catered in 2016. These were to their higher end customers at their location in Chelmsford and the STC. After I joined the Casino free movement I received a call from one of their head office staff asking me firstly if I had in fact joined the Casino free group and secondly if I wanted to remain as their caterer I would have to pull my name from the Casino free group. We had a short discussion on the merits and I told him I was not willing to do that.

N

From: Dawn Berthelsen [mailto:dberthelsen@gatewaycasinos.com]
Sent: November-09-17 1:35 PM
To: melnorm@on.aibn.com
Cc: Kerry Caloyannis <Kerry.Caloyannis@gatewaycasinos.ca>
Subject: Cancellation of PO0001189 for Bryston's On The Park

Good Afternoon,

Please be advised that PO0001189 has been cancelled as per item # 20 of the Terms and Conditions of the Purchase Order.

Thank you,


Dawn Berthelsen
 Buyer



Gateway Casinos & Entertainment Limited
 Ontario Regional Office
 103-256 Pall Mall Street
 London, Ontario N6A 5P6
 226 667-9836

dberthelsen@gatewaycasinos.com

THIS IS **EXHIBIT “42”** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.



Robert T. Kirwan shared a link.

Admin · November 14, 2017

It seems as if there are some people who just won't accept the decision by City Council to locate the arena / event centre on the Kingsway rather than downtown. They have obviously started to take aim at the casino and are trying to convince the public that building a full casino will be bad for the city. All I have to say is where were the protesters before? Why are they so concerned now? They weren't concerned when we were considering the site for the arena / event centre even though it was clear that Gateway Casinos was part of the Kingsway development. And when Gateway was awarded the contract almost a year ago, where were the protesters?

I can tell you. They were no where to be found because they hoped that the casino would be located in the downtown along with the arena. Now they are raising all of these concerns about the negative impact of the casino on the economy. What about lottery ticket sales? Why not advocate for the end of lottery ticket sales that take twice as much out of the economy than the casino? Why not advocate for the end of providing free syringes downtown for drug addicts? Are we not enabling the use of drugs and their continuation of their addiction by providing over 1 million free syringes each year? Have you ever heard of anyone killing someone on the road because of a gambling addiction? Why not advocate against the sale of beer and liquor instead of allowing it to be sold in grocery stores?

The arguments against the casino locating in Sudbury must be taken for what they are - nothing but a last ditch effort to turn people away from the casino so they have another chance to get the arena downtown.

As for the suggestion that I have changed my position on casinos, let me set the record straight. Back on June 16, 2016, I commented in a Facebook post on my Valley East Group that money which is taken out of the city by a stand alone casino such as the one we have always had at Sudbury Downs takes more money out of the economy than it generates. But that is not the case with Gateway Casinos, which has committed to moving from Sudbury Downs to become part of the Kingsway Development.

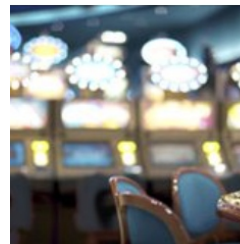
Gateway Casinos is now part of a strategic alliance that includes landowners Dario Zulich/Perry Dellelce and the City of Greater Sudbury.

Rather than "taking" more money out of the local economy than it is putting in, the decision by Gateway to invest \$60 million to build a state of the art casino was the tipping point that is not only going to result in hundreds of millions of dollars of immediate and long-term development on the Kingsway property, it is going to generate hundreds of millions of dollars of new development in the Downtown Art & Culture District with the library/art gallery, Synergy Centre / Hotel and other complementary businesses.

In addition to the capital investments, the hundreds of new jobs that are going to be created will infuse tens of millions of dollars of "new economic" growth in Greater Sudbury and the new business development will generate tens of millions of dollars of new commercial tax revenue and development charges in the coming years which will help the City deal with our infrastructure challenges. The spin off effects will be evidenced in more new homes and an expansion of the goods and services sector.

So, while some people may take delight in attempting to twist my words to spin false and misleading assumptions, let me be perfectly clear that my support for the Gateway Casino on the Kingsway is without question and unwaivering. Without the Gateway Casino deciding to locate on the Kingsway as part of the arena / event centre and hotel, none of this new development would be taking place. There would be no development on the Kingsway, no new jobs, no growth in commercial taxation, and, without a doubt, there would be no library/art gallery or Synergy Centre/hotel being built downtown. The Sudbury Wolves would continue to play in the old arena and nothing would change in this city. All of this growth and development is happening because of that one important decision by Gateway Casinos to become part of the critical mass cluster on the Kingsway.

That is why I am in total support of Gateway Casinos. What they are doing for the future of this city is unprecedented. They are putting far more into the City of Greater Sudbury than they are taking out now that they will be moving from their current location at Sudbury Downs. I have not changed my mind about the casino. What has changed is that Gateway Casinos is allowing the City of Greater Sudbury to bring in far more revenue than the casino is going to be taking out. We need more investments that produce this kind of result.



THESUDBURYSTAR.COM

Sudbury councillors divided on casino's merits

The Gateway casino may be coming, but not everyone is on board.

Chris Bentley and 21 others

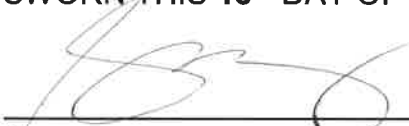
136 Comments

Like

Comment

Share

**THIS IS EXHIBIT "43" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Date: 21/11/17 [10:58:45 AM]
From: clerks <clerks@greatersudbury.ca>
To: tf@ontrak.net
Subject: Community Delegation

Mr. Fortin,

It has come to our attention that you are inquiring regarding appearing as a Community Delegation at an upcoming meeting. Prior to submitting your request to attend, please review the Rules of Procedure By-Law which is available on the City of Greater Sudbury website at:

http://www.greatersudbury.ca/content/div_clerks/documents/Procedure%20by-law%20%202011-235.pdf

In accordance with our Procedural By-Law, Community Delegations may attend "to address existing or proposed municipal policies or initiatives". Community Delegations are heard by Committees or by Advisory Panels and are only heard by Council in unique circumstances.

We would ask that you make a formal written request to the City Clerk, by way of a letter, preferably written on your organization's letter head and describing the purpose of your presentation as well as a description of how your presentation relates to existing or proposed municipal policies or initiatives.

Should you be placed on an agenda, you will be contacted to discuss suitable dates for your presentation and a copy of your written request will be included in the agenda package and distributed publically. Alternatively, if the topic of your proposed presentation does not address an existing or proposed municipal policy or initiative, but rather is proposed for purposes of providing information about your group or organization, the City will accept a short (1 - 2 page) written communication which may be circulated as an information item.

Thank you,
Clerk's Services

**THIS IS EXHIBIT "44" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Mike Jakubo

November 22, 2017



Kingsway Entertainment District Site Plan Approval Slated for Tonight's Meeting!

As was overwhelmingly supported by members of this group, the people of Ward 7 and citizens and business owners from all across Greater Sudbury, Council on June 27th approved the Kingsway site as the location for our new Event Centre.

You would think by some of the comments and media lately that people may have missed that June meeting even though, no matter who you talked to, or where you went anywhere in our City, it seemed like more people watched that Council meeting than voted in any recent election.

So we are now at the point in the decision making process to ensure that our City's event centre fits and functions in the most harmonious fashion possible with other major investments which 3rd parties are committing to break ground on at that same location.

We have held 2 rounds of community consultations to gather public input on what the design and siting of the buildings should look like. The first were information gathering sessions. The second brought a conceptual design to the public realm for comment and questions.

The Site Plan which we will be voting on today has taken all those comments into consideration and meshed them with the security features and other specifications we know we need in a public event centre as well as what Gateway knows it would need in a Casino and Hotel.

It is a real business and development partnership which has evolved and blossomed over the last few months. The type of partnership that has already yielded results the likes of which the City of Greater Sudbury has not seen.

So please know that as a Councillor, I accept where we are in the decision making process, as should each and every person sitting around the table tonight.

I want to thank all the people of Ward 7 for all of what have been mostly constructive comments at this site design stage in the process which I have heard over all forms of media and in person across the ward and City.



9

6 Comments 2 Shares



Like



Share



**THIS IS EXHIBIT "45" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Minutes For the City Council Meeting held Wednesday, November 22, 2017

Location:	Tom Davies Square
Commencement:	4:08 PM
Adjournment:	10:17 PM

His Worship Mayor Bigger, In the Chair

Present	Councillors Signoretti [A 4:14p.m.], Vagnini [D 4:50 p.m.], Montpellier [D 4:50 p.m.], Kirwan, Lapierre [A 4:14pm; D 5:15pm], Jakubo, Sizer, McIntosh [A 4:40 p.m.], Cormier, Landry-Altman and Mayor Bigger
City Officials	Ed Archer, Chief Administrative Officer; Kevin Fowke, General Manager of Corporate Services; Tony Cecutti, General Manager of Growth and Infrastructure Services [D 4:50 p.m.]; Joseph Nicholls, Interim General Manager of Community Safety [D 4:50 p.m.]; Eric Labelle, City Solicitor and Clerk; Eliza Bennett, Director Communications and Community Engagement; Joanne Kelly, Director of Human Resources and Organizational Development; Ron Foster, Auditor General; Melissa Zanette, Chief of Staff; Lynn Webster, Manager of Strategic and Business Service; Gabrielle Servais, Coordinator of Human Resources

Declarations of Pecuniary Interests and the general nature thereof

Councillors Vagnini and Montpellier declared a conflict of interest in relation to item CM-3.

Closed Session	<p>The following resolution was presented:</p> <p>CC2017-328 Landry-Altman/Kirwan: THAT the City of Greater Sudbury move to Closed Session to deal with three (3) items on the agenda, two (2) labour relations/employee negotiations matters, the first regarding negotiations with CLAC Local 920 and the second regarding the Joint Distribution and Collection Committee with CUPE Local 4705; and one (1) Personal Matter (Identifiable Individual(s)) and solicitor-client privilege matter in accordance with the Municipal Act 2001, s. 239(2)(b), (d) and (f).</p> <p>CARRIED</p>
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Council moved into Closed Session at 4:10 p.m.

Councillors Vagnini and Montpellier departed at 4:50 p.m.

Recess	At 5:48 p.m. Council recessed.
--------	--------------------------------

Reconvene	At 6:19 p.m., Council commenced the Open Session in the Council Chambers
-----------	--

Councillor McIntosh moved to defer this item to the City Council meeting of January 9, 2018 in order to have more time to review the information provided.

Rules of Procedure

Immediately following the vote Councillor Kirwan requested a recorded vote.

YEAS: Councillors Signoretti, Montpellier, Dutrisac, Lapierre, Sizer, McIntosh, Cormier, Reynolds and Landry-Altman.

NAYS: Councillors Vagnini, Kirwan, Jakubo and Mayor Bigger.

CARRIED

Recess

At 8:19 p.m. Council recessed.

Reconvene

At 8:34 p.m. Council reconvened.

3 ..

Catherine Matheson, General Manager of Community Development, David Shelsted, Project Director and Paul Szaszkiwicz, Principal of Cumulus Architects provided an electronic presentation regarding the Site Design for the Kingsway Entertainment District for decision.

Resolution to Proceed past 9:20 p.m.

Sizer/Kirwan: THAT this meeting proceeds past the hour of 9:20 p.m.

Rules of Procedure

Councillor Kirwan requested a simultaneous written recorded vote.

YEAS: Councillors Vagnini, Dutrisac, Kirwan, Jakubo, Sizer, Cormier, Reynolds, Landry-Altman and Mayor Bigger.

NAYS: Councillor Signoretti, Montpellier, Lapierre and McIntosh.

CARRIED BY TWO-THIRD MAJORITY

The following resolution was presented:

CC2017-330 Kirwan/Landry-Altman: THAT the City of Greater Sudbury accept the Site Design Strategy for the Kingsway Entertainment District as outlined in the report entitled "Site Design Strategy for Kingsway Entertainment District", from the General Manager of Community Development, presented at the City Council meeting of November 22, 2017.

CARRIED

Matters Arising from the Closed Session

..

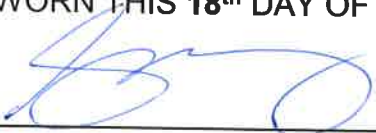
Deputy Mayor Sizer, as Chair of the Closed Session, reported that Council met in Closed Session to deal with three (3) items on the agenda, two (2) labour relations/employee negotiations matters, the first regarding negotiations with CLAC Local 920 and the second regarding the Joint Distribution and Collection Committee with CUPE Local 4705; and one (1) Personal Matter (Identifiable Individual(s)) and solicitor-client privilege matter in accordance with the Municipal Act 2001, s. 239(2)(b), (d) and (f).

**THIS IS EXHIBIT "46" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

**THIS IS EXHIBIT "47" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Draft Integrated Site Plan Kingsway Entertainment District Update to City Council November 1, 2017

Presented by:

<p>Catherine Matheson, Paul Szaszkiwicz, David Shelsted,</p>	<p>General Manager of Community Development Principal, Cumulus Architects Inc. Project Director</p>
--	---

November 1st, 2017

KINGSWAY ENTERTAINMENT DISTRICT

COUNCIL KEY DECISIONS

- **Apr 2016**
Arena/Event Centre Identified as Large Project
- **July 2016**,
Price Waterhouse Coopers (PCW) selected to assist with the development of the Arena/Event Centre.
- **Mar 2017**
5,800 seat Event Centre, Design/Build procurement, PWC Market Analysis and Business Case Assessment, RFP for an Event Centre Operator to be issued concurrent with the release of the Event Centre RFP. Negotiate a "term sheet" with the Sudbury Wolves. Prepare financial plan.

KINGSWAY ENTERTAINMENT DISTRICT

COUNCIL KEY DECISIONS

- **June 2017**
Kingsway Site selected for the Arena/Event Centre.
- **Aug 2017**
Cumulus Architects Inc for an Integrated Site Plan. Council authorized staff to submit a re-zoning application on behalf, and with the consent, of the property owner to include "public arena" as a permitted use. General Manager of Community Development delegated authority, with three council decision points.
 - Integrated Site Plan
 - Financial Plan
 - Evaluation Criteria for Design Build

KINGSWAY ENTERTAINMENT DISTRICT

PARTNERS

- City of Greater Sudbury
- Developers (Dario Zulich & Co.)
- Gateway Casinos and Entertainment Limited
- Cumulus Architect Inc. (Consultant)

**THIS IS EXHIBIT "48" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**

A handwritten signature in black ink, appearing to be 'B. Fortin', written over a horizontal line.

A Commissioner, & etc.



City Council



Type of Decision									
Meeting Date	November 22, 2017			Report Date	November 14, 2017				
Decision Requested	X	Yes		No	Priority	X	High		Low
	Direction Only				Type of Meeting	X	Open		Closed

Report Title
Site Design Strategy for Kingsway Entertainment District

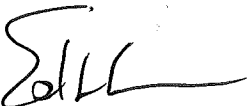
Resolution	Relationship to the Strategic Plan/Health Impact Assessment
<p>THAT the City of Greater Sudbury accept the Site Design Strategy for the Kingsway Entertainment District as outlined in the report entitled "Site Design Strategy for Kingsway Entertainment District", from the General Manager of Community Development, presented at the City Council meeting of November 22, 2017.</p>	<p>The Event Centre project aligns with the Corporate Strategic Plan in both the Quality of Life and Place, Priority B: "Maintain great public spaces and facilities to provide opportunities for everyone to enjoy." and Growth and Economic Development, Priority D: "Invest in large projects to stimulate growth and increase conferences, sports and events tourism, and celebrate cultural diversity."</p>
Resolution Continued	X Background Attached

Report Summary	Financial Implications
<p>The purpose of this report is to present the final integrated site design strategy to City Council for decision and to provide an update on the Kingsway Entertainment District.</p>	<p>A business case is included in the 2018 Budget which outlines the financial plan for the New Arena/Event Centre.</p>

Report Prepared By	Division Review
<p>David Shelsted Project Director</p> 	<p>Catherine Matheson General Manager of Community Development</p> 

Recommended by the Department	Financial Implications
<p>Catherine Matheson General Manager of Community Development</p> 	<p>Jim Lister Manager of Financial Planning and Budgeting</p> 

Recommended by the C.A.O.



Ed Archer
Chief Administrative Officer

Background

The purpose of this report is to present the final integrated site design strategy to City Council for decision and to provide an update on the Kingsway Entertainment District. The concept plan has been developed in consultation with the community and is reflective on Council direction on scope of the project. This large project has two other partners; Gateway Casinos and Entertainment Limited and with 1915695 Ontario Limited (Dario Zulich and company).

The report identifies the evolution of Council decisions associated with both the arena/event centre and gaming/casinos. This illustrates the extensive nature of the work for years as associated with this integrated approach to a public/private partnership.

Council Decisions Regarding the Arena/Event Centre

The discussion on arena renewal in Greater Sudbury became a consideration of City Council in 2010 when Council requested an arena renewal strategy be undertaken. The direction reflected the fact that existing infrastructure had exceeded its useful life and significant investment would be required to manage the health and safety for the public and a strategy was necessary to make good financial decisions on the future investment into existing arenas. The average age of arenas in the City of Greater Sudbury is now 45 years.

[Request for Decision Infrastructure Renewal -Arenas April 14, 2010](#)

Public consultations on redevelopment of municipal arenas including the Sudbury Community Arena began in 2011. The consultations as far back as 2011 raised relevant findings;

- When asked to rank which arenas were considered the most important to the respondent, Chelmsford Arena was considered the most important to those who responded followed by the Sudbury Community Arena.
- The survey asked respondents to rank, in order of importance, where they would prefer that a new arena be located if new facilities were built. The most important ranking was for the New Sudbury area followed very closely by the Azilda/Chelmsford area

[Arena Renewal Strategy - Summary of Community Consultations and Next Steps - February 27, 2012](#)

Each year from 2010 the arenas were deliberated by Council. Considerations were given to refurbishing, replacing, and public private partnerships. The arena renewal strategy has been an incremental process reflective of the continued expression by the public for new investment, and in respect of the large capital investment required for renewal.

In 2015, the decision was made by this City Council Resolution CC2016-149 to pursue 4 large projects including the Event Centre. Thereafter, several decisions have been made by Council including the following which are relevant to this decision point; the site design strategy.

- "THAT the City of Greater Sudbury Council direct that technical specifications for a 5,800 seat Event Centre be developed concurrently with the site selection process based on a Design/Build procurement method and incorporated into a Request for Proposals with a target release date of June, following Council's site selection decision as described in the Appendix A: Phase I Market Analysis and Business Case Assessment as attached to the report dated March 7, 2017 from the Special Advisor to the CAO; AND THAT the City of Greater Sudbury complete a prequalification process to create a short-list of prospective design-build teams that will receive the Event Centre Request for Proposals from the City of Greater Sudbury in June 2017; AND THAT a Request for Proposals for an Event Centre Operator be issued concurrent with the release of the Event Centre Request for Proposals; AND THAT prior to the issuance of an RFP to select a venue operator, that the City negotiate a "term sheet" of key lease terms with the Sudbury Wolves; AND THAT PWC's current engagement be extended to include assistance with the recommended next steps as described in the report dated March 7, 2017 from the Special Advisor to the CAO, with funding of up to \$200,000 provided from the Tax Rate Stabilization Reserve." – Carried - **Resolution CC2017-64**
- That the City of Greater Sudbury direct staff to develop a budget for the design and construction of a 5,800 seat Event Centre, with that budget to be including in the 2018 capital for Council's consideration, which budget reflects all known or anticipated cost at the time and that staff also be to prepare financing plan that minimizes or eliminates any tax impacts." – Carried - **Resolution CC2017-65**
- THAT the City of Greater Sudbury selects the Kingsway location, as identified in the attached report from PWC attached as Appendix A and assessed by the Site Evaluation Committee as being the highest rated site for two of the three criteria identified by City Council as being of the highest importance, as the preferred location to construct the Arena/Event Centre as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017. Carried - **Resolution CC2017-183**
- THAT the General Manager of Community Development be authorized to enter into the following agreements: a. On a single-source basis with Cumulus Architects Inc for the development of a Site Design Strategy at a cost not to exceed \$387,000 plus applicable taxes, with costs to be shared by Gateway Casinos and Entertainment Limited and with 1915695 Ontario Limited (Zulich) such that the City's share does not exceed one-third of the total cost; b. With

Gateway Casinos and Entertainment Limited and with Zulich for sharing the cost of a site concept plan on terms satisfactory to the Chief Administrative Officer and Executive Director, Finance, Assets and Fleet." – Carried - **Resolution CC2017-257**

- THAT staff be authorized to submit a re-zoning application on behalf, and with the consent, of the property owner to include "public arena" as a permitted use." – Carried - **Resolution CC2017-258**

Council Decisions Regarding the Casino

OLG presented to City Council back to 2012 indicating that gaming has been a part of Ontario's entertainment and tourism for decades, they indicated that modernization of gaming in Ontario was underway and was intended to be more customer focused and to expand private sector regulated delivery of lottery and gaming and to renew OLG oversight of lottery and gaming. OLG slots were first opened at Sudbury Downs in 1999.

The OLG Slots Benefit to Greater Sudbury from 1999-2016 were identified as

Source	Benefit to Community
Wages and Benefits to 158 employees	\$108.5 million
Host Municipalities' share of slot revenue	\$33.9 million
Purchases from Local and Regional Vendors	\$21.9 million
OLG Corporate Sponsorship for Local Community Events	Over \$500,000

Relevant to this large project; in June 2017, PWC indicated; the Event Centre developed at this site is envisioned to impact a number of benefits to varying degrees, including enhancing the area as an entertainment / event destination, facilitating new money being brought into Greater Sudbury, stimulating additional commercial and hospitality development and, to a lesser extent, supporting / enhancing activity during non-event times. The realization of such benefits is, however, not guaranteed and will be dependent upon future real estate market and financial investment conditions.

Further, given the expected increased activity of the proposed new casino compared to the Sudbury Downs annual payments under the Municipal Contribution Agreement from OLG; revenues from a new Casino would likely increase substantially from current levels.

The integration of this large project with the Casino initiative builds an entertainment district within the city of Greater Sudbury. This reflects public interest, and grows the tax base outside of the residential tax assessment. This strategy reflects the no/low growth scenario associated with northern Ontario and builds on Council's vision for growing the community. It further reflects Council's vision for growth and economic development, quality of life and place, and sustainable infrastructure.

The Council decisions respecting the continued gaming in Sudbury are as follows:
In May 2012 City Council reaffirmed with unanimous support resolution CC2012-166

regarding gaming in Greater Sudbury;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury will continue to support gaming as approved by Council and will continue to be a willing host for gaming as it evolves.

In August 2012 City Council affirmed support for gaming with resolution CC2012-265 including the following principles;

- 1) The City of Greater Sudbury welcomes the results of OLG's Gaming Modernization Initiative and commits to working with the successful proponent of the forthcoming Request for Proposals;
- 2) The City of Greater Sudbury encourages gaming facility investment proponents to maximize benefits to the community by identifying and developing opportunities for ancillary and complementary amenities as part of their proposal;
- 3) The City of Greater Sudbury may consider the sale of municipal property for a gaming facility based on the proponent's commitment to develop ancillary and complementary amenities which benefit the Greater Sudbury community;

Further four areas of potential development were identified; South End, Kingsway East, Sudbury Downs and Downtown Sudbury. The site design strategy as presented to Council in this report reflects the previous direction of Council.

At the February 2013 City Council meeting the following motion was carried unanimously through resolution CC2013-71:

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury adopt the following principles as the municipality's position on potential casino development:

- 1) The City of Greater Sudbury requires gaming facility investment proponents to maximize economic opportunities to the community by working with local groups to develop ancillary and complementary amenities as part of their proposals;
- 2) These amenities may include, but not be limited to, a hotel, a convention or multi use centre, a performing arts centre and/or an Ontario Hockey League-ready arena;
- 3) That Council reaffirms its commitment to the four areas identified in the report dated August 2, 2012 from the General Manager of Growth and Development;
- 4) That staff be instructed to convey these requirements to the OLG and continue its open, accountable and transparent process regarding the future of this project in Greater Sudbury.

Partnerships

The Kingsway Entertainment District is being developed through a three way partnership with Gateway Casinos & Entertainment Limited, Dario Zulich and company, and the City of Greater Sudbury. Each party brings something unique to the project.

Gateway Casinos and Entertainment Limited is bringing a successful history of running a gaming operations, restaurants, and hotel offerings. The Developer will promote the vision of the Kingsway Entertainment District with complementary usage with the future development of remaining lands. The City will provide a modern event centre that will work in synergy with surrounding development that will result in more events and opportunities for tourism.

Gateway Casinos & Entertainment took over operation of the Sudbury OLG Slots on May 30. In June 2017 Gateway announced that it signed a letter of intent to relocate the casino to the Kingsway Entertainment District. They announced that construction of the new location will begin once all necessary approvals are complete with an anticipated opening in the spring of 2020. Gateway has reaffirmed this commitment to the Kingsway site and is a key partner in the integrated design strategy.

PUBLIC CONSULTATION

The first phase of Public Consultation was held in two sessions that took place on Wednesday, September 20, at the Radisson Hotel, and were hosted as an informal walk-through session with display boards of the site location, surrounding land uses, as well as topographical mapping of the site. Blank paper was posted on the wall for residents to write down comments. Residents were asked to respond to two questions:

- 1) How can the Kingsway Entertainment District and Arena/Event Centre create a positive visitor experience for you?
- 2) In a few words, tell us what you see for the future of the Kingsway Entertainment District and Arena/Event Centre?

City staff, representatives for the developer, one representative for Gateway Casinos and Entertainment Limited, and Cumulus Architects Inc. staff members were in attendance to explain the project, record comments, and answer questions.

An online survey was also available from September 20 to October 4, 2017.

The updated integrated site plan was presented to Greater Sudbury Council on November 1, and was publicized via public service announcement and associated Facebook and Twitter postings. The November 1 meeting of Council was Livestreamed and is available for viewing on the City's website.

The second phase of Public Consultation was 16 Open Houses over five days. These Open Houses were hosted as an informal walk-through session with display boards of the Proposed Integrated Site Plan, proposed programming, as well as an area to provide additional comment. Some of the locations included the Architectural 3D

Model of the proposed site plan.

The City added two additional open houses held on November 10 at an Older Adult Centre (Parkside Centre) and at the City's largest shopping mall (New Sudbury Centre) to accommodate residents who could not attend an open house the previous weekend.

An online survey was also available from November 3 to 10, 2017. The FAQ's associated with the public consultation are attached as Appendix A to this report.

Program

The Entertainment District complex is comprised of an event centre/arena, casino, restaurants and hotel that front onto a central plaza. The complex is sited to take advantage of the natural landscape, nestling the bowl of the arena into a valley-like feature inherent in the topography. This strategic placement sets up a strong relationship permitting a continuous ground floor between all programmatic elements. This is key to providing ease of access and seamless circulation. Positioning the complex along the natural ridge line within the site also effectively separates pedestrian circulation from the necessary service requirements needed to accommodate building operations.

Pedestrian circulation is at the upper portion of the site and all site services exist on the lower portion of the site. Overall, the integrated plan aims to filter pedestrian traffic into the shared plaza effectively poising this mutual space as a launching point to all buildings.

The plaza is designed to function as an active public space that has the capacity to host a variety of activities throughout all seasons. These activities may include open-air concerts, live performances, markets and arts and crafts shows. This shared community space could also host tailgate parties, acts as a venue for a drive-in/walk-in theatre or host winter festivals. The belvedere or lower plaza provides a setting that could host more intimate events like weddings or other small gatherings. The lower plaza cascades down into the landscape where proposed trails link into the existing network to provide pedestrian access through walking, hiking and cycling.

The casino is comprised of a large gaming floor complemented by family-friendly restaurants that spill out onto the plaza supported by outdoor patio spaces. The hotel, connected to the casino at ground floor, offers banquet hall space for small events or meetings and overlooks a water feature to the southeast and beyond to moonlight beach. The arena celebrates a new home base for the OHL Wolves and will simultaneously act as an event center. Its capacity to host larger occasions include concerts, Cirque de Soleil, tournaments, car shows, and more. Linking all of these programs is a pedestrian bridge providing an interior connection between the facilities. It might be used as a place for people watching overlooking the plaza to the west and also provides a view out the proposed forested area and water feature to the East.

Site

The site is greenfield with undulating bedrock and an elevation difference of approximately ten metres from a high point in the northwest to a low point in the southeast. There is a natural bedrock ridge that cuts across the site from the southwest to the northwest, shown in red in the figure below. The detailed design of Festival Square will include wind mitigation measures to promote all weather use of the open space.

Figure 1



The site design took advantage of this ridge to create a split level development. The main floor of the buildings will be accessed at grade from the parking lots to the north and the loading areas on the lower floor can be accessed from the south. This minimizes the interaction between large trucks and people attending the businesses.

The creation of the split level grading plan will minimize excavation and development costs for the site.

The site is in the Ramsey Lake watershed, a drinking water source for the City. There are restrictions on the quantity and quality of the water that will be allowed to flow off the site. The feature pond area in the southeast corner will provide this water treatment and storage. It will also add to the aesthetics of the site providing a clear view of the buildings from the Kingway as travelers entering the City from the east.

As part of the integrated site plan development exercise, the existing property fabric of the Draft Plan of Subdivision was not considered. The project team considered the programming and function of the site, with the public consultations, and the

topography of the land in laying out the location of the buildings, open space, and parking. All parties agreed that the most important objective is to get the site design correct and that consideration for property lines would follow. When the Kingsway site was considered in June, a site area of 23.12 acres near the intersection of Street A and the Kingsway was proposed. In the current conceptual design the Event Centre has moved to the northeast and approximately 29 acres will become City property. There is no increase in land costs. This additional land is being used for landscaping, the feature pond, and public open space.

In the mid-2000s the City pre-serviced this section of the Kingsway with water and sanitary sewer to spur economic development in this area. This development will provide a return on this investment.

The Sudbury District Motorsports Association (SDMA) has indicated that this location is the preferred site for the future motorsports park. Previously the Greater Sudbury Development Corporation (GSDC) also identified Kingsway East as the highest rated location for a motorsports park. The SDMA is actively pursuing approvals for the lands to the north of the Kingsway Entertainment District and they are working in conjunction with the Developer.

Draft Design November 1, 2017

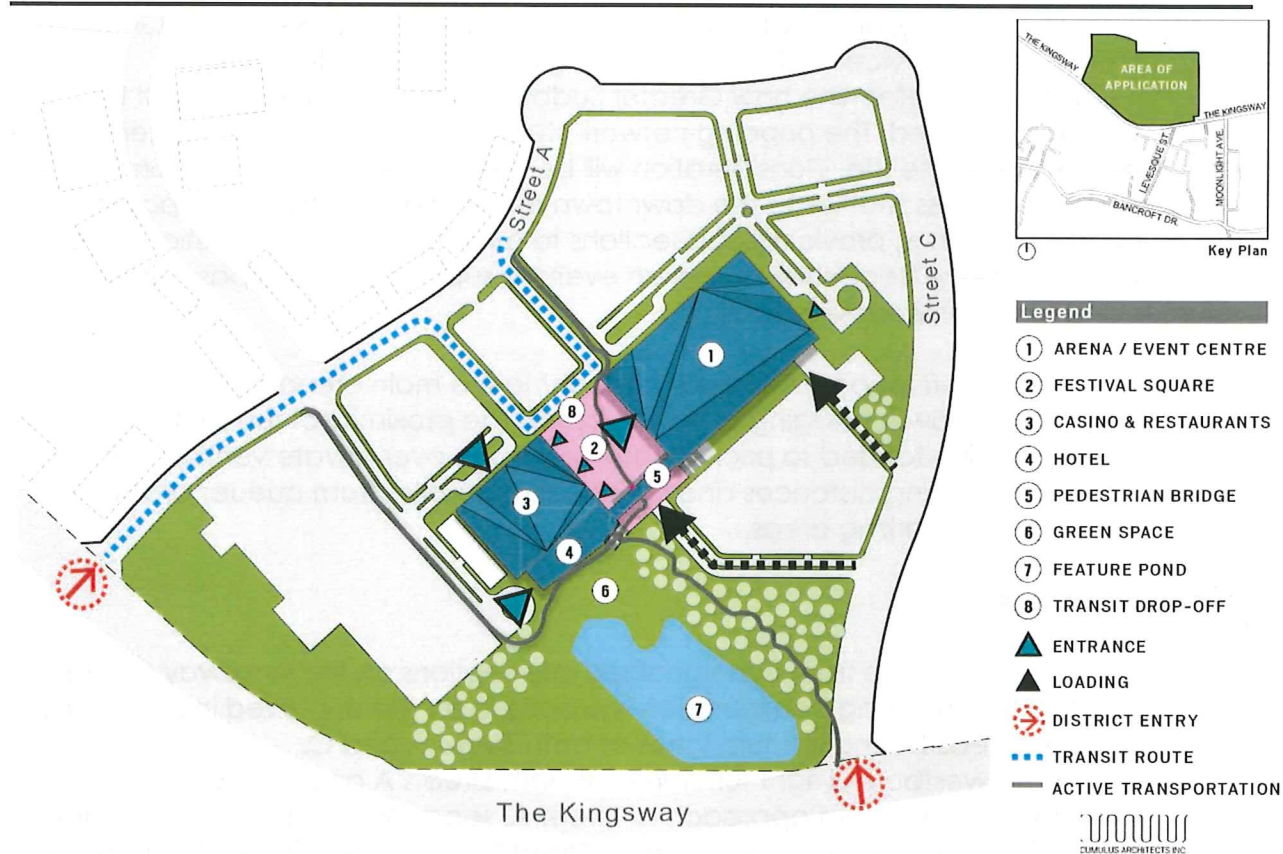
On November 1, 2017 a Draft Site Design Strategy was presented to Council. The following is a summary of features within:

- 1) Arena/Event Centre
- 2) A Festival Square to host a variety of activities, performances and events.
- 3) A Feature Pond acting as the gateway to the Entertainment District Ample Green space for seasonal activities.
- 4) A Casino with food and beverage options spilling out onto the Festival Square.
- 5) A hotel for visitors with the potential to host weddings and banquets.
- 6) A pedestrian Bridge providing an interior link between the arena, hotel, casino and restaurants.

Access to the site will be provided through two signalized intersections from the Kingsway. Active Transportation will be accessible from existing sidewalks as well as proposed cycling infrastructure all from Levesque Street. Trails, cycling, and walking paths were proposed through the site as well as Festival Square. A dedicated transit Route with a drop-off right at the front door was added from street A, while separate loading facilities, away from pedestrian activities, was added from street C.

The plan provided onsite parking with safe access to the front door of each building and proposed overflow parking, north of the site, to accommodate peak operations until the remainder of the property is built up.

Figure 2



ACCESS

Pedestrian Access

At the opening of the Event Centre there will be one main access to the site for pedestrians being from the intersection off Levesque Street and the Kingsway. From this location pedestrians can access the site from the sidewalk adjacent to Street C, the new sidewalk on the north side of the Kingsway, or through the internal active transportation trail to Festival Square and the remainder of the site.

The development of residential neighbourhoods will continue between the Kingsway and Bancroft Drive. One of these subdivisions, Lions Gate Subdivision, will connect to the intersection of Street A and the Kingsway. This will create another access point from the developed area south of the Kingsway to the Event Centre. This area is one of the fastest growing areas in the City and will move more residents into the area where pedestrians can be drawn.

Transit Access

Currently, there are four routes that operate near the subject site. The primary non-auto mode that is likely to attract riders is transit. There are two considerations in effect: whether the service is at a level that will attract sufficient riders to use it; and whether the service provides sufficient capacity to accommodate those riders that wish to use it.

Currently there are four routes that operate near the subject site. The City of Greater Sudbury retained the services of Transit Consulting Network (TCN) to undertake a study to determine how Greater Sudbury's Transit service can best be improved and expanded. The ongoing network study will review and recommend route restructuring to serve the site. Consideration will be given for service to and from events at the arena by express shuttles to the downtown terminal as well as the proposed New Sudbury Centre terminus, providing connections to other routes. Consideration will also be given to the service frequency during an event to support increase passenger volumes and to maintain service reliability.

A pick-up and drop-off loop is proposed adjacent to the main arena and casino entrances that will allow for staging of shuttle buses. The proximity of the shuttle loop to the main entrance is intended to prioritize shuttle service over private vehicle traffic, both by reducing walking distances and by insulating shuttles from queues of vehicles waiting or exiting the parking areas.

Vehicular Access

Vehicles will access the site from two signalized intersections on the Kingsway at Street A and Street C. The following configuration is proposed for the signalized intersections:

- Dedicated eastbound left turn lanes at both Street A and C.
- Dedicated westbound right turn lanes at both Streets A and C.
- A two lane southbound approach at Street A, separate left and right turn lanes.
- A three lane southbound approach on Street C, separate left turn, through, and right turn lanes.

Parking Requirements

The parking supply required can be calculated two ways, based on the parking rates specified in the City's Zoning By-Law or from first principles for each of the proposed uses on the site.

The table below outlines the parking supply requirements based the Zoning and a summary of how much parking will be available.

	Zoning Requirements	Provided
Event Centre	1,250	1,250
Casino and Restaurants	298	375
Hotel	423	450
Sub-Total	1,971	2,075
Overflow Parking		1,400
TOTAL	1,971	3,475

As the Kingsway Entertainment District develops in phases, so will the parking for the Event Centre. For opening night there will be permanent parking facilities that will

provide approximately 1,250 parking spots. In addition, there will be a temporary parking lot constructed to the north of Street A to hold 1,400 additional parking spots. As the remaining lots of the Kingsway Entertainment District develop, the City will have use of their parking spots for Events. This parking use will be register on title of the land so that the City's rights are maintained if the lots are sold. Events will typically occur at times when parking is underutilized within the remaining lands. While the actual number of parking spaces developed on the remaining lands is dependent on the eventual use, a mid-range estimate indicates that an additional 4,700 parking spots will be built, of which the City will have rights to 1,400.

To calculate the number of parking spots from first principles, a game with 5,800 in attendance is used. Assuming 5% of attendees travel by transit or other form of transportation, 5,510 people will have traveled by car. During two games this fall the occupancy of vehicles attending a Sudbury Wolves game was measured at two municipal lots, and the average occupancy rate was 2.19 persons per car. This is lower than a typical average of 3 persons per car. Using the conservative number of 2.19, then 2,515 parking spots are required. It is recommended that parking demand associated with major events be monitored in advance of the business park lands being built out to allow a strategy for shared parking to be refined if necessary.

The furthest parking lot is within 400 m of the entrance to the Event Centre.

Cycling Access

The site is located adjacent to the Ramsey Lake Cycle Tour de Sudbury which takes cyclists around Ramsey Lake via dedicated bike lanes, trails and some on-road sections. This connection is made by cycling south on Levesque Street a distance of 750 m. The Ramsey Lake Cycle Tour de Sudbury includes the destinations of Moonlight Beach, the Lake Laurentian Conservation Area, and Bell Park.

The Kingsway Entertainment District can be accessed from the road network and the Event Centre site can be accessed through multi-use trails for cyclists and pedestrians from the intersection of the Kingsway and Levesque Street to Festival Square. The Kingsway also have 2 m paved shoulders.

On site bicycle parking will be provided at multiple locations.

Other Access Considerations

Street C is shown in the Official Plan as eventually extending northerly to connect to LaSalle East. This will provide a future third access from the Kingsway Entertainment District to the municipal road network. This connection will be constructed with future development.

The Sudbury Trail Plan for snowmobilers currently passes in close proximity to the site. During public consultation many members indicated their desire to connect the trail to the site as a destination and promote tourism in the area.

November 22 Site Plan

Since the presentation of the conceptual integrated site plan on November 1, there has been significant public consultation and comments received. The following changes to the integrated site plan have been made since that time:

- 1) Site circulation and access
 - a. Internal street widths revised to allow for four lanes of traffic.
 - b. Widen Street A road allowance width to 30 m to accommodate the road width.
 - c. Modified parking allotments to better suit site topography.
 - d. Reconsidered fire truck access routes throughout the site.
 - e. Improvements to the intersections of Street A and Street C with the Kingsway are included to increase the level of service for the signalized intersections.
- 2) Increased proposed landscaping within the parking lots.
- 3) Revised Festival Square to encourage a more intimate experience.
 - a. Festival Plaza designed to allow for flexible programming throughout all four seasons.
 - b. Revised connection from upper plaza to lower plaza to draw pedestrians under the bridge linking the hotel and event space/arena to the landscaped area in front of the feature pond.
- 4) Sidewalks provided along internal streets (Streets A and C) with an incorporated pedestrian network to building entrances.
- 5) Entrance to Pedestrian Bridge between the hotel and Event Centre accessible from Festival Square.
- 6) The introduction of the potential for a stage in the landscaped area for an intimate performance or occasion.

See Appendix B for updated Site Plan.

Next Steps

The process of receiving zoning approval will include an opportunity for the public to provide comments to the Planning Committee. A decision of Planning Committee is expected in the first four months of 2018. Financing for this project will be considered during the 2018 Budget.

Appendix A

Kingsway Entertainment District and Arena/Event Centre FAQ and Community Engagement Summary

Hundreds of residents have provided comment on the draft integrated site plan for the Kingsway Entertainment District.

Key themes identified by the majority of 227 respondents between September 20 and October 4, 2017 were:

- Space for large events/sports
- Green space
- Environmentally conscious development
- Room for future development
- Full-day destination
- Active transportation options
- Ample parking and no parking congestion
- Restaurants
- Motorsports Park

Between November 3 and 10, 2017, the City of Greater Sudbury hosted open houses at 18 locations throughout the community, including all 14 municipal arenas. Residents also had opportunity to submit comment online. Over 1,000 citizens participated in this engagement; more than 500 responses were submitted online and approximately 500 residents provided feedback to municipal staff during open houses. As the request for comment was not directed to a single topic, a variety of discussion points emerged during this public consultation. Key points and/or questions identified by a majority of respondents were focused in the following areas:

- Location
- Cost
- Timing/Completion of the Project
- Parking
- Casino development
- Public Transit

- Traffic flow
- Active transportation options
- Motorsports Park

The following questions reflect the majority of the discussion during the consultation in November:

What is the Kingsway Entertainment District?

- The vision for this 20-hectare property is to develop a destination for sports and entertainment that will draw local and Northeastern Ontario residents.
- A goal of the Kingsway Entertainment District is to extend the length of stay of visitors to the city for the benefit of local restaurants, hotels/motels and retail.
- The first phase of the Kingsway Entertainment District is an Arena/Event Centre owned by the City of Greater Sudbury, a Casino owned and operated by Gateway Casinos and Entertainment, an adjoining Hotel complex and associated restaurants.
- A Festival Square will connect the Casino/Hotel complex and Event Centre, providing an outdoor entertainment space, including family fun and relaxation year-round.
- Space for a twin ice pad and recreational centre has been identified in the draft site plan as a potential project for the future. Should funding opportunities arise, the space and infrastructure will be in place.

What is the capacity of the Greater Sudbury Arena/Event Centre?

- The Greater Sudbury Arena/Event Centre will have 5,800 seats as a sporting venue and capacity of 6,500 for concerts.
- The current Sudbury Community Arena has 4,610 seats and capacity of 5,100 during concerts.
- The architectural design will complement land contours on the property to reduce development costs.
- The ice surface/floor area of the Event Centre will be situated at a lower level than the main entrance, providing vehicles direct access to the floor area from the south.
- The current Sudbury Community Arena does not have the option of direct access to the floor area for large events. Trucks must unload outdoors for equipment to be carried into the venue.

Will the Greater Sudbury Sports Hall of Fame be a part of the Event Centre?

- The City has been in discussions with members of the Greater Sudbury Sports Hall of Fame to identify potential space and a separate entrance within the Event Centre.

Where will the Motorsports Park be located?

- The Sudbury District Motorsports Association (SDMA) has identified, and is the process of obtaining approval to purchase, crown land north of the Kingsway Entertainment District as their preferred location for a motorsports park.

Why does the Kingsway Entertainment District include a Casino complex?

- In June 2017, Gateway Casinos and Entertainment signed a Letter of Intent with True North Entertainment and developer Dario Zulich and Company to invest \$60 million to build a new casino in the Kingsway Entertainment District.
- Greater Sudbury has been the site of a casino for more than 18 years. Gateway Casinos and Entertainment has been named the new service provider for casino entertainment in the Sudbury region by the Province of Ontario under the authority of OLG.
- The new casino in the Kingsway Entertainment District will feature multiple food and beverage offerings that are separate and distinct from the gaming floor.
- Gateway Casinos and Entertainment is regulated by the OLG and is required to follow OLG responsible gambling standards and protocols.

How was the decision made to replace the Sudbury Community Arena?

- Council requested an Arena Renewal Strategy in April 2010.
- Following a series of incremental reports, including public consultation, a report was made to the Community Services Standing Committee in January 2013 that provided a detailed review of all community arenas, including an analysis of demand for ice time, remaining lifecycle of existing facilities and projections for facility repairs and replacement.
- A staff report on the Arena Renewal Strategy was presented to the Community Services Committee in July 2013, providing results of a community consultation regarding the Sudbury Community Arena.
- Resolution was approved: "THAT opportunities be explored to replace the Sudbury Community Arena, including the consideration of Public-Private-Partnerships and Reserves".
- The option of renovating the existing facility and enhancing it to include the amenities and capacity of a new facility were explored.

- A full report, titled Arena Renewal Strategy and Sudbury Community Arena – Renewal Options, was presented to Council on March 31, 2015, including a report from independent consultant Coldwell Banker Richard Ellis (CBRE) on the scope of work and cost of refurbishing the Sudbury Community Arena. In addition, CBRE provided a comparison to the scope of work and the cost of replacing the facility. CBRE partnered with MacLennan Jaunkalns Miller Architects in the completion of the project.
- In July 2016, City Council engaged PricewaterhouseCoopers LLP (PWC) to develop a Phase I Market Analysis and Business Case Assessment. The study, presented to Council on March 7, 2017, concluded the Greater Sudbury market could support an Event Centre with approximately 5,800 seats to service demand.

How was the location for the Arena/Event Centre determined?

- On March 7, 2017, Council passed a resolution that approved criteria and weighting to evaluate sites for an Event Centre and further, that an evaluation of potential site and a recommendation for a preferred site be reported to Council no later than June 2017.
- On June 27, 2017, staff presented Council with two recommended site options for the Arena/Event Centre: a Downtown location or Kingsway location.
- On June 27, 2017, Council approved the Kingsway location.

Has the proximity of the Sudbury Landfill been considered as part of the site selection process?

- Yes, the proximity of the Sudbury Landfill has been taken into consideration as part of the Kingsway Entertainment District site plan.
- The Sudbury Landfill follows modern practices. Waste that is ultimately buried is covered each day to control scavengers and to minimize odour, litter and stormwater infiltration.
- All activities follow a certain operating procedure and are routinely monitored by the site's Environmental Compliance Approval with the Ministry of the Environment and Climate Change.
- Over the past four years, the City has received approximately 60 complaints regarding odours associated with the landfill. Prevailing winds in Greater Sudbury are from the northwest. The Sudbury Landfill is located northeast of the Kingsway Entertainment District.

How much is the Kingsway Entertainment District going to cost and who will pay for it?

- The Greater Sudbury Arena/Event Centre is proposed to be funded by the City.
- The current estimate to construct the Arena/Event Centre, including infrastructure and roads, is \$100 million.

- Infrastructure to the site, for example sanitary sewer, storm water management, water and hydro, will be cost shared between the City, Gateway Casinos and Entertainment and Zulich. Shared space, for example roads and Festival Square, will also be cost shared.
- Design of the integrated site plan for the Entertainment District is cost shared three ways as authorized under an August 22, 2017 Request for Decision of Council.
- A Report to Council, dated June 27, 2017, asked that the City of Greater Sudbury approve a financing plan for inclusion in the 2018 capital budget that utilizes various funding sources.
- A financial plan is included in the 2018 municipal budget for repayment of the Arena/Event Centre and shared infrastructure. Budget deliberations will commence December 5, 6 and 7, 2017.

Who will pay for maintenance of the shared space, like the Festival Square?

- A cost sharing agreement will be negotiated by all parties associated with the Kingsway Entertainment District as the project moves forward.

Who is going to own and operate the Event Centre?

- The City of Greater Sudbury will own the Arena/Event Centre, dedicated parking areas and property.
- Council has approved the option of contracting a third party operator for the Arena/Event Centre. Details of that plan are still in development.

Will both the Arena/Event Centre and the Casino open at the same time?

- It is expected construction of these buildings will occur concurrently as much as possible.
- Target opening date for the Greater Sudbury Arena/Event Centre is 2020.
- Target opening date for the Gateway Casino and hotel complex will be announced by private developers; however, it is expected to be in advance of the opening of the Arena/Event Centre.

Does the property require rezoning?

- The site is currently zoned for an arena; however, the City of Greater Sudbury will apply for rezoning for a public arena.
- Gateway Casinos and Entertainment will apply for an Official Plan amendment and rezoning for a place of amusement to allow gaming.
- The City is anticipating a decision of the Planning Committee on the rezoning application in the first or second quarter of 2018.

- As part of the zoning application process to the Planning Committee, there will be an opportunity for public to provide further comments.

Will there be enough parking?

- The draft integrated site plan exceeds parking requirements for the Entertainment District under the zoning by-law.
- The first stage of development will have 1,250 dedicated parking spaces with overflow parking of another 1,400 spaces within approximately 400 metres of the entrance to the Arena/Event Centre.
- Parking areas are located behind the entertainment complexes and are close to main entrances for the Arena/Event Centre, Casino and Hotel.
- As surrounding lands develop over the long term, additional overflow parking for major events will be directed to these parking areas. The developer and the City are working on an agreement for long-term overflow parking.

Will I have to pay for parking?

- Casinos and Hotels generally do not charge for parking.
- Parking details have not yet been determined, but free parking is anticipated.

How will the City of Greater Sudbury manage traffic congestion?

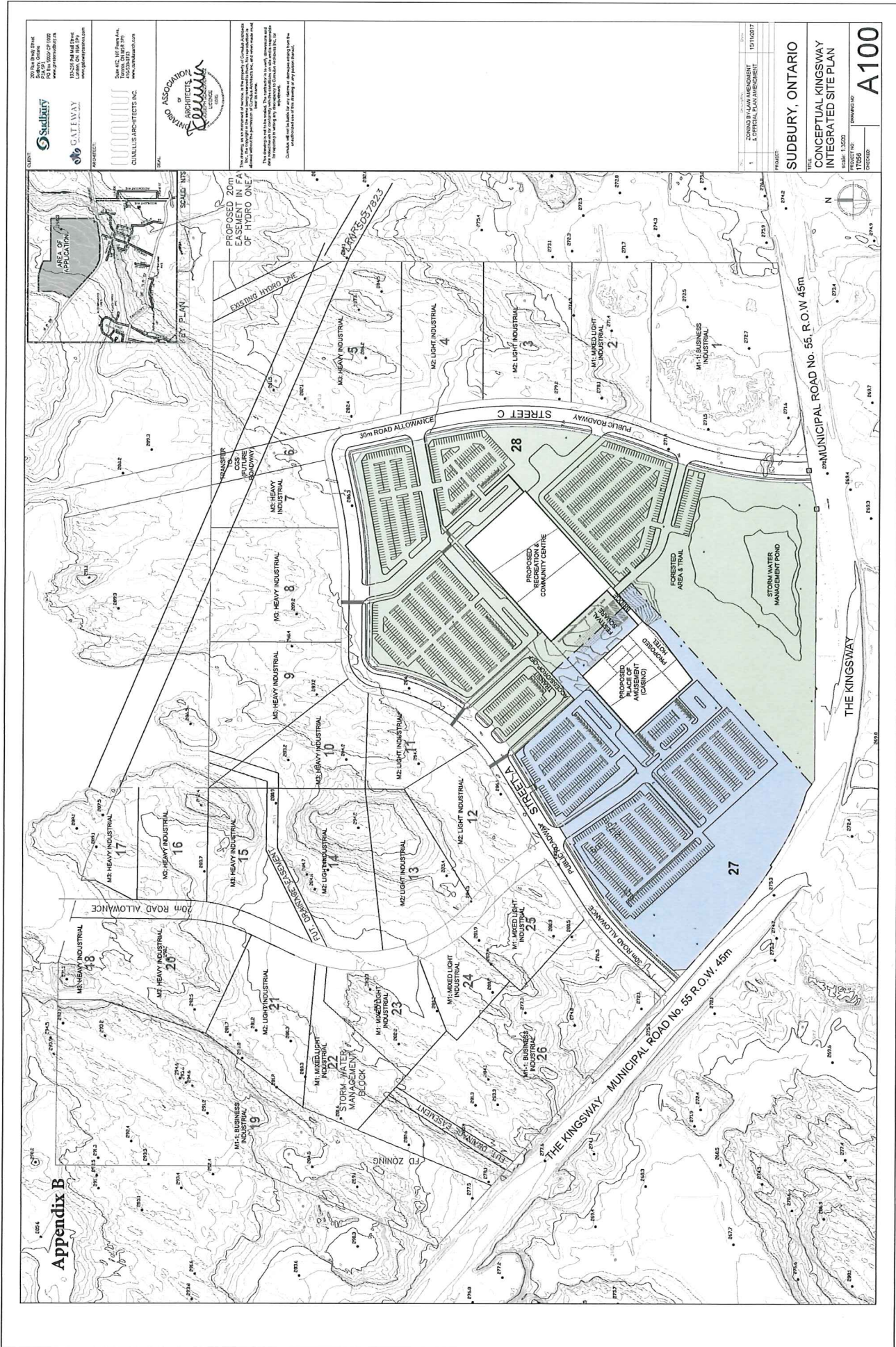
- Traffic signals will be installed at the new entrance to the Entertainment District from the Kingsway. There are already traffic signals at one of the intersections, which will be upgraded.
- A traffic impact study was completed during the site selection process.
- City of Greater Sudbury is undertaking a second traffic impact study to consider the addition of the Casino and hotel complex to the property and the development of other lands in the Entertainment District.
- Roads and traffic control devices will be analyzed as part of the second study to determine whether upgrades are needed.

Will Greater Sudbury Transit service the Kingsway Entertainment District?

- All Greater Sudbury Transit routes are under review and there will be service to the Entertainment District.
- The draft integrated site plan proposes a dedicated lane for drop-off and pick-up at the main entrance of the entertainment complex.

Will I be able to walk or bike to the Kingsway Entertainment District?

- Bancroft Drive and Levesque Street, right across from the Entertainment District, already have sidewalks.
- Bancroft Drive has dedicated bike lanes. The City will add an edge line on connecting Levesque Street for cycling.
- The draft integrated site plan shows a cycling/walking path through the Entertainment District wide enough for multimodal transportation.
- A number of natural trails have been identified in the area and there is a snowmobile trail to the northeast with potential for access to the Entertainment District.
- Moonlight Beach, located within 2.6 km of the Entertainment District, is also nearby as a popular active transportation destination.



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NO.	DESCRIPTION	DATE
1	ISSUE FOR PERMIT	15/11/2017
2	ISSUE FOR PERMIT	15/11/2017

PROJECT
SUBBURY, ONTARIO
TITLE
CONCEPTUAL KINGSWAY INTEGRATED SITE PLAN
PROJECT NO. 17895
DATE 15/11/2017
SCALE 1:1000
PROJECTED A100

Appendix B

**THIS IS EXHIBIT "49" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Planning Services
Box 5000, Station A
200 Brady Street
Sudbury, Ontario P3A 5P3

File: 751-6/17-27

December 15, 2017

NOTICE OF COMPLETE APPLICATION

having been submitted to the City of Greater Sudbury

IN THE MATTER OF AN application under Section 34 of The Planning Act, R.S.O. 1990, Chapter P.13:

Applicant: 1916596 Ontario Ltd.

Location: PIN 73561-0282, Part of Parts 10 & 11, Parts 12 & 13, Plan 53R-19391, Lot 9, Concession 4, Township of Neelon (Kingsway, Sudbury)

Application: To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "M1-1", Business Industrial and "M2", Light Industrial to "M1-1(S)", Business Industrial Special to permit a recreation and community centre and to provide exceptions to the required interior side yard setback and maximum height permitted.

Proposal: The application proposes to rezone the property to permit a recreation and community centre in the form of a public arena.

Any person interested in voicing his/her comments on the application may write to the City of Greater Sudbury, Eric Taylor, Manager of Development Approvals, Planning Services Division, Box 5000, Station A, Sudbury, Ontario, P3A 5P3. If you are aware of any person interested or affected by these applications who has not received a copy of this notice, it would be appreciated if you would so inform him/her.

Please note: Comments submitted on these matters including the originator's name and address become part of the public record, may be viewed by the general public and may be published in a planning report, included in a Planning Committee Agenda and posted on the City's website.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Greater Sudbury before the by-law is passed, the person or public body is not entitled to appeal the decision of the City of Greater Sudbury to the Ontario Municipal Board.

...2

-2-

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Greater Sudbury before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

The owner of any land that receives this notice, where the land contains seven or more residential units, is requested to post a copy of this notice in a location that is visible to all of the residents.

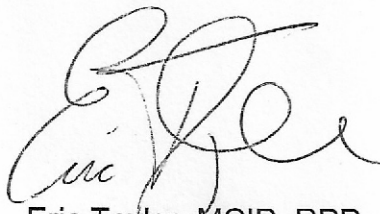
If you wish to be notified of the decision of the City of Greater Sudbury on the proposed zoning by-law amendment, you must make a written request to the City of Greater Sudbury, City Clerk, Box 5000, Station A, Sudbury, Ontario, P3A 5P3.

Additional information and material are available to the public for inspection from 8:30 a.m. to 4:30 p.m. Monday to Friday, excluding holidays in Planning Services.

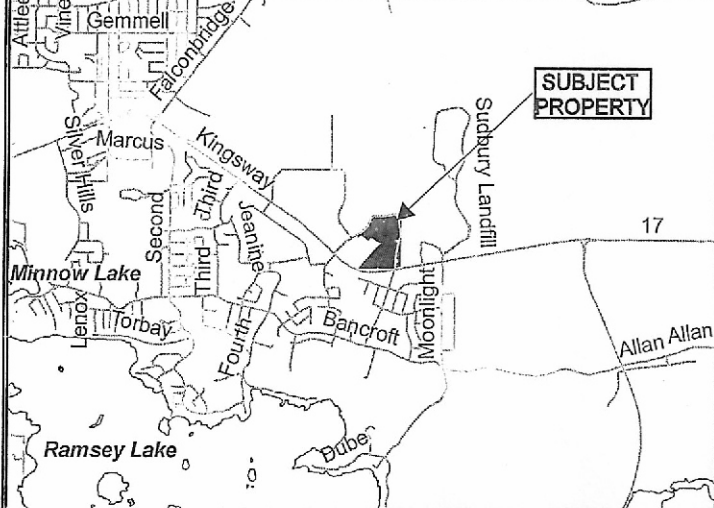
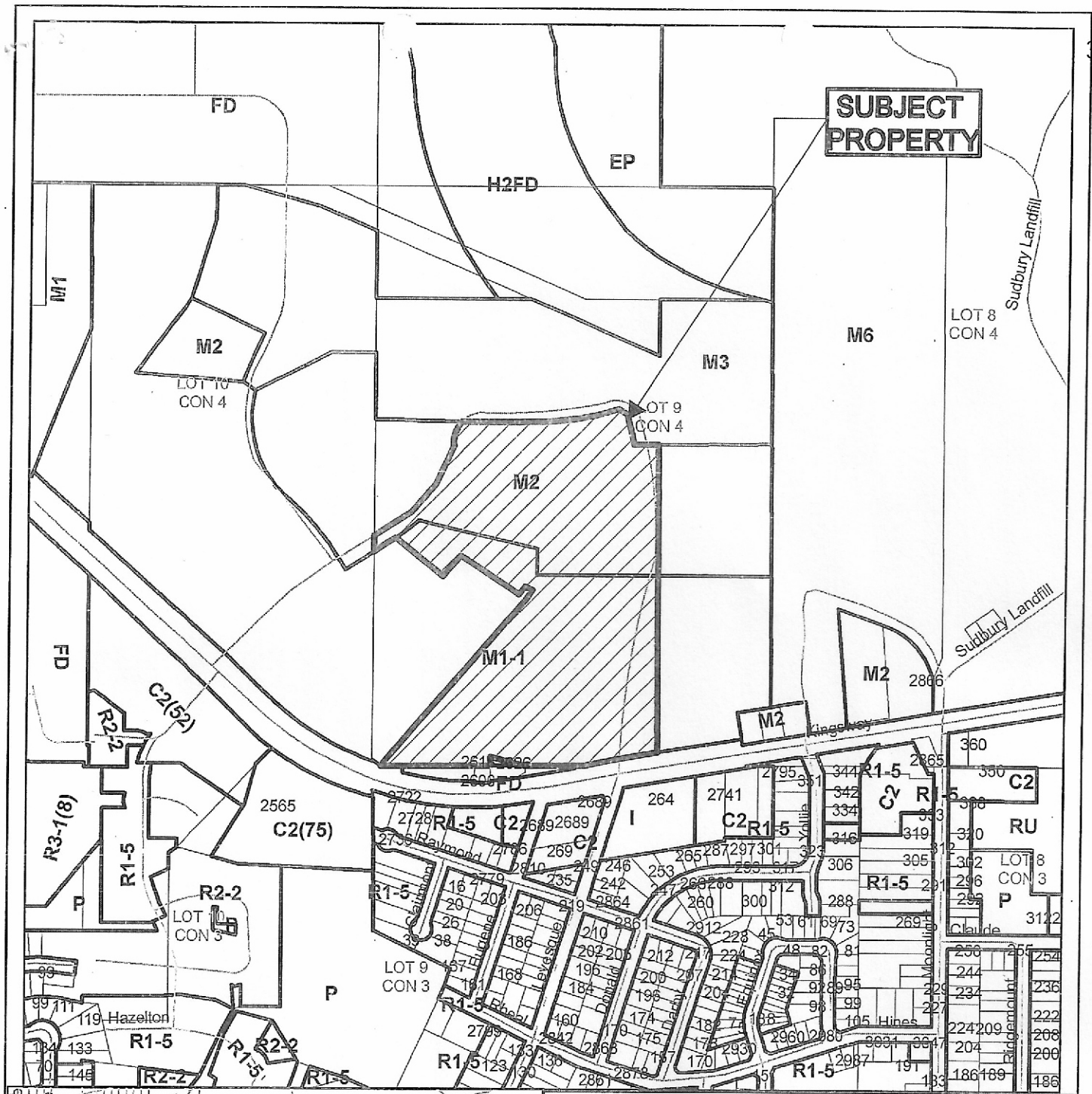
Please call Alex Singbush, Senior Planner, in Planning Services at 705-674-4455, Extension 4311 or attend at the offices at 200 Brady Street, Tom Davies Square, 3rd Floor.

Additional notice will be provided when the application is scheduled for a public meeting.

AS/ba
Attach.

A handwritten signature in black ink, appearing to read 'Eric Taylor', is written over a circular stamp.

Eric Taylor, MCIP, RPP
Manager of Development Approvals



**Growth and Infrastructure
Department**



Subject Property being part of PIN 73561-0282,
Parts 12 & 13, and part of Parts 10 & 11,
Plan 53R-19391, Lot 9, Con 3 & 4,
Twp of Neelon, Kingsway, Sudbury,
City of Greater Sudbury

NTS 751-6/17-27
Sketch 1 Date: 2017 11 30

Files: 701-6/17-9 & 751-6/17-24

December 15, 2017

NOTICE OF COMPLETE APPLICATION

having been submitted to the City of Greater Sudbury

IN THE MATTER OF AN application under Sections 22 and 34 of The Planning Act, R.S.O. 1990, Chapter P.13:

Applicant: 1916596 Ontario Ltd.

Location: Part of PINs 73561-0282 & 73561-0264, Part 6 and Part of Part 11, Plan 53R-19391, Lots 9 & 10, Concession 4, Township of Neelon (Kingsway, Sudbury)

- Application:**
1. To amend the Official Plan for the City of Greater Sudbury to provide a site specific exception to Section 4.5.1.1. to permit a place of amusement in the form of a casino in the General Industrial area.
 2. To amend By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification from "M1-1", Business Industrial to "M1-1(S)", Business Industrial Special to permit a place of amusement and to provide exceptions to the required interior side yard setback and maximum height permitted.

Proposal: The applications propose the use of the property as a place of amusement in the form of a casino.

Any person interested in voicing his/her comments on the applications may write to the City of Greater Sudbury, Eric Taylor, Manager of Development Approvals, Planning Services Division, Box 5000, Station A, Sudbury, Ontario, P3A 5P3. If you are aware of any person interested or affected by these applications who has not received a copy of this notice, it would be appreciated if you would so inform him/her.

Please note: Comments submitted on these matters including the originator's name and address become part of the public record, may be viewed by the general public and may be published in a planning report, included in a Planning Committee Agenda and posted on the City's website.

...2

-2-

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Greater Sudbury before the proposed zoning by-law and/or Official Plan Amendment is passed, the person or public body is not entitled to appeal the decision of the City of Greater Sudbury to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Greater Sudbury before the proposed zoning by-law and/or Official Plan Amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

If you wish to be notified of the decision of the City of Greater Sudbury on the proposed zoning by-law amendment and Official Plan amendment, you must make a written request to the City of Greater Sudbury, City Clerk, Box 5000, Station A, Sudbury, Ontario, P3A 5P3.

PLEASE NOTE:

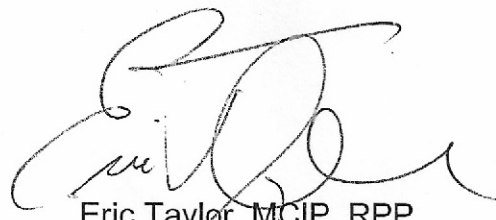
Comments submitted on these matters including the originator's name and address become part of the public record, may be viewed by the general public and may be published in a planning report, included in a Planning Committee Agenda and posted on the City's web site.

The owner of any land that receives this notice, where the land contains seven or more residential units, is requested to post a copy of this notice in a location that is visible to all of the residents.

A copy of the proposed official plan amendment and information and material are available to the public for inspection from 8:30 a.m. to 4:30 p.m. Monday to Friday, excluding holidays in Planning Services.

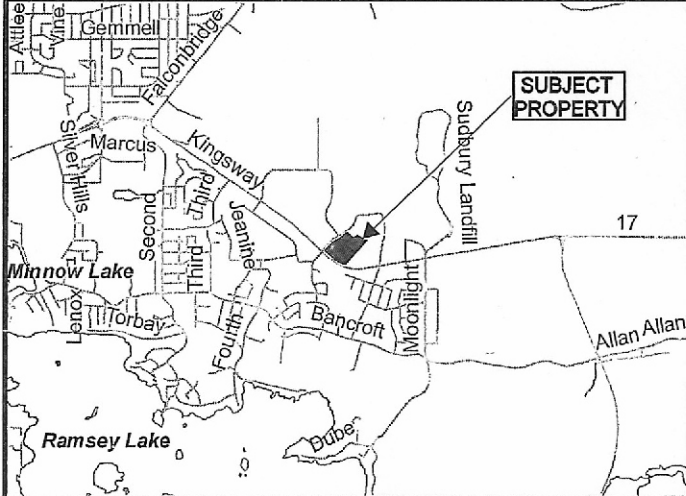
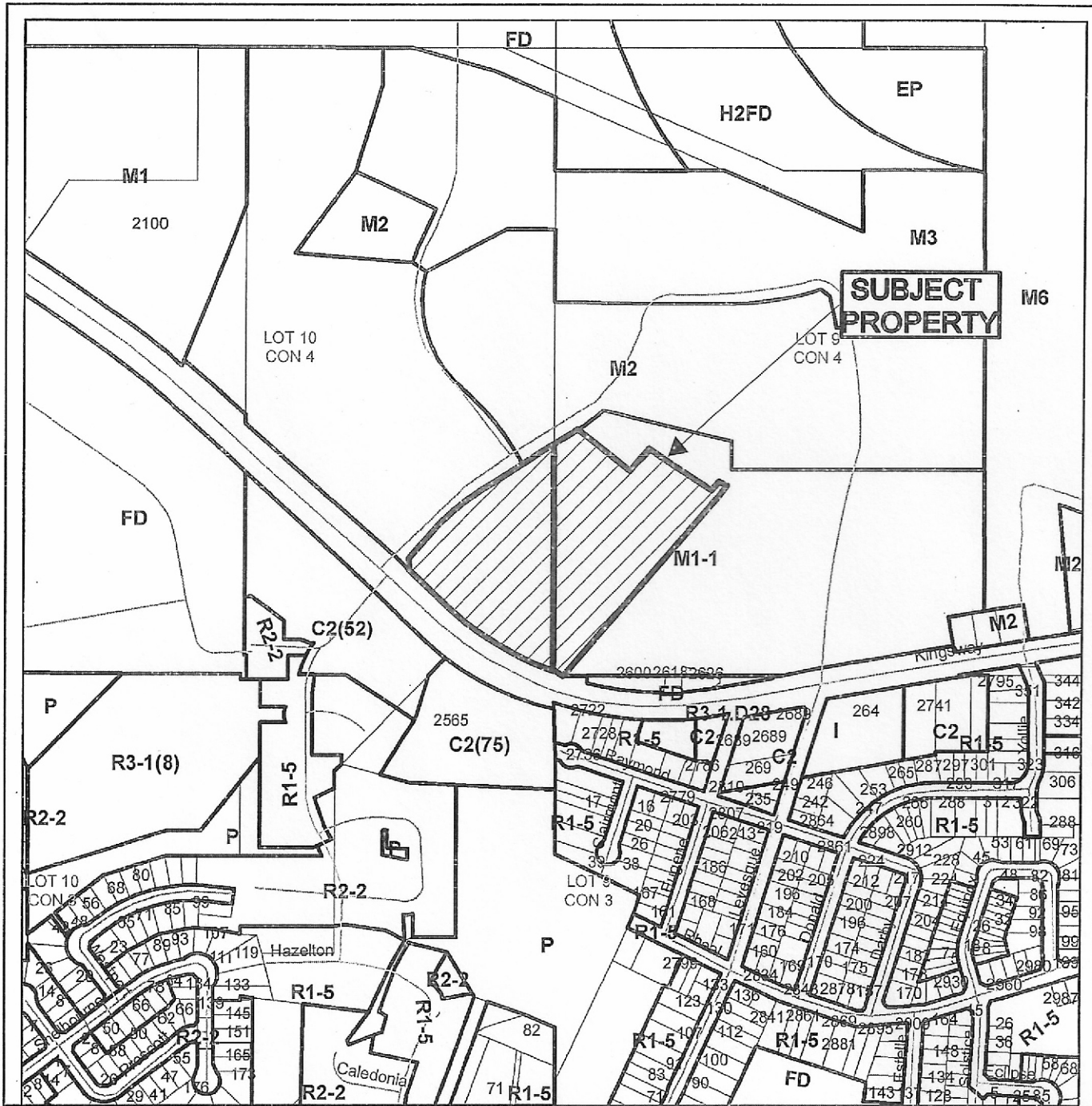
Please call Alex Singbush, Senior Planner in Planning Services at 705-674-4455, Extension 4311 or attend at Planning Services at 200 Brady Street, Tom Davies Square, 3rd, Floor.

Additional notice will be provided when the application is scheduled for a public meeting.



Eric Taylor, MCIP, RPP
Manager of Development Approvals

AS/ba
Attach.



**Growth and Infrastructure
Department**

N
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Subject Property being part of PINs 73561-0282 & 73561-0264, Part 6 & part of Part 11, Plan 53R-19391
 Lots 9 & 10, Con 4, Twp of Neelon,
 Kingsway, Sudbury, City of Greater Sudbury

NTS 751-6/17-24 & 701-6/17-9
 Sketch 1 Date: 2017 11 23

THIS IS **EXHIBIT "50"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

THIS OPTION AMENDING AGREEMENT made in duplicate, this 21st day of December, 2017.

BETWEEN:

1916596 ONTARIO LIMITED

(Hereinafter called the "Owner")

-and-

CITY OF GREATER SUDBURY

(Hereinafter called the "City")

WHEREAS the Owner is the owner of certain land on the Kingsway in Sudbury which is subject to a draft plan of subdivision approval known as the Jack Nicholas Business & Innovation Subdivision;

AND WHEREAS the Owner by way of Agreement dated June 8th, 2017, granted the City an option to purchase a part of the said land on the terms set out therein, with a view to developing an Arena/Event Centre on the said land;

AND WHEREAS the said Option Agreement provided for the City to exercise the option by December 31st, 2017;

AND WHEREAS at the City's request the Owner has agreed to extend the term during which the Option can be exercised until December 31st, 2018;

AND WHEREAS, the parties have agreed to a change in the lands subject to the Option Agreement;

NOW THEREFORE IN CONSIDERATION of the sum of Two Dollars (\$2.00), and the mutual covenants and Agreements contained herein, the parties hereto agree as follows:

Terminology

1. For the purposes of this Agreement:

"Amending Agreement" means this agreement amending the Option Agreement;

"Effective Date" means December 21st, 2017; and

"Option Agreement" means the Option Agreement entered into between the Owner and the City dated June 8, 2017, providing the City with an Option to purchase part of PINs 73561-0264(LT), 73561-0282(LT) and 73561-0261(LT), as described therein, and on the terms and conditions set out therein.

Replace Definition – "Property"

2. As of the Effective Date the definition of the term "Property" found in section 1 of the Option Agreement is deleted and replaced by the following definition:

"Property" means a part of the Owner's Lands, identified as Blocks 28, 29, 30, 31, 32, 33 and part of Block 27 on the Draft Plan and as illustrated on the Draft Plan attached as Schedule 'A' and to be more particularly to be described by a Reference Plan to be prepared by the City at its sole cost and expense;

Replace Sub Section 4.(2)

3. As of the Effective Date, subsection 4.(2) of the Option Agreement is deleted and replaced by the following subsection 4.(2):

4.(2) Unless the Option is earlier abandoned in accordance with subsection 4.(1), the City may exercise the Option at any time prior to midnight of the 31st day of December, 2018, or such later date as may be agreed to by the Parties, acting reasonably, by delivering written notice of its intent to the Owner. If the Option is not exercised by such time, this Agreement shall be null and void.

Replace Schedule 'A'

4. As of the Effective Date, Schedule 'A' to the Option Agreement is deleted and replaced by the Schedule 'A' attached hereto and forming part of this Amending Agreement.

No Other Changes

5. Except as expressly provided here to the contrary, the terms and conditions of the Option Agreement shall remain in full force and effect.

Read Together

6. This Amending Agreement shall be read together with the Option Agreement and the Parties confirm that, except as modified herein, all covenants and conditions in the Option Agreement, remain unchanged, unmodified and in full force and effect.

AM 3

Headings

7. Headings or descriptive words at the commencement of the various sections are inserted only for convenience and are in no way to be construed as a part of this Agreement or as a limitation upon the scope of the particular section to which they refer.

Contra Proferentem Rule Not Applicable

8. Should any provisions of this agreement require judicial interpretation, mediation or arbitration, it is agreed that the court, mediator or arbitrator interpreting or construing the same shall not apply a presumption that the terms thereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that both parties, directly or through their agents have participated in the preparation of this agreement.

Gender and Number

9. This Amending Agreement shall be read with such changes of gender or number as the context may require.

Independent Legal Advice

10. The Owner acknowledges that it has been advised to consult a lawyer before executing this Amending Agreement. The Owner represents and warrants that it has either obtained independent legal advice from its own lawyer with respect to the terms of this Amending Agreement prior to execution or declined seeking such independent legal advice. The Owner represents and warrants that it has read this Amending Agreement and understands the terms and conditions and its rights and obligations under this Amending Agreement and agrees to be bound by it.

Successors and Assigns

11. This Amending Agreement, including all the covenants and conditions herein contained, shall extend to, and be binding upon and enure to the benefit of each and all successors and assigns to the respective parties hereto.

Counterparts and Scanned Signatures

12. This Amending Agreement may be executed in counterparts, each of which shall be deemed to be an original and each of which taken together shall be deemed to constitute one and the same instrument. The Amending Agreement and Counterparts may be executed either in original and delivered or may be

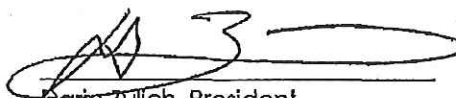
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signed and scanned in PDF format and forwarded by e-mail or may be signed and forwarded by facsimile from any party and the parties to this Amending Agreement adopt any signatures received by receiving telecopier machine or in PDF format, forwarded by e-mail scanned as original signatures of the forwarding party or parties.

IN WITNESS WHEREOF the parties have hereunto affixed their corporate seals under the hands of their duly authorized Officers in that behalf as of the day and year first above written.

1916596 ONTARIO LIMITED

Per:

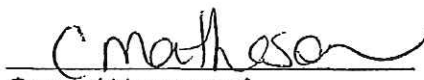


Mario Zulich, President

I have authority to bind the Corporation.

CITY OF GREATER SUDBURY

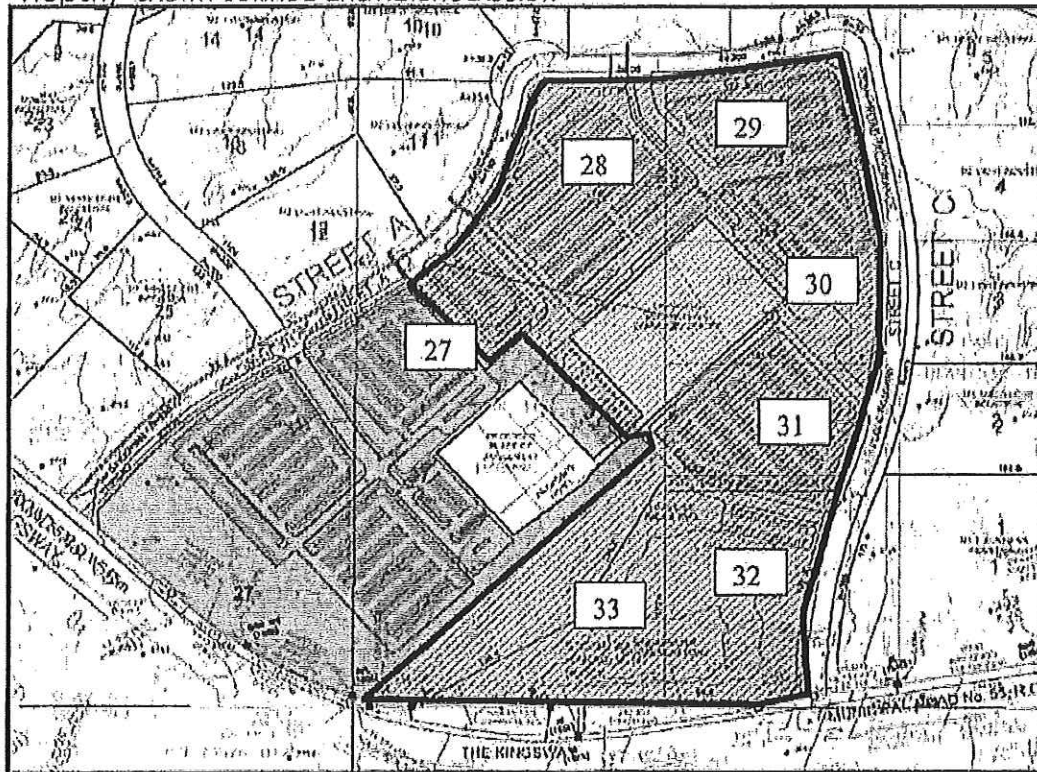
Per:



General Manager of
Community Development

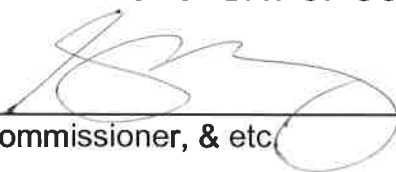
SCHEDULE 'A'

"Property" shown outlined and hatched below



CM3

**THIS IS EXHIBIT "51" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**


A Commissioner, & etc

Lynne Reynolds
January 20 at 9:38am · 11

Our new ENTERTAINMENT/EVENT CENTRE will be the biggest project undertaken in decades. So many benefits for our community!

Learn More Learn more and follow our progress at Learn More Learn more and follow our progress at

Lynne Reynolds
January 20 at 9:38am · 11

Our new ENTERTAINMENT/EVENT CENTRE will be the biggest project undertaken in decades. So many benefits for our community!

Learn More Learn more and follow our progress at Learn More Learn more and follow our progress at

Like Comment Share

City of Greater Sudbury
@GreaterSudbury

Discover some interesting facts about the future Kingsway Entertainment District!

DiscoverKingsway.ca Learn More Learn more and follow our progress at

City of Greater Sudbury

City of Greater Sudbury shared a link.
January 26 at 9:47am · 11

Learn More Learn more and follow our progress. Learn More

City of Greater Sudbury
@GreaterSudbury

City of Greater Sudbury shared a link.
January 26 at 9:47am · 11


Learn More DiscoverKingsway.ca Learn More DiscoverKingsway.ca

City of Greater Sudbury
@GreaterSudbury

City of Greater Sudbury shared a link.
January 26 at 9:47am · 11

Learn More DiscoverKingsway.ca Learn More DiscoverKingsway.ca

**THIS IS EXHIBIT "52" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**


A Commissioner, & etc.

<http://www.thesudburystar.com/2018/01/01/casino-opponent-lays-out>

Go

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2017 2018 2019



▼ About this capture

1 capture

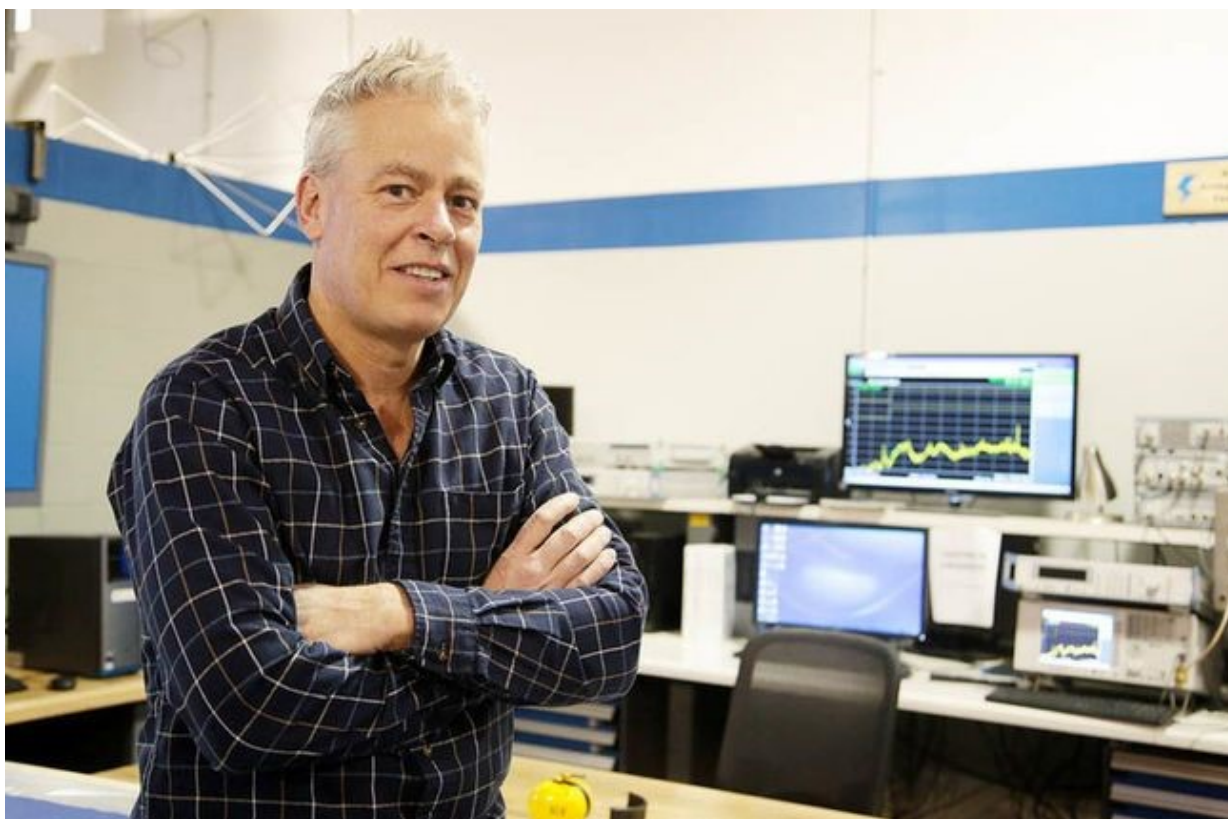
2 Jan 2018

NEWS LOCAL

Casino opponent lays out argument

By Sudbury Star Staff

Monday, January 1, 2018 8:19:55 EST PM



Gino Donato/Sudbury Star Casino opponent Tom Fortin at The Fortin Discovery Lab at NORCAT.

Tom Fortin, a local businessman and driving force behind the Casino Free Sudbury campaign, believes a new casino on the Kingsway, or anywhere else in Greater Sudbury, will not be a draw for tourists, but a burden on the local economy. He says the province, city and developers will be making a mistake by throwing support behind a casino. Fortin took a moment this week to take part in our 10 Questions feature and explain why he's so opposed to a casino in the Nickel City, and how he intends to stop it.

What kindled your interest in casinos and what spurred you to advocate for a casino-free city?

I have always had an interest in promoting economic development in Sudbury and I spend considerable efforts in helping young people start businesses in engineering related areas as that is the area I work in.

When a new casino was proposed for Sudbury back in 2012, I decided to investigate what they were all about and found they had very negative economic effects on communities that decided to host them, particularly in remote communities like Sudbury. This led me to oppose them strongly as they do exactly the opposite of what I have been trying to do.

1 capture
2 trying to do.

Go Investigate What they
2017 2018 2019

About this capture

Why would a casino be a bad idea for the community?

A casino would be a bad idea as they are primarily used by the province to extract tax revenues. The amount of money they remove (\$69 million to \$114 million in our case) is extraordinary and have a negative impact on jobs and culture. Casino communities generally evolve towards big box and fast food as far as culture goes, and this is not the type of evolution we need if we are to have a chance of growing our community organically. Our existing cultural entrepreneurs (festival organizers, restaurants, entertainment) make Sudbury a unique and great to live. That is the simple requirement of any community that wants to attract and retain the type of people that start and grow businesses of every type.

You have said you aren't against gambling, but you are against casinos. What's the difference?

There is no question that gambling causes many social problems along with the many other vices out there. I do not think I have the right to tell people what they should or should not do. However, we do have the right to protest the province competing with local entrepreneurs and severely effecting our economy and cultural growth.

Can you tell us about your campaign and how it works?

The campaign is structured to give a voice to local businesses that we will convey to the province demonstrating that the business community does not support a casino. We are asking business owners to sign a simple letter indicating their opposition. While city council has been clear in that they are not going to discuss the casino, we will be lobbying the Minister of Finance directly in the coming weeks.

You have received support from Maclsaac family, which operates the current slots facility in Chelmsford. Do you oppose having slots in the city and how is a new casino different or worse?

We are not advocating closure of the slots in Chelmsford. There is simply no mechanism available for this. We are opposed to expansion of gambling in the form of a full casino which involves slots along with card tables, roulette, etc. It also includes three new restaurants and likely several entertainment options. The new full casino will increase the gambling losses two to three times and, as we will be surrounded by casinos, will simply divert spending from other parts of our city.

Gateway Casinos wants to build the casino at the Kingsway site selected for a new arena and event centre. You said earlier this summer that a vote for a Kingsway arena is a vote for a Kingsway casino, but would you approve of the location if a casino was not included?

To be honest, when I first heard about the TNS project I was excited as I thought it would be awesome for the community if a private developer was going to build our new arena. Then I found out that the developer was only providing land and that Sudbury taxpayers were paying the full cost of the new arena. This seems unfair to me that a single developer gains the majority of the economic benefit of the largest piece of new public infrastructure built in our history. That being said, I would not oppose it with anything other than my opinion.

It is the casino that is by far the biggest threat to our community.

You have said you like Dario Zulich, the Sudbury Wolves owner and proponent of the Kingsway site, but you believe he and his family are "shooting themselves in the foot by pushing a casino." How?

The casino will remove from \$69-\$114M from our local economy, based on numbers from the OLG, the city and the operator. The family of the developer owns a lot of residential and commercial real estate and I suspect a portion of their rent money will be part of the money removed from our economy. They will be no different than other business people who also will see a general negative effect on their business numbers. We have a lot of data to show this is what happens in remote casino communities.

Could you see scenario where a casino or casino resort could include other facilities or features that would make it a net benefit for the community?

Nope. Anything you add simply competes with what we already have, besides, it would take a lot to make up for the economic damage a casino causes.

If it became clear that the community did favour a casino, would you support that?

Sure, however, only if it was an informed decision. There is a lot of misinformation out there about casinos which cause some people to perceive them as economic drivers when the opposite is true. See

1 capture <http://www.thesudbury.com/2018/01/01/casino-opponent-fays-01-01-18/> for the whole story.

2 Jan 2018

2017 2018 2019

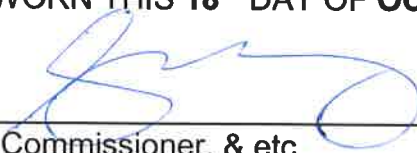
About this capture

What has the response been to your campaign? Do you believe it will be able to stop the casino, given that it's a provincial decision?

The response has been amazing in that when business owners take the time to get informed about the effects of casinos in remote communities, the vast majority (95 per cent or more) sign up. We do have more work to do, however, I believe we have a good chance at a political resolution at the provincial level. The alternative is through legal means, which we intend to pursue, however, only as a last resort. We are going to stop the casino. The only questions remaining are how long and how much will it cost to do so.

sud.editorial@sunmedia.ca

**THIS IS EXHIBIT "53" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Robert T. Kirwan shared a link.

Admin · January 1, 2018



Tom Fortin is not going to stop the development of a casino in Sudbury. A full casino is going to be built in Sudbury because there are locations that are already zoned for a new casino. Gateway Casinos and the OLG have an agreement that must be honoured. So Tom Fortin is not going to prevent a new casino from being built in Sudbury.

However, his opposition to the casino may end up killing the Kingsway Entertainment District; may end up killing the new library art gallery as well as the convention & performance centre in the downtown; may end up killing any other downtown improvements including the Elgin Greenway; may end up with the City losing the Sudbury Wolves in the spring of 2022; and may end up causing a battle between the outlying communities and the Downtown Sudbury that will kill the downtown businesses and once again revive the fight for deamalgamation that surfaced in 2006. That may very well be the legacy of Tom Fortin and his campaign against the casino.



THESUDBURYSTAR.COM

Casino opponent lays out argument

Tom Fortin, a local businessman and driving force behind the Casino Free Sudbury campaign, believes a new casino on the Kingsway, or anywhere else in Greater Sudbury, will not be a



Charles Tossell and 24 others

170 Comments 5 Shares



Like



Share

THIS IS **EXHIBIT "54"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

law031sd/cost sharing/design plan combined v1b.doc

This Cost Contribution Agreement effective as of the 8th day of January, 2018

BETWEEN:

CITY OF GREATER SUDBURY

(Hereinafter referred to as the "City")

- and -

GATEWAY CASINOS & ENTERTAINMENT LIMITED

(Hereinafter referred to as "Gateway")

- and -

1916596 ONTARIO LTD.

(Hereinafter referred to as the "Developer")

Whereas the Developer is the owner of certain land which is located on the Kingsway, Sudbury and is subject to draft approval for a plan of subdivision;

And Whereas the City has entered into an Option to Purchase a part of the Developer's Kingsway site for the development and construction thereon of an Arena/Event Centre;

And Whereas Council for the City has expressed an interest in the Developer's Kingsway site being developed as an entertainment centre;

And Whereas Gateway has expressed an interest in developing a casino within part of the Developer's Kingsway site;

And Whereas the Developer also has plans for development on part of the Developer's Kingsway site;

And Whereas the Developer, Gateway and the City have expressed an interest in developing an integrated site design plan for the Developer's Kingsway site, with the intent that each Party which chooses to proceed with its proposed development on the Developer's Kingsway site will at its own cost, develop its own site independently but in accordance with the integrated plan;

And Whereas Council for the City has, by resolution CC2017-257, approved the City entering into a sole source agreement with Cumulus Architects Inc. to develop a Site Design Strategy for the projects contemplated by the City, Gateway and the Developer;

And Whereas Council's approval of the agreement with Cumulus Architects Inc. is conditional upon each of Gateway and the Developer agreeing to share the cost of the Site

Design Strategy to be developed by Cumulus Architects Inc., such that the City's share does not exceed 1/3 of the total cost;

And Whereas each of Gateway and the Developer have each agreed to contribute 1/3 of the total cost of the Site Design Strategy to be developed by Cumulus Architects Inc. to a specified maximum amount;

And Whereas this Agreement is being entered into set out the respective rights and obligations of the Parties;

Now Therefore in consideration of the mutual covenants and agreements herein and subject to the terms and conditions in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

Definitions

1. In this Agreement:

"Agreement" means this Cost Contribution Agreement entered into between the Parties;

"City Project" means the development of an arena/event centre on part of the Project Site;

"Cumulus" means Cumulus Architects Inc., the party the City has contracted with for the development of the Design Project;

"Design Project" means the development of an integrated site design strategy for the Project Site, reflecting the City Project, the Gateway Project and the Developer's Project;

"Design Project Costs" means the total of all costs for the Design Project including costs invoiced by Cumulus for services and disbursements, including changes in scope agreed by the Parties; costs incurred by the City related to the Design Project including but not limited to costs for meals and meeting rooms for discussions between the Parties related to the Design Project, meeting rooms for public information sessions related to the Design Project, related printing costs; together with any other costs agreed to by the Parties; but such costs shall not include any internal costs of the Parties for their own benefit, or for that portion of the Harmonized Sales Tax incurred by the City for which the City is entitled to a rebate or credit;

"Developer" means 1916596 Ontario Ltd., the owner and developer of the Project Site;

"Developer's Project" means the development of a hotel on part of the Project Site;

"Financial Contribution" means the money to be provided to the City by each of Gateway and the Developer toward the Design Project Costs;

"Gateway's Project" means the development of a casino on part of the Project Site;

"Maximum Financial Contribution" means, with respect to each of Gateway and the Developer, the sum of \$170,000;

"Party" means any one of the City or Gateway or the Developer and includes any successor or any permitted assign of each and "Parties" means any two or more of the City, Gateway and the Developer and includes a Party's successor or any permitted assign;

"Project" means any of the City Project, the Developer's Project or the Gateway Project as the case may be; and

"Project Site" includes that part of PIN 73561-0264(LT), PIN 73561-0282LT) and PIN 73561-0261(LT) collectively, being part of Lots 9 & 10 Concession 4, Township of Neelon, City of Greater Sudbury, subject to draft subdivision approval under file 780-6/10002, as described as the Jack Nicholas Business & Innovation Subdivision and as shown on the sketch attached as Schedule A.

Representations

2. Each Party represents and warrants that:
- (a) it is, and shall continue to be for the term of this Agreement, a validly existing legal entity with full power to fulfill its obligations under this Agreement;
 - (b) it has the full power and authority to enter into this Agreement; and
 - (c) it has taken all necessary actions to authorize the execution of this Agreement.

Design Project Description

- 3.(1) Each of Gateway and the Developer individually acknowledges and agrees:
- (a) Cumulus has been retained by the City to conduct the Design Project through a non-competitive procurement process authorized by Council for the City; and
 - (b) It is satisfied with Cumulus conducting the Design Project.
- (2) Each of Gateway and the Developer agrees to not subsequently object to any of the matters identified in subsection 3(1).
- (3) The Design Project is to be completed in accordance with timelines established by the City in consultation with Gateway and the Developer. Any significant change to agreed upon timelines must be approved in writing in advance by both Gateway and the Developer.
- (4) Nothing herein limits any Party from contracting with Cumulus or others for additional work exclusive to that Party's Project, provided however, that the Party entering into such contract shall be solely responsible for the costs of such additional exclusive work.

Implementation of the Party's Individual Projects

- 4.(1) Any Party, which decides, in its own discretion, to proceed with its individual Project shall be responsible to implement, at its own cost and expense, the final and approved site design prepared by Cumulus as part of the Design Project, as it applies to that Party's Project. Nothing herein prevents any two or more of the Parties from entering, or requires any of the Parties to enter into further cost sharing agreements for work related to the Implementation of the Design Project or its respective individual Project, and nothing herein obligates any of the Parties to proceed with its individual Project.
- (2) The participation of the City in the Design Project shall not be construed or deemed to be a waiver of any obligation by any Party to obtain any necessary permit, licence, authorization, approval or re-zoning or construed or deemed to be an approval by the City in its capacity as an issuer of any permit or licence, authorization or approval or in its capacity as planning approval authority or any other capacity, in the Implementation of any Party's respective individual Project.

Conduct of Design Project

- 5.(1) Each of the following requirements shall apply to the Design Project:
- (a) The City shall not substitute or change Cumulus as the entity conducting the Design Project, or allow the subcontracting or assignment of the Design Project by Cumulus without prior written consent from Gateway and the Developer, which consent shall not be unreasonably refused;
- (b) The Developer will permit Cumulus and its agents and representatives to enter onto the Project Site for purposes related to the conduct of the Design Project at the sole risk of Cumulus, subject to Cumulus providing reasonable advance notice of entry and subject to any further terms that the Developer, acting reasonably, requires Cumulus to agree to prior to such entry;
- (c) In the event that Gateway acquires rights in any part of the Project Site it agrees (to the extent permitted under such rights) to permit Cumulus and its agents and representatives to enter onto the Project Site for purposes related to the conduct of the Design Project at the sole risk of Cumulus, subject to Cumulus providing reasonable advance notice of entry and subject to any further terms that Gateway, acting reasonably, requires Cumulus to agree to prior to such entry;
- (d) The City will cause Cumulus to consult with and consider the input of each of Gateway and the Developer, in the process of the development of the Design Project overall and with respect to each Party's individual Project provided however, that the City shall have the right to give final direction to Cumulus on matters related to both the City Project and those matters affecting the Design Project as a whole. In the event that any such final direction regarding the Design Project could reasonably be expected to have a material impact on the Gateway Project or the Developer's Project, the City will provide notice of such direction to the affected Party;

- (e) Each Party agrees to appoint an authorized representative to consult with the other Parties and with Cumulus from time to time, as requested by Cumulus, and to provide, at its own expense, such information or documentation, as may be reasonably required by Cumulus in the effective development of the Design Project, and to otherwise co-operate with Cumulus in the development of the Design Project, all in a timely manner so as to not delay the completion of the Design Project;
 - (f) Except as provided in 5(1)(d) above, each of Gateway and the Developer shall direct communications to Cumulus through the City;
 - (g) Where the City determines that work orders related to the Design Project will increase the Design Project Costs the City should consult Gateway and the Developer, provided, however, such decisions shall rest with the City. Each of Gateway and the Developer acknowledges and agrees that the City may be not be able to consult with it for all decisions that need to be made in respect of providing direction to Cumulus in respect of the Design Project and that the City may need to summarily make such decisions in order to move the Design Project forward without delay. Where advance consultation is not possible, the City shall advise each of Gateway and the Developer of decisions made in a timely manner;
 - (h) The City reserves the right to cancel or delete the entirety or any portion of the Design Project in accordance with subsection 9(3) and without any liability for doing so. The decision of the City will not release either Gateway or the Developer from the obligation to pay its Financial Contribution for the Design Project Costs incurred to the date of such cancellation and limited always by that Party's Maximum Financial Contribution; and
 - (i) The City will ensure that the terms of the Design Project contract with Cumulus contain terms and conditions which are appropriate and customary for such an engagement, including appropriate representations, warranties, and covenants and an obligation for Cumulus to comply with all applicable laws, professional standards and maintain professional liability insurance.
- (2) Each of Gateway and the Developer will, in addition to the City, be entitled to rely on the Design Project for its respective purposes, provided that it has paid its respective Financial Contribution. The City undertakes to make copies of the Integrated site plan which is the subject of the Design Project available to each of Gateway and the Developer upon completion and payment of its respective Financial Contribution.
- (3) Each Party assumes its own liability for any claims, costs, losses, or actions arising out of or related to reliance on the Design Project or Design Project deliverables. In no event shall any Party be liable for any other Party's loss of business or profit or other indirect or consequential damages arising out of or related to the Design Project or any Design Project deliverables.

Financial Contribution

6. (1) Subject to subsections 6(2) and 9(2), Gateway and the Developer each agrees to pay to the City a Financial Contribution of One Third (1/3) of the Design Project Costs whether or not such Design Project Costs were incurred in whole or in part prior to the effective date of this Agreement.
- (2) Notwithstanding anything contained in this Agreement, in no event will the Financial Contribution of Gateway or the Developer exceed its respective Maximum Financial Contribution. Design Project Costs in excess of the combined Maximum Financial Contribution of each of Gateway and the Developer will be for the sole account of the City.
- (3) Upon the City receiving and approving an invoice from Cumulus the City shall invoice each of Gateway and the Developer for its Financial Contribution for that part of the Design Project Costs set out in the invoice from Cumulus. The invoice from the City shall be supported by a copy of the Cumulus invoice.
- (4) Notwithstanding Subsection 6(3) the City may, at any time, request that Gateway and the Developer provide to the City reasonable advances of their respective Financial Contributions to allow more timely payments by the City to Cumulus, subject always to 6(2). Where such advances are paid to the City, the City shall continue to invoice each of the other Parties, ensuring the invoice reflects charges to date by Cumulus, credits for advances received and the amount outstanding by that Party.
- (5) Upon the completion of the Design Project, the City will conduct a final accounting of the Financial Contribution required from each of Gateway and the Developer and determine any amount owing to the City or any amount owing by the City to Gateway or the Developer as the case may be, subject always to subsection 6(2).
- (6) Any amount payable to the City by Gateway or the Developer under subsection 6(3), 6(4) or 6(5) or due by the City to Gateway or the Developer under subsection 6(5) shall be due within 30 days of the date of the invoice and any amount not paid when due, shall bear interest at the rate of 1.25 % per month from the due date until payment in full. Any cheque provided to the City of an obligation hereunder, which is returned by the Bank, shall be subject to an administrative fee determined in accordance with the City's Miscellaneous User Fee By-law which is then in effect.
- (7) Any amount owing to the City shall be enforceable by any means available to the City at law.
- (8) The obligation for payment shall survive any expiry or other termination of this Agreement.

Records

7. The City agrees to maintain financial and other records pertaining to the Design Project, including, without limitation, copies of the purchase order, or other agreement, any

change orders, invoicing, progress payments and to make such records available to Gateway and the Developer upon request, during normal business hours.

Term

8. This Agreement shall be in effect from the effective date on the first page hereof and, unless earlier terminated, shall expire upon satisfactory completion of the Design Project and payment to the City of all monies owing to the City under this Agreement.

Termination

9. (1) This Agreement may be terminated upon a date mutually agreed to in writing by the Parties.
- (2) Either Gateway or the Developer may terminate its interest in the Agreement, in the event that the Party determines it will not be proceeding with its respective Project, upon 30 days notice in writing, to each other Party, given in accordance with section 10. The Agreement shall terminate with respect to the Party giving notice, on the date specified in the notice subject to the surviving obligations provided for herein. The Party giving notice of termination shall remain responsible for the payment of its Financial Contribution, up to the Maximum Financial Contribution for work completed by Cumulus on the Design Project to the date of termination of this Agreement, whether or not yet invoiced by Cumulus. After the date of termination and despite subsection 6(1), the Project Design Costs incurred after the date of termination shall be borne equally by the remaining Parties, subject always to subsection 6(2). This obligation shall survive the termination of this Agreement.
- (3) In the event that Council for the City of Greater Sudbury determines to not proceed with the City Project or with the Design Project, the City may terminate this Agreement by notice in writing to Gateway and the Developer. The notice shall specify the termination date, and be given in accordance with section 10.

Notice

10. Any demand, notice or other communication to be given in connection with this Agreement shall be given in writing and may be given by personal delivery or by registered mail, courier, e-mail or facsimile transmission, addressed to the recipient as follows:

- (a) City of Greater Sudbury
P.O. Box 5000, Station "A"
200 Brady Street
Sudbury ON P3A 5P3

Attention: General Manager, Community Development
Facsimile Number: (705) 873-1651
E-mail: catherine.matheson@greatersudbury.ca

(b) Gateway Casino & Entertainment Limited
 103-256 Pall Mall Street
 London Ontario
 Canada N6A 5P6
 Attention: Keith Andrews, Senior Vice President & Managing Director, Ontario
 E-mail: kandrews@gatewaycasinos.com

(f) 1916596 Ontario Limited
 874 Lapointe Street
 Sudbury, Ontario
 P3A 5N8
 Attention: Dario Zulich, President
 Facsimile Number (705) 560-7524
 E-mail: Dario@dariozulich.com

or to such other address, e-mail address or facsimile number as may be designated by notice by any Party to the others. Any such notice given by personal delivery shall be conclusively deemed to have been given on the day of actual delivery thereof if given by registered mail, on the third day following the deposit thereof in the mail, if by courier, on the second day after delivery to the courier, and if by email or facsimile transmission, on the same day if sent prior to 4:00 p.m. and on the next following business day if sent after 4:00 p.m. or on a non-business day. If the Party giving any notice knows or ought reasonably to know of any difficulties with the postal system which might affect the delivery of mail, any such notice shall not be mailed but shall be given by personal delivery, courier, email or facsimile transmission. For the purposes of this section "business day" means Monday to Friday, except for statutory or civic holidays.

Dispute Resolution

- 11.(1) The Parties herein agree that in the event of any dispute arising under or pursuant to this Agreement, which dispute cannot be resolved by the mutual agreement of the Parties' authorized representatives, the authorized representatives shall refer the dispute to its respective CAO, Senior Vice President, or person who holds equivalent position within that Party.
- (2) In the event that the such individuals cannot resolve the dispute, the Parties agree that alternate dispute resolution processes such as mediation, appointment of a neutral third party evaluator or arbitration may be preferable to litigation as a way to resolve disputes that may arise under this Agreement and they agree to give good faith consideration to having resort to an alternate dispute resolution process before initiating legal or other proceedings to deal with any such disputes.

Conflict of Interest

- 12.(1) No Party or their respective officers, directors, employees, agents or consultants shall engage in any activity where such activity would create an actual or perceived conflict of interest pursuant to this Agreement.

- (2) Each Party, its respective officers, directors, employees, agents and consultants shall disclose to the each other Party without delay, any circumstances or actual or potential situation that may reasonably be interpreted as either a conflict of interest or a potential conflict of interest or perceived conflict of interest.

MFIPPA

13. (1) The City is a municipal corporation and as such is bound by the *Municipal Freedom of Information and Protection of Privacy Act*. This Agreement and any information provided to or collected by the City pursuant to this Agreement is subject to the rights and safeguards of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) and is subject to disclosure as provided in the said Act.
- (2) Each of Gateway and the Developer (each a "Providing Party") agree to the disclosure to the public pursuant to MFIPPA, pertaining to the Design Project and information pertaining to the respective Project of each Party to Cumulus and to each other Party.
- (3) A Providing Party shall not use, at any time during the term of this Agreement, or thereafter, any of the information acquired by it from Cumulus or the City or any other Party during the duration of the Agreement for any purposes other than in connection with the Design Project, the Gateway Project or the Developer's Project as the case may be or as otherwise authorized by this Agreement or such other purposes authorized in writing by the City.

Relationship

14. Gateway and the Developer each acknowledges and agrees that the City is entering into this Agreement for the purposes of sharing the costs of completing the Design Project. Nothing in this Agreement shall be read or construed as conferring upon Gateway or the Developer or its directors, officers, employees, consultants, agents or volunteers, the status of employee, or agent of, or partner or joint venturer with the City. Gateway and the Developer each agrees that it will not represent itself in any way that might be taken by a reasonable person to suggest that it is, or take any actions that could establish or imply such a relationship. The City agrees that it will not agree to any terms in its agreement with Cumulus that would purport to bind or obligate Gateway or the Developer in any manner.

Force Majeure

15. The Parties shall not be liable for any failure to perform their obligations hereunder if and so long as non-performance is due to anything beyond their control including lightning, tempest, explosion, earthquake, acts of God, strikes, mob violence, acts of the Queen's enemies, or any catastrophic cause beyond their control. Financial constraints shall not be a force majeure event.

Obligations Surviving Termination

16. All obligations of this Agreement which expressly or by their nature survive termination or expiration of this Agreement shall continue in full force subsequent to and notwithstanding such termination or expiration until and unless they are satisfied or by their nature expire.

Not Assignable

17. No Party shall assign this Agreement, or any rights or part thereof, without the prior written approval of the other Parties, which approval shall not be unreasonably withheld.

Entire Agreement

18. This Agreement embodies the entire Agreement between the Parties in respect of the specific subject matter herein and replaces any other understanding or agreement, collateral, oral or otherwise, existing between the Parties in respect of the specific subject matter herein at the date of execution.

Waiver of Terms

19. A waiver of any failure to comply with any term of this Agreement must be in writing and signed by the aggrieved Party. Each waiver must refer to specific failure to comply and shall not have the effect of waiving any subsequent failures to comply.

Contra Proferentum Rule Not Applicable

20. Should any provisions of this Agreement require judicial interpretation, mediation or arbitration, it is agreed that the court, mediator or arbitrator interpreting or construing the same shall not apply a presumption that the terms thereof shall be more strictly construed against one Party by reason of the rule of construction that a document is to be construed more strictly against the Party who itself or through its agent prepared the same, it being agreed that both Parties, directly or through their agents have participated in the preparation of this Agreement.

Amendments

21. This Agreement may be amended, altered or added to only by written agreement between the Parties which agreement is supplemental to this Agreement and thereafter forms part of this Agreement.

Further Assurances

22. The Parties shall from time to time and at all times do such further acts and things and execute all such further documents and instruments as may be reasonably required to carry out and implement the true intent and meaning of this Agreement

Governing Law

23. This Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario and enforced in the court system of the Province of Ontario.

Invalidity of Clause

24. If any provision of this Agreement shall be held to be invalid or unenforceable, it shall be considered separate and severable from this Agreement and the remaining provisions of this Agreement shall not be affected thereby and shall remain in full force and effect and shall be binding as though such invalid or unenforceable provision had not been included in this Agreement.

Headings

25. Headings or descriptive words at the commencement of the various sections are inserted only for convenience and are in no way to be construed as a part of this Agreement or as a limitation upon the scope of the particular section to which they refer.

Number and Gender

26. In this Agreement the use of the singular number includes the plural and vice versa and the use of any gender includes all genders.

References to Currency

27. Any reference to dollars or currency in this Agreement shall be to Canadian dollars and currency.

Binding

28. This Agreement shall enure to the benefit of and shall be binding upon the Parties and their respective successors and any approved assigns, subject to any limitations explicit in this Agreement.

In Witness Whereof the Parties hereto sign by their duly authorized signing officers

This 22 day of March, 2018

REVIEWED BY:

Community Dev.	
Community Safety	
Corporate Services	
Growth & Infra	
Treasurer	
Legal Services	
G.S. Police	
G.S. Airport	

City of Greater Sudbury

C. Math
General Manager Community Development

This 22 day of March, 2018

Gateway Casinos and Entertainment Limited
Per:

Teery Black
Teery Black - VP Finance - Ontario
Name, Title

I/we have authority to bind the Corporation

This 22 day of March, 2018

1916596 Ontario Ltd.
Per:


Dario Zulich
DARIO ZULICH PRESIDENT
Name, Title

I/we have authority to bind the Corporation

SCHEDULE A

Attach the draft plan of subdivision

**THIS IS EXHIBIT "55" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



[Home](#) > [City Hall](#) > [Current Projects](#) > [Large Projects](#)
> Kingsway Entertainment District and Arena/Event Centre

Kingsway Entertainment District and Arena/Event Centre



The Kingsway Entertainment District is a space where we enjoy ourselves and our northern lifestyle - a place our growing community can gather and celebrate. It will be an innovative experience and a choice destination for northeastern Ontario that will proudly host visitors to the beautiful city we call home.

Frequently Asked Questions

Learn more about the Kingsway Entertainment District and the Arena/Event Centre by browsing some of the topics of frequently asked questions below:

[About the Arena/Events Centre](#)

Benefit to the Community

Cost Sharing Agreement

The City has entered into a comprehensive cost sharing agreement (CSA) with its partners for the Kingsway Entertainment District. This CSA covers all costs and obligations for the City for any development outside of its property limit.

The four partners are:

- the City of Greater Sudbury (responsible for the event centre),
- Gateway (responsible for the casino and restaurants),
- the hotel/conference centre (represented by the developer, Mr. Zulich), and
- the developer (responsible for the remaining lands).

All partners are working together and are committed to the successful completion of the project, as evidenced by the signing of the cost-sharing agreement.

The cost sharing agreement focuses particularly on the common areas/works and blasting. Each partner is responsible for the development of their own site, including buildings and parking lots.

Mitigating Risk

The cost sharing agreement was negotiated with value for money and the interests of the community in mind and with the aim of mitigating risks to the municipality and to taxpayers.

There is a clause that allows the City to terminate the agreement without penalty at any time before the Local Planning Appeals Tribunal (LPAT) process has been completed.

All parties have agreed to delay major site work until LPAT direction is received. Planning work will continue to ensure that the project maintains a shovel-ready status.

Tendering and Administration

The City has agreed to be responsible for the tendering and administration of the road work and the intersection improvements.

By leading the procurement and the administration of the contract, the City can ensure that it is in compliance with:

- the City's Purchasing By-law and

- the contracts are awarded in a fair and transparent process.

The developer is providing security to the City for payment of its financial obligations: the City is leading the majority of the works and the developer has agreed to put up a bond to ensure that the City is reimbursed.

Cost Sharing Agreement

The costs associated with each of the major elements of the site's development are below. The agreement outlines every financial obligation that will be borne by the City.

Item	Event Centre (City)	Casino and Restaurants (Gateway)	Hotel (Developer)	Remaining Lands (Developer)
Road Works	27.9%	14.7%	7.3%	50.0%
Intersection Improvements	27.9%	14.7%	7.3%	50.0%
Site Preparation (blasting and grading)	55.9%	29.4%	14.7%	0%
Storm Water Management Pond	50.3%	26.5%	13.2%	9.9%
Festival Square <ul style="list-style-type: none"> • Backfill • Surface • Amenities 	60% 80% 100%	30% 10% 0%	10% 10% 0%	0% 0% 0%
Bus Loop, Festival Square Stairs, Trails, Overflow Parking	100%	0%	0%	0%

Road Works and the Intersection Improvements

The cost for the Road Works and the Intersection Improvements is divided equally between the properties within the crescent (Event Centre, Casino and Restaurants, and the Hotel) and the Remaining Lands (Developer).

The 50% cost for the properties within the crescent is allocated to the Event Centre, Casino and Restaurants, and the Hotel based on the property area of each. With the Event Centre being the largest property, it has the highest cost allocation, and with the Hotel being the smallest property, it has the lowest cost allocation.

The Road Works include all site servicing required for the properties, including water main, sanitary sewer, sidewalks, cycling infrastructure, and storm sewers.

Site Preparation

The site preparation contract has been awarded, and the costs are to be allocated to each party based on the property area of each. By tendering a single contract for site preparation there are benefits to all partners that include economies of scale, simplification of site management issues, and a shared commitment to achieving the Detailed Integrated Site Design.

Storm Water Management Pond

The Storm Water Management Pond costs are to be allocated to each party based on the property area of each. There is an allocation to the Remaining Lands as the road drains to the storm water management pond and that is a benefit to the Remaining Lands.

Festival Square

The cost of constructing Festival Square has been split into different items.

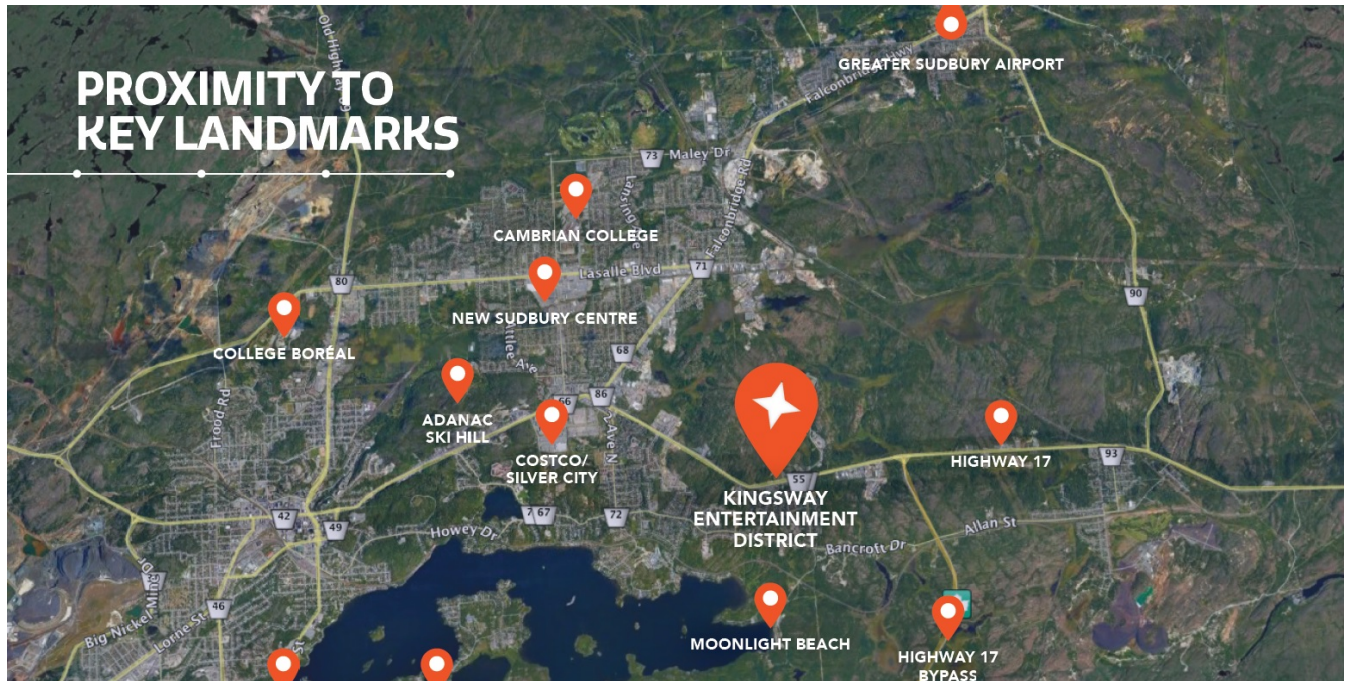
The backfilling will occur in different stages as the properties are developed and the cost allocation is based on this development scheduling.

The cost of the surface is allocated to each party based on their end use.

- The Casino and Restaurants are responsible for the surface of the restaurant patios.
- The Hotel is responsible for their patio area.
- The City is responsible for the remainder of the cost. This is to ensure that the City maintains full control of the design as well as the programming on Festival Square. The City will also be responsible for the amenities that are included in Festival Square

outside of the partner patio areas. Festival Square is being designed as a public space open to all. 433

Location of the Arena/Events Centre



How was the location for the Arena/Event Centre determined?

March 7, 2017:

- Council passes a resolution that approves criteria and weighting criteria to evaluate sites for an Event Centre.

June 27, 2017:

- Staff presents Council with two recommended site options for the Arena/Event Centre: a Downtown location or the Kingsway location.
- Council approves the Kingsway location.
- [View the June 27, 2017 Council meeting agenda and reports.](#)
- [Watch the June 27, 2018 Council Meeting via Livestream.](#)

Has the proximity of the Sudbury Landfill been considered as part of the site selection process?

Yes, the proximity of the Sudbury Landfill has been taken into consideration as part of the Kingsway Entertainment District site plan.

The Sudbury Landfill follows modern practices. Waste that is ultimately buried is covered each day to control scavengers and to minimize odour, litter and storm water infiltration.

All activities follow a certain operating procedure and are routinely monitored by the site's Environmental Compliance Approval with the Ministry of the Environment and Climate Change.

Over the past four years, the City has received approximately 60 complaints regarding odours associated with the landfill. The Sudbury Landfill is located northeast of the Kingsway Entertainment District. Prevailing winds in Greater Sudbury are from the northwest.

Ownership, Cost and Payment

Who is going to own and operate the Arena/Event Centre?

- The City of Greater Sudbury will own the Arena/Event Centre, dedicated parking areas and the property on which the Arena/Event Centre is to be situated.
- A [financial plan](#) is included in the 2018 municipal budget for repayment of the Arena/Event Centre and shared infrastructure.
- Details of the operator for the Arena/Event Centre are still in development.

Kingsway Entertainment District Detailed Expenses

The table below outlines the Kingsway Entertainment District expenses to September 10, 2019.

Expense	Total	City Share	Cost Shared By Others
Feasibility and business case, site evaluation	\$353,639	\$353,639	-
Integrated site design	\$572,241	\$234,933	\$337,308

Expense	Total	City Share	Cost Shared By Others
Detailed site design, engineering, professional fees, external legal fees	\$1,377,628	\$1,107,686	\$269,942
Salaries	\$419,252	\$419,252	-
Basketball floor, related equipment	\$259,668	\$129,834	\$129,834
Total	\$2,982,427	\$2,245,343	\$737,084
Percentage of total \$100 million budget		2.2%	

Cost of the Development of the Property

Plans to develop the site are being shared four ways between:

- the City of Greater Sudbury
- Gateway Casinos and Entertainment Limited,
- the developer
- the hotel operator

There are three partners within the cost sharing agreement for the integrated site of the Kingsway Entertainment District. The three parties are the City, the developer, and Gateway Casinos.

There are three components within the integrated site: the arena/event centre, a casino, and a hotel. The hotel's capital contribution to the site development is represented by the developer and is the responsibility of the developer. To date, the developer has shared with the City a letter of interest from Hilton Worldwide.

All partners share a commitment to the development and ongoing success of the Kingsway Entertainment District and have demonstrated a positive working relationship.

In April 2019, under the partnership agreement, Zulich and company as the property owner transferred 11.96 hectares (29.56 acres) to the City for Greater Sudbury for a nominal \$10.

Cost of the Design of the Kingsway Entertainment District Site Plan

The cost for the design of the integrated site plan for the Entertainment District is shared as 436 authorized under an [August 22, 2017 Request for Decision of Council](#).

Cost of the Arena/Event Centre

- The Arena/Event Centre is proposed to be funded by the City of Greater Sudbury.
- The capital budget to construct the Arena/Event Centre is \$100 million.

Cost of the Infrastructure for the Kingsway Entertainment District

Infrastructure to the site will be cost shared between the City of Greater Sudbury, Gateway Casinos and Entertainment Limited and Zulich and company, for example: sanitary sewer, storm water management, water and hydro.

Cost of the Shared Space at the Kingsway Entertainment District

Shared space such as roads and Festival Square will be cost shared. A cost sharing agreement for maintenance of shared space will be negotiated by all parties associated with the Kingsway Entertainment District.

Financing Plan

[A Report to Council, dated June 27, 2017](#), asked that the City of Greater Sudbury approve a financing plan for inclusion in the 2018 capital budget that utilizes various funding sources.

[A financial plan](#) is included in the 2018 municipal budget for repayment of the Arena/Event Centre and shared infrastructure.

Parking, Traffic and Transportation

Will there be enough parking?

The integrated site plan exceeds parking requirements for the Entertainment District under the [Zoning by-law](#).

The Arena/Event Centre will have:

- 1,250 dedicated parking spaces with

- an additional 1,400 spaces in overflow parking within approximately 400 metres of the entrance to the Arena/Event Centre.

Parking areas are located behind the entertainment complexes and are close to main entrances for the Arena/Event Centre, Casino and Hotel.

Additional overflow parking for major events will be directed to these parking areas. The developer and the City of Greater Sudbury are working on an agreement for long-term overflow parking.

Will I have to pay for parking?

Casinos and hotels generally do not charge for parking. Parking details have not yet been determined, but free parking is anticipated.

How will the City of Greater Sudbury manage traffic congestion?

Traffic signals will be installed at the new entrance to the Entertainment District from the Kingsway. There are already traffic signals at the Levesque Street intersection that will be upgraded.

A second traffic impact study has been completed. Traffic and parking analyses assume conditions before and after sold-out events at the Greater Sudbury Arena/Event Centre.

The design of the entrances and exits, and the inclusion of overflow parking, will strike a balance between accommodating sold-out events while not overbuilding infrastructure that will not be needed for non-event days.

Based on attendance data from the existing Sudbury Community Arena, as well as non-local OHL arenas, most teams draw between five and 10 near-capacity crowds each year. When major events are not scheduled, the site will see much lower levels of traffic and parking.

Programming/incentives such as restaurants will help to reduce congestion by spreading out the peak arrival and departure rates of event patrons.

Will Greater Sudbury Transit service the Kingsway Entertainment District?

All Greater Sudbury Transit routes are under review and there will be service to the Kingsway Entertainment District. The integrated site plan is designed with a dedicated lane for drop-off and pick-up at the main entrance of the entertainment complex.

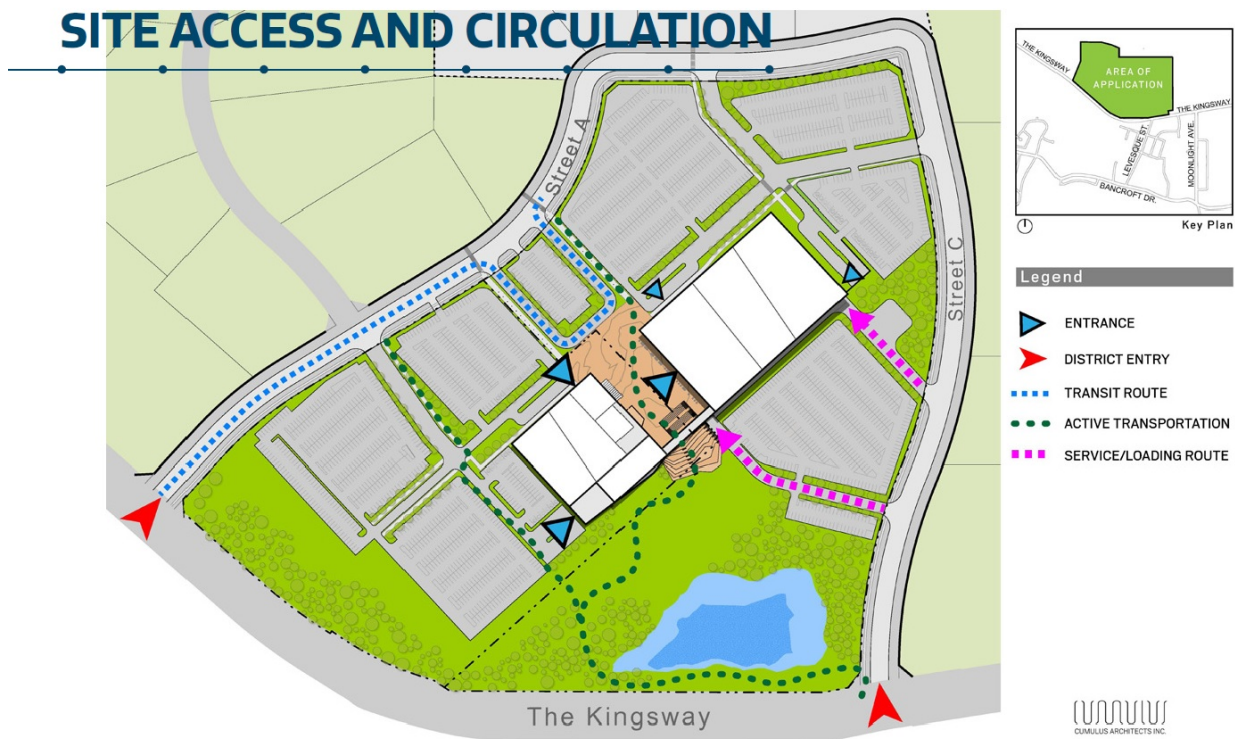
Will I be able to walk or bike to the Kingsway Entertainment District?

Bancroft Drive and Levesque Street, right across from the Kingsway Entertainment District, already have sidewalks and Bancroft Drive has dedicated bike lanes. The City will add an edge line on the connecting Levesque Street for cycling.

The integrated site plan provides for a cycling/walking path through the Kingsway Entertainment District.

Cyclists who prefer to ride to their nearest bus stop can take advantage of Greater Sudbury Transit’s “rack and roll” bike racks for public transportation to the main entrance of the Arena/Event Centre.

A number of natural trails have been identified in the area; there is a snowmobile trail to the northeast. Moonlight Beach, located within 2.6 km of the Entertainment District, is also nearby as a popular active transportation destination.



Project Background

How was the decision made to replace the Sudbury Community Arena?



2010

- April 2010: Council requests an Arena Renewal Strategy.

2013

January 2013:

- Following a series of staff reports and public consultations, a report is submitted to the Community Services Standing Committee that provides a detailed review of all community arenas, including an analysis of demand for ice time, remaining lifecycle of existing facilities and projections for facility repairs and replacement.

July 2013:

- A staff report on the Arena Renewal Strategy is presented to the Community Services Committee, providing results of a community consultation regarding the Sudbury Community Arena.
- Council approves a resolution to explore opportunities to replace the Sudbury Community Arena, including renovating and enhancing the existing facility and considering Public-Private-Partnerships.

2015

- March 2015: A full report, titled Arena Renewal Strategy and Sudbury Community Arena – Renewal Options, is presented to Council, including a report from independent consultant Coldwell Banker Richard Ellis (CBRE) on the scope of work and cost of refurbishing the Sudbury Community Arena.

- CBRE also provides a comparison of the scope of work and the cost of replacing the facility. CBRE partnered with MacLennan Jaunkalns Miller Architects in the completion of the project analysis.

2016

- July 2016: City Council engages PricewaterhouseCoopers LLP (PwC) to develop a Phase I Market Analysis and Business Case Assessment.

2017

- March 7, 2017: The study completed by PwC is presented to Council, which concludes the Greater Sudbury market could support an Event Centre with approximately 5,800 seats to service demand.
- June 27, 2017: Council selects the Kingsway location for the new Arena/Event Centre as well as a financing plan for inclusion in the 2018 budget.
- August 22, 2017: Council authorized staff to single source Cumulus for the integrated site plan and authorized staff to enter into a partnership with Gateway and Zulich for the integrated site plan.
- November 2017: Final Site Design Strategy is presented to Council for approval.

Public Engagement

June - July 2018: Public Engagement Feedback on Festival Square Design

Between June 19 and July 11, 2018 the City of Greater Sudbury hosted several engagement opportunities to get feedback from the public on the design for Festival Square. Four public engagement sessions were held at the Garson Arena, Pius the XII Catholic School, York Street Market and New Sudbury Shopping Centre. Over 350 residents provided feedback to staff during the four engagement sessions.

Residents also had the opportunity to submit their ideas online. There were 2,100 visitors to the Kingsway Entertainment District page on the Over to You website. Of these visitors, there were:

- 95 engaged participants that contributed ideas online (including some paper submissions), and
- 903 online contributions where people voted on ideas that were posted by visitors.

The top themes and ideas for Festival Square identified by respondents include:

- Multi-seasonal events throughout the year (particularly in the winter)
- Family friendly activities for all ages
- Green space
- Active transportation including walking/bicycle paths and access to transit
- Festival space and outdoor markets
- Cafes, restaurants and bars
- Seating
- Music, lights and video screens
- Public art
- Site accessibility, with accessible parking in close proximity to venues
- Free parking and VIP parking

November 2017: Open House Feedback

Between November 3 and 10, 2017, the City of Greater Sudbury hosted open houses at 18 locations throughout the community, including all 14 municipal arenas. Residents also had opportunity to submit comment online.

More than 500 responses were submitted online and approximately 500 residents provided feedback to municipal staff during open houses. As the request for comment was not directed to a single topic, a variety of discussion points emerged during this public consultation. Key points and/or questions identified by a majority of respondents were focused in the following areas:

- Location
- Cost
- Timing/Completion of the Project
- Parking
- Casino development
- Public Transit
- Traffic flow
- Active transportation options
- Motorsports Park

September - October 2017: Draft Integrated Site Plan Public Consultation

Hundreds of residents provided comment on the draft integrated site plan for the Kingsway Entertainment District between September 20 and October 4, 2017. Key themes identified by the majority of 227 respondents were:

- Space for large events/sports
- Green space
- Environmentally conscious development
- Room for future development
- Full-day destination
- Active transportation options
- Ample parking and no parking congestion
- Restaurants
- Motorsports Park

Rezoning and Official Plan Amendments

Does the property require rezoning?

Yes, the property requires rezoning and an official plan amendment.

- Learn more about the [planning process](#).
- Learn more about [rezoning applications](#).
- Learn more about [official plan amendments](#)

Learn more about the [applications that were submitted for rezoning and an official plan amendment](#).

January 22, 2018

The Planning Committee held the first public hearing regarding an application for rezoning to permit a recreation and community centre in the form of a public arena and an application for an Official Plan amendment and rezoning to permit a place of amusement in the form of a casino.

- Learn more about the [Planning Committee](#) and who sits on the Committee.
- Learn more about [how the public can participate in the planning process](#).
- Review the complete agenda for the [January 22, 2018 meeting of the Planning Committee](#).
- [Watch the January 22, 2018 meeting of the Greater Sudbury Planning Committee via Livestream](#).

March 26, 2018

The City of Greater Sudbury Planning Committee approved the Official Plan amendment and rezoning to permit a casino on approximately 6.96 hectares of land.

- Review the complete agenda for the [March 26, 2018 meeting of the Planning Committee](#).
- [Watch the March 26, 2018 meeting of the Greater Sudbury Planning Committee via Livestream](#).

March 28, 2018

The City of Greater Sudbury Planning Committee approves the application for rezoning to permit a public arena on approximately 11.96 hectares of land and an application for rezoning to permit a parking lot as a permitted use in the M2, Light Industrial and M3, Heavy Industrial zones.

- Review the complete agenda for the [March 28, 2018 meeting of the Planning Committee](#).
- [Watch the March 28, 2018 meeting of the Greater Sudbury Planning Committee via Livestream](#).

Spring/Summer 2018

- 12 appeals are filed with the [Local Planning Appeal Tribunal \(LPAT\)](#) regarding the rezoning and official plan amendments.

August 2018

- LPAT determines all 12 of the appeals will be heard at a Case Management Conference in November 2018. Learn more about the [LPAT appeals process](#).
- As of August 8, the appellants have 20 days to file their case materials. Once received, the City of Greater Sudbury has a 20 day response period to file their response.
- For access to any of the case submissions and materials regarding the appeals please contact the LPAT directly at 1-866-448-2248.

November 6, 2018

- LPAT held a Case Management Conference on November 6, 2018.

August 8, 2019

- LPAT held a second Case Management Conference on August 8, 2019.

May 5, 2020

- LPAT scheduled a four-day hearing to commence on May 5, 2020.

Seismic Design of the Kingsway Entertainment District

The design of structures of all types in the City of Greater Sudbury with respect to seismic loading is dictated by the Ontario Building Code under Section 4.1.8.1. Earthquake Load and Effects (PDF, 138.KB).

The Ontario Building Code establishes the designated Design Data for Selected Locations in Ontario (PDF, 1.14 MB) based on past activity in the area and information from Natural Resources Canada which tracks activities such as seismic events.

The requirements of the Building Code set out in the seismic data charts and formulas need to be adhered to regardless of the location on which the arena/event centre is built.

Seismic Events in Sudbury

Buildings designed since the introduction of the Ontario Building Code in 1974 have all been designed to check for seismic loading. Within the City of Greater Sudbury we have experienced seismic events up to a Richter scale magnitude of 3.8 (August 2014) with no damages to our building stock.

How Buildings are Designed for Seismic Events

A geotechnical engineer will undertake a review of the proposed site and prepare a report that takes careful consideration of the soil conditions and type of foundation anticipated for the building.

They will provide a Site Classification for the proposed site which corresponds to criteria outlined in the Ontario Building Code. The criteria in the Building Code ensure that buildings of various site classifications are designed to specific standards to withstand seismic events.

A structural engineer takes these parameters and designs the structural support framing in accordance to the Ontario Building Code requirements for earthquake design.

The City of Greater Sudbury issues building permits for buildings that are designed by professional engineers and adhere to the minimum requirements of Fire Life Safety and Structural Adequacy dictated by the Ontario Building Code.

Contact

large.projects@greatersudbury.ca

In this Section

[Kingsway Entertainment District and Arena/Event Centre](#)

[Large Projects Updates](#)

[Place des Arts](#)

[The Junction](#)

Contact the City

311@greatersudbury.ca

Local: Dial 311

Long Distance: 705-671-2489


TTY (Hearing Impaired): 705-688-3919

Twitter Feed

[Follow us on Twitter](#)

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THIS IS EXHIBIT "56" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.



A Commissioner, & etc.

Accent: A voice against Sudbury's casino



By Special to The Star The Sudbury Star

[More from By Special to The Star The Sudbury Star \(https://www.thesudburystar.com/author/by-special-to-the-star-the-sudbury-star\)](https://www.thesudburystar.com/author/by-special-to-the-star-the-sudbury-star)

Published on: January 13, 2018 | Last Updated: January 13, 2018 8:28 AM EST

Note: this is an open letter to Mayor Bigger and Greater Sudbury council.

Tom Fortin/Guest column

Mr. Greg McKenzie employed by The Ontario Ministry of Finance as the OLG CEO has thanked you (Sudbury councillors) for your support for the past 18 years of hosting The Slots in Chelmsford.

He has very good reason to be thankful.

Mr. McKenzie mentions the fact that the city has received more than \$38.2 million from the facility over the past 18 years. What he did not mention is that money is only the 5 per cent municipal share of the \$764 million lost by patrons in the slots over the same period.

Currently, \$45 million is lost per year at the slots with more than \$32 million leaving to the province and the operator. This equates to 640 jobs at OLG pay rates, 500 more than the 140 jobs provided by facility. For the 500 unrealized jobs, Mr. McKenzie expects us to applaud the paltry \$616,000 his ministry spent over the same 18 years at local festivals and events to advertise their gambling "services".

You should understand that when we visit a Service Ontario office to renew our drivers license, we are engaging with a "service provider" acting on behalf of the Ontario Government as this government service has been privatized. Similarly, when you enter a casino in Ontario, you are also engaging a "service provider" providing a government service. That service just happens to compete directly with local entrepreneurs and our culture.

You have boasted of the public-private partnership enabling The Kingsway development; however, I see only the municipal government partnering with the provincial government to create the "Government Entertainment District". There is no mention of a hotel operator clamoring to build the hotel depicted in the proposal, as hotel developers know a multi-story hotel beside the city dump is not an ideal location. Further, hotel developers understand the majority of casino patrons will be local residents and have no need for an overnight stay. They will venture back to their homes, past local establishments, with their pockets empty and their bellies full.

In August 2012, council passed a unilateral resolution supporting the expansion of casino type gambling in Sudbury without public consultation. Following this, a public information session with no objective data was held along with an on-line poll, the results of which were never released.

Further, many council public statements at the time prejudiced the discussion with promises of free infrastructure.

"I don't think we're going to have another opportunity like this for a long time, to get some amenities and some economic growth in our city at a very minimal cost – or no cost at all," then-Mayor Matichuk said, before passing the Feb 2013 resolution.

With council members recently declaring anti-casino petitions signed by prominent local politicians as invalid because they were five years old, how can these questionable events of similar age,

be construed to meet the public consultation requirements of O. Reg. 81/12?

Council, please consider your partner in this project, The Ontario Ministry of Finance, presiding over \$312 billion in debt, roughly \$22,000 per man woman and child, making us the most indebted non-sovereign in North America. With tax season upon us, each of the seven million workers in the province should know the first \$1,657 of their provincial income tax goes to interest on this debt. Government over spending and mal-investments are responsible for most of this debt. Might this be the reason the province is forcing this casino upon our community, other than that stated by Mr. McKenzie?

I suggest you ask Mr. McKenzie why the people of Orillia, host of the largest casino in the province, are seventh lowest of 105 municipalities when it comes to household income. Windsor, with the oldest casino is even lower. Is this truly the future you wish for the residents of Greater Sudbury? Casinos in southern Ontario all have millions of people to draw from surrounding communities, and we are to believe the people of New Liskeard, and similar sized communities, represent our economic salvation?

Since amalgamation, Sudbury has become a community of communities, each contributing to our diversity with respect to language, culture, heritage and economics.

We all desire the same thing: health, quality of life, a chance to determine our own destiny, and god willing, reasonable roads and infrastructure.

This project will divert all available discretionary funds to the initial build and further resources to subsequent maintenance and development of ancillary amenities for decades to come. Should these vast resources not be allocated to smaller dispersed projects that make each of our many communities better? The city cannot come up with \$2 million-\$3 million to build a badly needed

field house for soccer, baseball, football and many other sporting activities during our long winters. What are the chances of that, or any other regional improvement effort proceeding, if we continue towards high debt, higher taxes and expanded government competition.

I am writing you today on behalf of hundreds of business owners throughout our community and across all sectors. Business owners who have devoted their lives, energy and passion to making our great city what it is today. I am writing to offer a dialogue on how we can move forward to encourage local entrepreneurs, our culture, our diversity, and work together to grow our economy without the impediment of a full casino.

It will not be easy, but it is the only sustainable path to our future.

I am at your service.

Tom Fortin is director of www.casinofreesudbury.com.

TRENDING IN CANADA

Ω

Gaming brings benefits: OLG head



Greg McKenzie

[More from Greg McKenzie \(https://www.thesudburystar.com/author/greg-mckenzie\)](https://www.thesudburystar.com/author/greg-mckenzie)

Published on: January 8, 2018 | Last Updated: January 8, 2018 3:30 PM EST

Note: This is an open letter sent to Greater Sudbury city councillors.

The Ontario Lottery and Gaming Corporation has been proud to be a part of the City of Greater Sudbury over the past 18 years, and I thank you for your ongoing support.

Following the recent media coverage relating to Gateway Casinos Sudbury, we felt compelled to reach out to the City of Sudbury to provide information and context.

OLG's mandate is to conduct and manage gaming in Ontario, which includes generating revenues for provincial priorities, and integrating responsible gambling practices into casino operations. Included in that mandate is our goal is to bring significant benefits to host communities, including direct funding, as well as positive economic spinoffs, such as quality jobs, private-sector investment and enhanced tourism opportunities.

Since launching our modernizing process in 2012, OLG has engaged municipalities and stakeholders, receiving a great deal of input and feedback. In August of 2012, Sudbury city council reaffirmed its willingness to continue to host a gaming site. In February 2013, council unanimously passed another supportive resolution as willing host municipality and recommended that a casino development could include amenities such as a hotel, or convention space, or multi-use centre, or an art centre or an OHL-ready arena.

The City of Greater Sudbury has met the requirements of Regulation 81/12, which includes both a supportive municipal

resolution as well as public consultation in regard to a proposed gaming facility.

The service provider, Gateway Entertainment, who is running the day-to-day operations of the current gaming site, is working with a Sudbury-area developer to create an entertainment centre in The Kingsway area, that would include a casino, OHL-ready arena and other amenities that city council outlined in its February 2013 resolution.

As for benefits to the community, as of March 31, 2017, the Slots at Sudbury Downs employed more than 140 staff that received \$8 million in wages and benefits that have been spent in the community. Since opening in 1999, wages and benefits have totaled more than \$124.7 million.

The city received \$2.2 million last year as its share of slot machine revenue. Since opening in 1999, the city has received more than \$38.2 million, which is placed in the city's general revenue accounts and invested into capital projects throughout the community, such as roads.

It is also important to note, the gaming site purchases many goods and services from local and regional vendors to the total of \$1.4 million last year, and since opening in 1999, that total for local and regional purchases has been \$24 million.

OLG has also sponsored a variety of festivals and events each year in the area. The value of those sponsorships is worth more than \$616,000.

In recent weeks, gambling addiction has been raised as a community concern. In that context, I would like to offer the following information about our approach to responsible gambling.

OLG is a part of a worldwide dialogue on leading Responsible Gambling (RG) policy and practices involving clinicians,

researchers, regulators, and the gaming industry. Our RG program is continuously expanding and improving, and we look to other jurisdictions as well as empirical evidence of the effectiveness of different approaches.

To ensure a healthy long-term business, OLG's goal is to build a sustainable base of customers by helping to prevent and mitigate problem gambling amongst players. Along with serving Ontario gamblers by meeting customer service expectations, we work to enable informed choices about gambling, to encourage and facilitate access to a range of support services, and to integrate RG into overall business strategy. A positive player experience is created by treating RG as part of basic customer care.

OLG requires Gateway (and every other gaming service provider) to sign operating agreements, to implement policies and programming across a number of RG standards. Not only must Gateway comply with regulatory standards for RG from the Alcohol and Gaming Commission of Ontario, they must comply with RG Check, the most rigorous third-party standard for RG in the world. These requirements include providing comprehensive information, assistance and referral resources throughout a casino floor, including at centres independently operated by the Responsible Gambling Council. Service providers must actively support and convey information to players. All casino employees receive training from the Centre for Addiction and Mental Health to support players who may show signs suggesting problems with their gambling.

To help players develop safe gambling habits, OLG offers a comprehensive education platform, PlaySmart, to help gamblers of all risk profiles. For example, self-directed tools, such as MyPlaySmart time and money budgeting options, will be built into slot machines. Many other strategies are deployed to educate on gambling risks, help options, game information, rules of play, odds of winning, payout odds, and/or return to players.

Ontario continues to provide more funding for problem and responsible gambling than any other jurisdiction in North America, including funding last year of \$38 million to the Ministry of Health and Long-Term Care for the prevention, treatment, and research of problem gambling, in addition to \$19 million from OLG annual budget for policy and program development, player supports, employee training, technology.

OLG would be pleased to discuss RG or any of these matters in more detail with some or all of council members in coming weeks, at the discretion of council.

Greg McKenzie is chief operating officer of OLG.


TRENDING IN CANADA

Q

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**THIS IS EXHIBIT "57" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Robert T. Kirwan

16 hrs

...



In keeping with my commitment to my constituents and the members of this Valley East Facebook group to provide relevant information and remain transparent about the Kingsway Entertainment District, I have been provided with an email which was sent to Perry Dellelce on November 5, 2017 by Tom Fortin.

Perry Dellelce and Dario Zulich own the property upon which the Kingsway Entertainment District will be developed. Tom Fortin is one of the leaders of the anti-casino campaign in Sudbury.

You will see from the email that Mr. Fortin makes it clear that his campaign is to "stop the TNS development". He states that it is because of its inclusion of a full casino, but he also states that many businesses do not want the development on the Kingsway at all.

However, as has been stated many times before on this site, Gateway Casino was awarded the contract to manage OLG's casino in Sudbury as a result of the City of Greater Sudbury making a commitment to host a full casino. It would be fundamentally wrong, and perhaps illegal, for the City to rescind its commitment now that Gateway Casinos has invested so much into the area and is counting on the success of the Greater Sudbury operations to make their venture profitable. The city made a promise to the OLG back in 2013 and 2014 and OLG and Gateway relied on that commitment in good faith. Hundreds of thousands and perhaps millions of dollars have already been spent as a result of that good faith commitment. The agreement cannot now be rescinded.

It is also not proper to target a legitimate business which has every right to operate in the City and restrict them in their choice of location.

Mr. Fortin also makes it clear that he feels his chances of an appeal being successful is lessened because of the new restructuring of the OMB. He says that an appeal will be more difficult and "lessen our chances of a successful outcome".

Mr. Fortin indicates that "hundreds of business owners" have signed on to the appeal and that he is getting more business owners to sign on. I am not sure how many of those businesses are going to put their name to an official appeal of this nature.

I have stated before that Mr. Fortin has every right to mount a campaign trying to inform people about the ills of gambling. He can educate anyone he wants, but then it is up to individuals to decide how they want to act.

But his intent to file an appeal in order to try to stop the TSN development, when he knows his chances of success are slim, is simply using the appeal process to "slow down" the inevitable. It is an abuse of the process and may have serious consequences for the city.

He is simply trying to delay construction of the Kingsway, but he is also going to delay the downtown projects. And for what? Just to make a point? Just to show how much power he has to interfere with the work of Council? Even he knows that he has little chance of being successful based on his objection to a casino being located on the facility. He is not happy with the decision, but that is no grounds for an appeal.

He and his followers are obsessed with finding a way to intimidate Councillors to change their minds; to delay the process until a new Council is elected and try to influence them to agree to his demands; or to force Gateway Casinos to give up. None of those outcomes is going to happen.

So I hope that reason prevails in the end and people avoid filing appeals unless there is something in the applications that is a serious violation of the Acts and Regulations. That is the purpose of the public hearing on Monday, January 22, 2018. We want people to show us where the applications may not be in compliance with the Acts and Regulations. We do not want to hear people who simply do not like the decision that Council made.

I truly hope that an appeal is not filed simply to delay the procedure in an effort to have Council or Gateway change their minds.

The following is the email that Mr. Fortin sent to Perry Dellelce on November 5, 2017. Perry was actually a student of mine in my first year of teaching back at St. Aloysius School in Sudbury in 1973-74. He and Dario Zulich are trying to develop something that will turn this city around.

I just hope that Mr. Fortin keeps his promise to "move forward and work together". I also hope that the damage that may be caused does not prevent us from moving forward when all of the game playing and lobbying is over.

Perry,

I don't believe we have ever been introduced, but we have many common friends in Sudbury. It is likely you are aware of my campaign to stop the TNS development you are involved in in Sudbury, because of its inclusion of a full casino. It is also not necessary that I get into why a casino in a remote community like Sudbury is not good for local business or the community as a whole.

In canvassing local businesses over the past months I have found that the majority of local business leaders/owners are very upset about the Kingsway Entertainment District, not just because of the casino, but also, regarding the effective creation of another downtown and the effects on the remaining parts of the city. There are a lot of people who have been working and building the community for many years that have a lot to lose if this project goes forward.

As for my effort, we are in the lawyer selection phase as the ultimate outcome of the campaign will likely be through an OMB appeal. With the pending OMB restructuring it is likely the process will be made more difficult and lessen our chances of a successful outcome. Regardless, I have made a commitment to the hundreds of business owners that have signed on to the appeal thus far and will continue.


If you ever want to sit down for a discussion, to find out about why we are doing this, or what we are doing, I would be willing to meet either in Sudbury or Toronto. (I am in Toronto quite often). A policy of the campaign is that we make no enemies as whatever the result, we as a community must move forward and work together, regardless of the landscape.


Regards,
Tom Fortin


**THIS IS EXHIBIT “58” TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**




A Commissioner, & etc.


 **James Tremblay** Once again I call on you Robert Kirwin to make public the list of business associated with the BIA so that we can make them feel our wrath. Enough is enough for crying out loud! People need to know there are consequences for making such bold moves against the major majority!

Like · 2h  6

 **Alex Mcphee** Lol


Like · 2h


 **Robert T. Kirwan**
<http://www.downtownsudbury.com/about/what-bia>




What is a BIA? | Downtown Sudbury

DOWNTOWNSUDBURY.COM

Like · 2h  1

 **James Tremblay** I would recommend that people not be afraid to let the following businesses know how you feel and the consequences that could happen if they continue to fight against the masses.


<http://www.downtownsudbury.com/shops>





Shops | Downtown Sudbury


DOWNTOWNSUDBURY.COM

Like · 2h


 **Alex Mcphee** Support to these wonderful businesses

Like · 2h  1

 **James Tremblay** Alex Mcphee no way especially if they keep fighting this decision

Like · 2h  2

**THIS IS EXHIBIT "59" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Robert T. Kirwan shared a link.

Admin · January 22, 2018

Councillor Signoretti claims that the majority of Greater Sudbury residents support the downtown for the new arena and not the Kingsway location. I honestly don't know where he is getting his information or how he can even begin to think that is the case.

I am speechless about Signoretti's claim that comparing gambling problems to problem drinking is not the same because, "at least bars give you alcohol in exchange for your money." I just don't know how to respond to that one.

As I have said before, City Councillors were elected to consider all of the information at our disposal when deciding on the location of the arena / event centre. The consultant said that if all we were looking at was an arena, then building it downtown would generate the greatest short-term economic gain since a new parking garage was being promised by the private centre.

However, the consultant stated that if the ancillary components such as a casino and a hotel were going to be built along side the arena, then the greatest long term economic benefit to the city would come from the Kingsway location. Since he could not "guarantee" the ancillary development, he chose the downtown as his top choice. But he said that both sites would be good locations. And so, armed with the guarantees from the casino and hotel, City Council ended up approving the Kingsway site by a vote of 10 to 2. We did pick the site that was the best site based on the consultant's report. We must, as a City Council, consider the long term future of the city.

As for the Downtown Master Plan, that was a utopian dream that was concocted by a Toronto Planning company which simply put down everything that he could possible include in the downtown section of the City. The plan has no practical or realistic expectation of ever being realized. And yet all of the developments we have approved for the downtown do comply with what was suggested in that Master Plan, so I don't know why people are not happy.

Based on how the people from the Downtown BIA have demanded that we follow the Downtown Master Plan to the letter, I definitely intend to bring forward a motion to have the Downtown Master Plan revised during the next term of Council so that it reflects reality. It is important to note that the Downtown Master Plan is nothing more than a guide. It is not something that City Council is married to.

I am looking forward to tonight's Planning Committee meeting to hear what the public has to say with regard to the Applications that have been submitted for rezoning of the Kingsway Entertainment District. If there is anything that someone finds within the applications that may be in contravention to the Acts and Regulations, then staff will be able to work with the applicant to resolve those issues before the final report is submitted to the Planning Committee in a couple of months. This is one of the biggest projects that the City of Greater Sudbury has ever undertaken and we want to do everything right and by the book.

However, Monday's meeting is not an opportunity for the public to convince City Councillors to change their mind about the decision. Council made a decision about the site for the new arena / event centre in June 2017 and without any significant material change that would cause us to reconsider that decision, it should stand. The fact that some people do not agree with the decision is irrelevant. There will always be disagreements with decisions made by City Council. But City Councillors were elected to review the information we had available and to make the best choice we could for the long term future of this city. Not only do I believe we made the right choice on the Kingsway, we made the right choice for the downtown development as well. This is a total package deal and I am confident that we will satisfy all of the conditions required under the existing legislation with respect to the rezoning of the Kingsway site.

I am disappointed with the aggressive campaign that has been mounted by anti-Kingsway proponents in an attempt to intimidate Councillors. I am also very disappointed with some of the community leaders who have indicated that they will appeal the decision that Council will be making with respect to the zoning amendments. The report to the Planning Committee has not even been written, and yet there are people who are planning on appealing. There can be only one reason for filing an appeal if the applications are recommended for approval by our Planning Department. The people filing an appeal will be doing so to try to delay the construction of the project until the municipal election in October in the hopes of convincing the new Council to overturn the decision made by this Council. If that is their true intent, then there may be some serious unintended consequences that may impede the future development and growth that this City so desperately needs.

I am certainly hoping that reason will prevail and once the recommendations are made by the Planning staff in their report we can make a decision to move forward with the \$500 million revitalization of the City of Greater Sudbury. It is time for all of us to work together to make this city Greater Again.



SUDBURY.COM

Events centre, casino vote lays bare divisions on city council

Check back to Sudbury.com this afternoon for live coverage of meeting

14

75 Comments

Like

Comment

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**THIS IS EXHIBIT "60" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

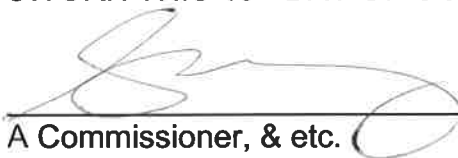
THIS IS **EXHIBIT "61"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

**THIS IS EXHIBIT "62" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**


A Commissioner, & etc.



Location:	Tom Davies Square
Commencement:	4:33 PM
Adjournment:	8:50 PM

**Minutes
For the Planning Committee Meeting held
Monday, January 22, 2018**

Councillor McIntosh, In the Chair

Present Councillors Lapierre, Jakubo, Sizer, McIntosh, Landry-Altman
Councillors Signoretti, Vagnini, Kirwan, Cormier, Reynolds

City Officials Jason Ferrigan, Director of Planning Services; Eric Taylor, Manager of Development Approvals; Robert Webb, Supervisor Development Engineering; Alex Singbush, Senior Planner; David Shelsted, Project Director - Event Centre; Adam Kosnick, Manager, Regulated Services/Deputy City Clerk; Rachel Adriaans, Legislative Compliance Coordinator; Renée Stewart, Clerk's Services Assistant

Declarations of Pecuniary Interests and the general nature thereof

None declared

Rules of Procedure

Councillor McIntosh moved that the order of the agenda be altered to deal with the Consent Agenda items at this time.

CARRIED BY TWO-THIRDS MAJORITY

Adopting, Approving or Receiving Items in the Consent Agenda

.. The following resolution was presented:

PL2018-12 Jakubo/Sizer: THAT the City of Greater Sudbury approves Consent Agenda Item C-1 and C-2.

CARRIED

The following are the Consent Agenda items:

Routine Management Reports

C-1 .. Part of Garson-Coniston Road, Garson - Road Closure and Declaration of Surplus Land

Report dated January 3, 2018 from the General Manager of Corporate Services regarding Part of Garson-Coniston Road, Garson - Road Closure and Declaration of Surplus Land.

PL2018-13 Jakubo/Sizer: THAT the City of Greater Sudbury declare surplus to the City's needs part of Garson-Coniston Road, Garson, legally described as part of PIN 73562-0071(LT), being part 18, Plan SR-1800 and part of part 47, Plan SR-2209, Township of Neelon, City of Greater Sudbury;

AND THAT the road be offered for sale to the abutting owner pursuant to the procedures governing the sale of limited marketability surplus land as outlined in Property By-law 2008-174;

AND THAT a by-law be prepared to authorize the closing of the road, as outlined in the report entitled "Part of Garson-Coniston Road, Garson - Road Closure and Declaration of Surplus Land" from the General Manager of Corporate Services dated January 3, 2018, presented at the Planning Committee meeting on January 22, 2018.

CARRIEDC-2 .. Part of Old Creighton Road, Creighton and Part of Goodwill Drive, Garson - Road Closure, Declaration of Surplus Land and Land Exchange

Report dated January 3, 2018 from the General Manager of Corporate Services regarding Part of Old Creighton Road, Creighton and Part of Goodwill Drive, Garson - Road Closure, Declaration of Surplus Land and Land Exchange.

PL2018-14 Sizer/Jakubo: THAT the City of Greater Sudbury close by by-law and declare surplus to the City's needs part of Old Creighton Road, Creighton, legally described as part of PINs 73371-0184(LT), -0185(LT), 0176(LT) and 0177(LT), being Parts 1, 2, 4, 5, 6 and 7 on Plan 53R-12534 and PIN 73371-0193(LT), being Part 3 on Plan 53R-12534, Township of Snider;

AND THAT the road be transferred to the abutting owner, Vale Canada Limited, pursuant to the procedures governing the sale of limited marketability surplus land as outlined in Property By-law 2008-174, in exchange for that part of Goodwill Drive, Garson legally described as part of PIN 73493-0379 (LT), part of Lots 3 and 4, Concession 2, Township of Garson;

AND THAT the appropriate by-laws be prepared to authorize the closing of part of Old Creighton Road, Creighton, the land exchange and the execution of the documents required to complete the transaction as outlined in the report entitled "Part of Old Creighton Road, Creighton and part of Goodwill Drive, Garson - Road Closure, Declaration of Surplus Land and Land Exchange" from the General Manager of Corporate Services, dated January 3, 2018, presented at the Planning Committee meeting on January 22, 2018.

CARRIED**Public Hearings**

1 .. 1916596 Ontario Ltd. – Preliminary Planning Report - Application for rezoning to permit a recreation and community centre in the form of a public arena, Kingsway, Sudbury.

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated December 18, 2017 from the General Manager of Growth and Infrastructure regarding 466 1916596 Ontario Ltd. – Preliminary Planning Report - Application for rezoning to permit a recreation and community centre in the form of a public arena, Kingsway, Sudbury.

David Shelsted, Project Director for the Event Centre, and Karl Tanner of Dillon Consulting, agents for the applicant, were present.

Alex Singbush, Senior Planner, outlined the report.

Alex Singbush, Senior Planner, stated that the zoning by-law permits certain land uses within certain land use designations. These lands are currently zoned M1-1 and M2. These zones permit a variety of land uses but they do not permit a recreation and community centre in the form of an arena. Due to this fact, the applicant must seek a rezoning approval in order to allow for this land use on this property and that is why the application has been made. While Council has indicated a preferred location, Council, through the Planning Committee, also has a land use planning decision to make with respect to the appropriateness of the proposed land use on these lands in order to comply with the zoning by-law. The decision the Committee will be making is whether or not to allow this particular land use which is defined in the by-law as a recreation/community centre on the parcel outlined in red.

Carl Tanner, registered professional planner with Dillon Consulting, stated that they are a Canadian based professional services firm that specializes in planning, engineering and environmental matters. They have one of the largest planning groups in Canada. He has been with this agency for 23 years and was previously the real estate sector leader for Dillon Canada which involved him in all planning decisions in that particular sector. He stated that his final analysis and professional opinion about the proposed By-law zoning amendment will show how it is consistent with the Northern Growth Plan, the Provincial Policy Statement and the Official Plan. The planning process is fluid and transparent. They are present to listen as it is very important that they take into consideration the public's comments. Based on his experience this is a fairly straightforward application. They will include the comments regarding the land use issues into the planning documents that they submit for this application. It is interesting to note that a private arena is actually permitted on this property and they are looking to add as a permitted use a public arena in the form of a recreation and community centre. Because the properties are tied together, there are a few property setback requirements for the buildings. They are looking for an amendment as well for a zero (0) set back interior side yard setback and a maximum building height of 35 metres, which will be also tied to the planning approval. It is important to note that this property is also part of a draft plan of subdivision for the purpose of the approval process. What they hear tonight and the continuation of the public engagement process is critical in how he will finalize his opinion. A traffic impact assessment has been completed for this application and his colleague from Dillon Consulting is available should there be any questions in relation to that assessment.

Arthemise Camirand-Peterson, President of the New Sudbury Historical Society and past Chair of the New Sudbury Community Action Network (CAN) in Ward 12, stated that she is supporting the rezoning application to allow for a recreation and community centre in the form of a public arena and a place of amusement in the form of a casino. She stated she has heard from many residents at the Ward 12 CAN meetings expressing the need for a community centre and meeting place which they deem are lacking in New Sudbury. Currently, many gather in the New Sudbury Shopping Centre, which does not fall into the category of healthy activity, especially for youths. The New Sudbury population represents approximately 26,000 residents. She stated that they do have a library and a pool in New Sudbury, but they do not have a community centre or an arena which many other smaller neighbourhoods do have. She would like to have a gathering place where friends can meet and interact with other residents as this is beneficial for mental and physical health. She believes that when the event centre opens, it will promote development of many smaller businesses along the Kingsway and will be easily accessible thanks to all of the major highways leading to the area. She further stated that there are many hotels at which travelers can stay, as well as many restaurants and shopping options. She thanked the Committee for making downtown Sudbury the art hub of Sudbury.

Herve Sauve stated that he would like to speak against the rezoning before they have a referendum on the matter. He feels as though the whole matter did not appear to be genuine as the way they voted did not seem correct. He is speaking as a former lawyer, he always had to be careful in the Crown's office that they did not appear to favour one side or the other, and they had to remain impartial. He stated that the Ombudsman or a third party investigator should look into what transpired to reach this, 466

decision to have the event centre on the Kingsway. He stated that they should adjourn this matter until the next election so that the new Council can make this decision. A large sum of money is being spent on an arena on the Kingsway when we already have one. He further stated that it will also cost 30 million dollars to prepare the site on someone else's property. He believes the rezoning would be against the master plan, against the advice of the consultants and staff and the voting procedure was not right. He believed that the tie vote for the first resolution would mean that they kept the old arena. He has been speaking to friends that play hockey at the current arena and they don't have any issues with it. The current arena could use improvements but they should be spending money on it rather than a new one. The current arena is a historic place, everyone knows the current arena and we should leave it there. If Mr. Zulich wants to build another arena, he can, but we should not be paying for it. 467

Steve May stated that he is not here on behalf of his employer or any organization. He is here as a citizen of our community that has an interest in seeing economic development and seeing that land use planning is carried out in support of economic development initiatives. One of his mentors who used to be an Ontario Municipal Board member once identified the Municipal Official Plan as being akin to a public promise in which a decision should run against it only if there is a very good reason. In 2006, when the City adopted its Official Plan, it made a promise to the Community that decisions would be in line with the policies of that plan. He does not believe that the event centre in this location is in keeping with the City's Official Plan. He stated that staff is under the impression that because section four (4) of the Official Plan provides for institutional uses to be located "throughout" the municipality, Official Plan conformity is not in question. If you are to interpret "throughout the municipality" that would mean arenas and institutional uses would be permitted in land use designations such as floodplains and roads. When reading the Official Plan, one must look if the uses being proposed are appropriate for the location in which it is being proposed. This community arena is a facility that is going to operate at a loss of \$800,000 per year, which as a citizen of the community he is ok with because this establishment would be an amenity to attract economic development and residential development. Therefore, we need to make sure it is in the right location in order to maximize these opportunities. He would suggest that an industrial park on the urban fringe of our City is not the right location for an important public facility. He suggested that there would have been an opportunity to look at whether or not this location made sense in the context of an industrial park, which has not been fully addressed. The permissions that the Official plan currently allows for an industrial park do not include a public facility in the form of an arena/event centre. This zoning amendment does not conform to the City's Official Plan, it is not in keeping with the Provincial Policy Statement, it does have regard to section two (2) of the Planning Act, and it is not in keeping with the Northern Growth Plan.

David Wood stated that the official website for the City states that the Planning Committee's public hearing will occur today regarding an application for rezoning to permit a recreation and community centre in the form of a public arena and an application for an Official Plan Amendment. An outcome of a successful public hearing in terms of supporting the project, according to the official documentation on the website, indicates that it would lead to an Official Plan Amendment, although they heard otherwise from the applicant. The Official Plan which was adopted by City Council in June of 2016 is a blueprint to help guide Greater Sudbury's development over the next 20 years. It is the principal land use planning document. It presents a vision of Greater Sudbury between 2026 and 2037, and has the policies to provide for development decisions which are consistent with the visions of the City. The Official Plan establishes goals, objectives and policies to manage and direct physical change and its effects on the social, economic and natural environment in this period of time. It also forms the basis of the City's zoning By-law and other use controls. It guides land use, infrastructure decisions and future planning initiatives. Within the Official Plan in section 4.2.1.1, under downtown residential development, it states that residential development of the downtown is the key to its future success and is consistent with residential intensification policies. Increasing the number of people living downtown will enhance the existing community dynamic and expand the residential constituency. A residential base also provides support for downtown businesses and acts as a stimulus for small businesses' development. Amenities such as the farmers' market, Sudbury Theatre Centre, Greater Sudbury Public Library and Sudbury Arena contribute to the appeal of the downtown. In order to make it more attractive as a place of residence, additional amenities are necessary to enhance the livability of the downtown. To expand further upon the development of the downtown, the Downtown Sudbury Master Plan was created in four (4) phases between September 2010 and February 2012. The process of the Downtown Master Plan was to create a healthy, active, and successful downtown to make a positive statement about the prosperity of the City and send a positive message to future 467

residents, businesses and investors. The future of our community is critically associated with downtown; therefore, he suggested that the location of the arena should remain in the downtown. The Master Plan notes that while the downtown has a number of strengths, there is greater potential for improvement. The Downtown Sudbury Master Plan presents a series of recommendations to reinforce the downtown's role as the biggest, brightest and best downtown in northern Ontario. It outlines strategies for improving the downtown's economic, cultural and retail activity. The downtown could be considered the capital of North if the plan is followed. It is in his opinion that Council has decided to follow neither the Official Plan nor the Downtown Master Plan, both of which were created to avoid the issues we are currently discussing. 468

Lilly Noble, representing the Ramsey Lake Stewardship Committee, provided an electronic presentation regarding the proposed rezoning and salt impact it will have to the water in Ramsey Lake. The entire property is in the Ramsey Lake watershed and the water flows south directly to the lake. Significant amounts of water flow under the rock and wetland to the lake, which would flow through the subject property. The entire property is 47 acres and approximately 27 acres of this property is parking, which will need to be salted and de-iced. Approximately 15,000 - 40,000 pounds of salt will be used per snow event to de-ice the parking lots. Unfortunately, the salt cannot be stopped as it is highly soluble and will flow directly downstream. This salt will then enter our ecosystem. Chloride is toxic at 120mg/L and impedes on osmoregulation of fresh water species. Un-impacted lakes on the Canadian Shield have 1-7 mg/L of Chloride in the water and Ramsey Lake had 100mg/L in 2013. Based on estimates, Ramsey Lake will reach the toxic level of 120mg/L in 13 years without the addition of the salt that will be used on the subject property. Sodium levels are also a concern as they are already over the normal amount. She does not believe that this is a healthy thing for Ramsey Lake, not as an ecosystem on its own or as a drinking water source. There are other good options, therefore she does not understand making this decision that will greatly affect 60,000 citizens' drinking water and a jewel in the centre of Sudbury.

Joel Belliveau stated that he has loved Sudbury since he moved here, and what struck him the most is the potential that the downtown has. He stresses that the downtown is the only spot that can become an area that individuals could meet and walk around outside. He believes the downtown could be at risk given shops beginning to close. He believes that the downtown continues the way it is, it could become a liability and an area that would need to be serviced but bring in very little revenue because it would become a dead zone. Many cities in North America have seen this happen to their downtowns, but it has the potential to be full of people because of the critical mass of things that there are to do. Weekends where there are events and festivals, such as Rib Fest, the downtown thrives. He does not feel that the downtown can risk losing the arena as it would be a big blow, and difficult to overcome. The Kingsway site would be a new urban, recreational and commercial, area somewhere that would take away expendable income from other city centres. This land on the Kingsway is the perfect place for an industrial site and he does not understand why it is not being used as an industrial park. We do not need to go along with the project that a local entrepreneur is taking on because he has not been able to find a use for the property that he has purchased. We should keep our focus firmly on our collective interests as a Municipality. Rather than bringing forward arguments that have already occurred, he is appealing to the independence, openness and any doubts the Councillors may have, as this is an important decision. The project is polarized and this would de-track the project, but it is necessary in order to come up with a project that will rally more of the Community.

Arthur Peach stated that he is part of an architectural and planning consulting practice that has been active in Sudbury since 1957. The Planning Committee is governed in their deliberations and decisions by the Official Plan and other statutes. The Committee and staff have a stewardship obligation to assure the implementation of the Official Plan on behalf of the citizens and institutions of Sudbury. He stated that what is unprecedented is the contemplation of spending well over 100 million dollars for an arena/event centre and tens of millions of dollars on supporting infrastructure in an inappropriate location. He and his colleague have great concern that the application, in almost every category of reference to the Official Plan, cannot be justified and must be rejected in favour of rational planning. He stated that it is the Committee's civic duty to reference the Official Plan, to advocate, and to demonstrate rationally how and why a project of this size should be built in the Downtown. Quoting the Official Plan, "the heart of Greater Sudbury, the most urban place", "to enhance the Downtown as location of government, commerce, culture and entertainment facilities." He stated that the new arena should not be remote on the periphery of the built centre of our community. It should not be on lands designated as Heavy Industrial by the Official Plan. It should not be adjacent and connected to a casino or neighbouring the Municipal landfill site. Many detrimental changes have been made to the 468

downtown, it is being hollowed out to serve private commercial interests without much thought for the peoples' interests. He believes the Planning Committee and Council have failed their responsibilities to the Official Plan. He stated this is an opportunity to be proactive and make a statement about being proud and improving the downtown. 469

Vicki Jacobs stated that there are many in the community that have lost faith in this process and she is opposing the rezoning of this property for an arena. It does not comply with the Official Plan, the draft Official Plan or the Downtown Master Plan, all of which Council has approved. These are forward thinking document that this proposal does not fit within. This proposal also does not fit with the City's economic development plan. All of these plans have taken thousands of hours of the community, staff and experts' time. The land in question is zoned to be an industrial park, which makes sense as it is outside of the City and right beside the City landfill site. This site does not work for what the City wants to be the heart of the community, our community arena. Putting our community arena on this industrial property increases infrastructure sprawl that needs to be built, and will be paid for over many years, and our children will have to pay for it. There has been no economic impact assessment on the impact of putting the arena on the Kingsway in regards to the rest of the City. Making these decisions without having this type of information is a bad business practice. Placing the arena on this property provides no benefit to the rest of the City's commercial sector, and it will harm them. This proposal goes against all expert opinions, planning practices and our own well laid plans. She urged that they stick with the plans the City has built over the years.

Jim Hallows stated that he has grown up in Greater Sudbury. He agrees with comments made in regard to opposing the location on the Kingsway. He lives on Lake Ramsey and watches the trains go by, and he is concerned at the possibility of a train being derailed and damaging the lake. He stated that he has heard that CPR has offered their land and track to build the arena. He believes this would be the best location as it would be downtown and remove the concern of a train derailment near Lake Ramsey.

John Lindsey, Chair of the Minnow Lake Restoration Group, stated that he is an environmentalist that is concerned about the environment, which in this case is the City of Greater Sudbury. Narrowing it down, this environment consist of 330 lakes, the jewel of the lakes being Lake Ramsey. The environmentalist concerns are specifically in reference to section 1.1.1 of the Provincial Policy Statement relating to sustaining healthy, liveable, and safe communities and also sections 8.0 Water Resources, 8.6 Storm Water, and 12.1 Sewer and Water of the Official Plan. In reference to drawing A110 which shows storm water management areas and retention ponds proposed for the development, their submission addresses the matter of salt contamination of Ramsey Lake, which is in the watershed of the proposed development. The proposed development would contain over several thousands of parking spaces requiring winter maintenance and application of road salt. He would like it noted that salt is not removed by any form of storm water treatment, including sophisticated treatment facilities such as the facility being built for Minnow Lake presently. These treatments will remove silt and some other contaminants, but salt will pass through in solution. This will be the same situation with respect to any storm water treatment on the proposed lands for development. The increased salt levels in Lake Ramsey will not contribute to a healthy liveable and safe community, and will not satisfy the critical objects and requirements of the Water Resource sections of the Official Plan. He lives on Minnow Lake but cannot swim in it due to the salt and chloride levels; Lake Ramsey is not currently at this level, but could be. The elephant in the room is that we cannot treat salt or remove salt from the environment, yet we continue to put salt on our roads/parking lots and it ends up in the drinking water of 50,000-60,000 Sudbury residents. There is a study currently ongoing pertaining to this situation and they are expecting the report within the next few months. We are already at critical levels of pollution generated by salt in Lake Ramsey. If this development goes ahead, there will be further increases. We all should be environmentalists and address this problem.

Elaine Porter, Vice-Chair of the Greater Sudbury Watershed Alliance, stated that the group works with the City's Official Plan, and referenced section 8.3 for this particular application. This section states that with respect to drinking water resources, the emphasis is on identifying sensitive features of the City's drinking water resources as well as identifying measures to protect, improve or restore these resources . She stated that her other colleagues, John Lindsey and Lilly Noble, have laid out the dimensions of the problem that exists. She emphasized how much the City has gained a reputation for greening for environmental measures and she would like for individuals to think of this when building a large number of impervious surfaces out by the arena. She wants the lake and the water becoming more salinated to be something people consider. It would reduce the aquatic nutrients, affecting many 469

species including the production of milfoil. There is risk management that needs to be considered when making these decisions. Once the salt is in the water, it cannot be removed and it is accumulating without this development. There are practices that can be used for this problem but the best practice is prevention. The prevention in this case is not increasing impervious surfaces, such as a parking lot of asphalt. 470

Pam Banks stated that she and Mr. Tossell are representing Friends of Sudbury Transit. She does not believe that this is the best location for citizens that need to take transit to the new community arena for a few reasons. The time it would take to get to and from the new arena from the transit terminal downtown is of concern. They understand that there would be special buses during events, however, which events would have special buses and how would they get there at other times? On different days and at different times, access to public transit would change and they are concerned at how this would work. She further stated that they are concerned about the availability of transit during non-events such as a public skate. She inquired where the funding for this transit system would come from. Would it come from existing transit funding and take away from other essential transit services or would money generated from the casino be used to fund this extra transit? What would the impact of parking be on the buses leaving the event when everyone is leaving at the same time? Would this delay people from getting downtown to get to their connections?

Charles Tossell stated that he is appealing the process because he believes that staff should have directed Council to make a decision. Councillors should not have been able to vote for downtown and for the Kingsway, as they should have been required to vote yes to one and no to the other. The City has spent a large amount of money to do studies to support having everything in the downtown core. As an anti-poverty activist and a disability rights activist, he is very disappointed in Council's decision to have an events centre in the eastern part of town instead of downtown. Currently, the City only has one bus an hour which is concerning for transit users anticipating attending an event such as a concert at night. If a bus is running late and prevents riders from transferring to the Moonlight bus route, they will need to take a taxi or have to wait another hour to leave the terminal, which will result in them missing a large portion of the event. If ever a concert exceeds the 11 p.m. deadline, transit users will have to leave early or wait until near midnight for the next available bus route to make a final transfer at the terminal at 12:30 a.m. Traffic impact is not a large problem for the Kingsway as there is the east and west direction for the 2,100 parked cars trying to leave the proposed Kingsway Entertainment District. Had the event centre been located downtown, it would have been much easier for transit users to get themselves to the current transit terminal. It would avoid the additional costs associated with having to add another later bus route to accommodate the necessary travel for late events. Handi-transit users will also be affected as they will not be able to stay for the entirety of a concert. In conclusion, he stated that tax payer should have been able to use the 100 million dollars to build more housing for those who are homeless frequenting the downtown core.

Cathy Orlando stated that she is international outreach manager to Citizens' Climate Lobby, she trains citizens in 40 countries around the world in how to engage in a civic manner with politicians. She is very concerned with the current process taking place regarding the arena/events centre. In 2009, the former mayor brought in a designer from Sudbury to provide guidance on how to engage a community in building legacy projects in the City, such as the one before the Committee. The City was advised to be audacious and create beautiful projects and be collaborative. The proposed development goes against the City's Official Plan, the Downtown Master Plan and has environmental concerns associated with it. It is the wrong kind of audacious. In relation to the beautiful aspect of this development, it does not meet this requirement either; it is located beside the municipal landfill. She is a highly engaged citizen and she was not aware of when this project was going to be voted on until a week before the vote in June, which coincided with a casino vote. There has been very little collaboration on this matter and the project already feels like a done deal; this is how democracy dies. This project is not following the ABC's of legacy project building advice. She is recommending that there be no rezoning until proper process is followed.

Shawn Ouimet stated that he does not support the proposed rezoning for this development. He is known to be an activist for the downtown and has gone to various cities in order to have a good understanding of what makes for a profitable downtown and businesses. From his understanding there is not a venue, property or arena management company that is guiding staff with this project. When the architects brought the plans for the arena for Council to view, the architects were reminded that we are in the northern Ontario climate. Although the building construction was nice, there was a concern that the north wind would be blowing right through, which the consultant responded that they will put 470

trees and shrubs to block the wind. However, we live in northern Ontario and the trees lose their leaves in the winter time and they will provide no shelter from the wind; yet another reason why we need local project management companies to guide the City on this historically large project. The City has the “puck on their stick” right now, and once the lands are rezoned it will be given to Mr. Zulich and Gateway casinos before knowing all of the terms that could be going on with the property management, the lease agreement, and contracts with those individuals. The casino could have three (3) restaurants and if a local business wanted to open on that property they could not have a similar business in the area because of terms set out by the casino. This is an example of why it is important to see the terms and contracts of what we are investing 100 million dollars into before the rezoning is approved. 471

Greg Oldenburg stated that he is in a unique position as he has had many conversations with the individuals before him pertaining to the Master Plan, the Official Plan and the Provincial Policy Statement which the Planning staff do have to follow as insight as to how this City is going to be developed. When he purchased his property there was a very clear intention to recreate the downtown as a community. He has spent a large sum of money to bring forward the very plan that will be the most significant adaptive reuse project that the City of Sudbury will ever see in the downtown as it relates to residential heritage adaptive reuse. He would like to question what the intention the City of Sudbury had when deciding the location of this events centre. When you go to any other city, where is the action? People like grit, they do not want to go to safe places that are benign and have no intention. People want to go where people have invested their own money; independent businesses, club and bars. Residential places that you can go and feel like you’re going to some place that you might not want to be all the time but you know you can go there to enjoy yourself and have some fun. We have a transit centre in the downtown, all of the buses lead directly there and all roads lead to downtown. There are clear policies that the provincial government has provided to municipalities that have to be followed. There are clear indications on how cities have to grow and develop existing infrastructure, transit, water and energy. He is asking that these policies be looked at in order to determine if the intention of the arena project on the Kingsway contradicts them. The site on the Kingsway would be an amazing industrial site but does not create the energy that the City of Sudbury needs to have moving forward.

Recess

At 6:05 p.m. the Planning Committee recessed.

Reconvene

At 6:15 p.m. the Planning Committee reconvened.

Chuck Jacobs stated that he wanted to focus on the lack of informed public consultation that was done as a part of this process. The only actual consultation that was done to his knowledge was on a website on the Internet asking “how do you feel about the future?”; this is a pretty esoteric question. He does not feel like the open houses that took place after the design was completed were consultations, as it was clear that it was not a place to take in new comments from citizens. There was no need for this process to be polarized; however, it became polarized because of the misinformation from the start of the process. For example, there was a poll done and almost half of the public was under the impression that the City did not have to pay for a new arena as it was being paid for by the developer. This type of misunderstanding could have been prevented if there had been informed consultation. He does not believe that the Councillors were representing informed constituents when making their choice during the vote. Informed consultations are needed in order to prevent a lot of the misinformation that was circulated and he would hope that the process be redone before the project continues.

Patty Buchanan stated that she is an active member of the Sudbury community. She is opposed to the application for rezoning of this property for similar reasons that have been articulated by many. She believes that this proposal is not in accordance with the Official Plan and the Downtown Master Plan. There probably is a way around it, but why would they seek a way around it, when the plans have been so supported since their development. She would like the Committee to consider the following: the average annual growth rate of the City of Greater Sudbury’s property taxes from 2000 to 2015 was 5.2%, compared to the average growth of property taxes across 33 other communities of 2.8%. From 2011 to 2018, the City of Greater Sudbury’s population grew by .08% compared to the Ontario average 471

population growth of 4.6%. It is expected that in northern regions, the population growth and net migration of citizens will remain stagnant or decline. The population of seniors in the demographic is rapidly increasing and is expected to increase more quickly in northern communities. The City of Greater Sudbury has an infrastructure deficit of approximately a billion dollars. Most can attest to the quality of the City's roads and the water and wastewater infrastructure. Why build new infrastructure on land that is not already serviced when we have the opportunity to build new infrastructure on already serviced land. Building on land already serviced gives us tremendous opportunity to upgrade the roads and inground infrastructure that already exist. If we build new and have to upgrade existing infrastructure, have we not doubled the bill? Who will pay for these costs, does incurring more costs than necessary make any sense in a community where the population is declining, the rise of seniors is increasing and is this the debt we wish to leave to our children and grandchildren? This is not financially responsible or sustainable and these are the principals when thinking about rezoning a property. If we put so much money into a new project, we will see the existing infrastructure continue to crumble and decay. 472

Jeff MacIntyre stated that he would like to state the difference between a private and public event centre. With a private event centres, the investment is the sole risk of the private owner. If the private owner today would like to build the events centre at his own cost, he has every right to do so. A public event centre is different from a planning perspective; you're investing 100 million dollars of the public purse into this project. During the process of selecting the location, the consultants and experts were clear that event centers cannot survive as a standalone, they need to build around it as there needs to be interaction. To accept a public event centre means you must accept a new development zone. That development zone is not warranted. An event centre needs to be right size, much in the way a city needs to be the right size. You need to have the right amount of zoned land to be able for the property to have value. If we develop a new development zone without the population base to support it, we are damaging the property value of the existing areas, not just the downtown but the entire City. We are adding excess inventory without the demand to fill it. Because this is a public event centre, because this is the public purse and because this Council will be held accountable for the success of the event centre, it is important to make it as successful as possible. He stated they are putting themselves in a conflict of having to deal with the good of the entire community versus the good of this single massive investment that they are looking at making. It is a different use and has a different impact to our community. There are two (2) scenarios; the first is that no changes occur with this events centre, it remains industrial use. Our crown jewel events centre surrounded by industrial uses which is what we will have to tell tourists. He stated that we are going well beyond the bound of rezoning this one property, we are making a statement that they are going to change the development of this community going forward, putting pressure on every retail zone of the community because of the over capacity. This is the most anti-development planning change this community will ever make, we are telling developers that Sudbury is a bad investment.

Dorothy Klein stated that she is a resident in ward 11, she has offered in writing, email and to the Councillors that she would like to participate in the committee being organizing for Mr. Zulich. The process of input from the community was very poor for this application. She stated that individuals have said that Mr. Zulich has met with people in the community; she does not feel as though he spoke to the residents, as she was not aware. She used to live in the area surrounding the proposed development and upon visiting some of her former neighbours, she realized that they did not know the facts and people were very misinformed. She hopes that they will reassess the process used and have real input from those in the community. As taxpayers, they take offence that taxes are going up and they don't have any input.

Mathieu Labonte stated that he has read the traffic report and it is concerning, as it appears it will negatively impact economic activity coming in and out of Sudbury from North Bay. He runs a very small delivery service acting as a local agent for out of town companies and ships overnight to North Bay. The 6:30 to 7:00 ranges hurt him and make it more difficult for him to do his job; getting parts from local suppliers to out of town shops, as opposed to them coming from Toronto. This development is going to negatively affect the ability of other local and small businesses from Sudbury to maintain their business and grow. He further stated that the City is not listed as an applicant in the application for rezoning; however there is a representative from the City sitting in the applicant's seat as opposed to the actual applicant, the numbered corporation. He feels as though local business owners are being scared away from speaking, and he hopes that the meeting will be repeated in a more welcoming and safe environment.

William Crumplin stated that since the early 1980s he has been a student or professor of urban development issues. Since 2010, he has been continuing his study of urban development as a student and as a professor, but doing so with an environmental outlook. His studies have brought him to look at cities differently, to look at cities as if they could be living organisms. He looks at the application for rezoning as a vital organ being moved away from the core of the body. He agrees that the event centre will be great and stimulate the economy but it is just as vital as the heart or the lungs. He feels as though the event centre should be downtown and close to all the other important functions of the City. He believes they should follow the Official Plan. 473

Allen O'Neil stated that we have heard from other speakers that there are multiple planning documents that do not support the proposed use of the land. These documents are paid for by taxpayers. The KPMG report states that we have a massive infrastructure deficit. There is also the Constellation Report which stated that we should be looking at our City as a community of communities, not as one city and not as a city where the former City of Sudbury is the downtown. Why are we ignoring all of these reports? Despite the fact that the consultant's report for the proposed arena had criteria that were skewed in favor of the Kingsway location and prioritized in a way that skewed in favor of the Kingsway location, the Downtown still came out on top. He stated he supports the previous statement that a referendum be pursued on this matter due to all of the misinformation that has been circulated throughout the community. Oracle did a poll that found nearly a majority of individuals believed the arena would be free and did not agree with the City having a loan backing with a private proposal. 70% of individuals wanted the arena in an area that was already being serviced. He believes an investigation should be held based on the misinformation provided. Youth migration is a large problem in Sudbury and in northern Ontario, and we are looking at a development that is going to negatively impact many businesses, but the businesses that will be most impacted by this decision are those in the hospitality sector. There are many young people who work in jobs within this sector. Therefore, by putting the development on the Kingsway, it is harming the youth disproportionately.

Andre Dumais stated that he opposes the application. There was a time where he was a proponent of True North Strong. When Mr. Zulich did his presentation on the development, there was a large amount of excitement surrounding the project; however, one of the key factors was that he was paying for the arena. At best, this project would be a private/public partnership. Mr. Zulich had convinced the community that he was paying for the project. In October of 2016, Council decided that they wanted this to be a community asset that the City would pay for, but the public was not educated in order to switch that perception. To this day, three (3) out of five (5) people he speaks to believes this is a free arena. There is a concrete fear of other developers addressing this situation as they do business with the City or have contracts with the City, and they are afraid of speaking out. The City changed the rules for development fees, and they have not seen any for this application which is a concern. In any other application, it would be up to the developer to pay for the addition of street lights, infrastructure, lift stations, etc. A city planner stated that this application conforms with the Official Plan, yet on the agenda there is a section that says "conformity to the Official Plan", in which it states a very loose interpretation on how this application conforms. He further stated that it is concerning that there are Councillors that believe that the plans are out of date pipedreams created by consultants from Toronto, which he does not believe is true. He sat on the GSDC Board where thousands of hours of consulting over many years took place in order to determine how the City should be built, and what the vision for the future is. The plans were developed after a large amount of work and they should be conformed to. In this Council's term, the GS 20-25 plan was put out, and it has no less than eight (8) references to a downtown arena, which is what we should be following.

Scott Merrifield stated that he is a founder of the Northern Lights Festival Boréal, a former artistic director and since he has stopped doing this, he has put on over 200 concerts in Sudbury. He further stated that he had a 33 year career working with the federal government, during which he worked in regional economic development, employment development and territorial development. Through his work, he has learned that amenities are hugely important to development, in particular, cultural and entertainment amenities. This fact was recognized in the Official Plan and has been supported with decisions to augment the amenities that we already have in the downtown by building more amenities in the downtown. He stated we are counteracting this investment in amenities by ripping out one of the most important amenities and putting it on the Kingsway, which is not going to work. There needs to be a critical mass in any city that is known for its culture and entertainment, people know where the entertainment district is. He agrees that many people are confused and believe this is a public/private investment and not a public investment that is increasing the value of another private property. He further stated that many people think that it is a good thing that we are spreading things around by 473

having some things downtown and the arena on the Kingsway, however, there can only be one heart of a city. 474

Paul Lowenberg stated that he was the artistic director of the Northern Lights Festival Boréal for the 20 years following Mr. Merrifield. Given this information they understand how to build culture in this City as they been at the grasp of it for all of their adult lives as he continues to do. He is happy to echo the sentiments of the previous speakers that we need to rethink the decision that was made and the application that is being made. He further stated that we need to consider the downtown as the heart of our community. We need to consider all of the restaurants where we employ hundreds of students and young working people, and the creative business people downtown within a four (4) block radius of the community arena. How will we survive not having that kind of business impact, being filled 50 times a year? We need an arena and a primary concert presentation centre downtown. He does not believe that the primary concert facility and arena should be on the outskirts of town or a facility under the guise of a casino. The casino will have a huge proximity clause that impacts being able to book certain artists. We need to move forward with the original downtown development plans, the original plans of Council, and the original ideas that are brought forward by educated people. If you want to attract the best and brightest to your community, you need to have community hubs and the development of the downtown core as the development of arts and culture in your community.

Stephen Caruso stated that putting the arena on the Kingsway is correlated with the casino. We should not be putting a community centre and community hub at the casino. When you are bringing your kids to play hockey, it will be next to a casino. He would like the members of Council to think about putting a Community Centre, a hub for community activity, at a casino.

David Robinson stated that there is not much growth in northern Ontario and the province has been concerned about northern Ontario's communities as they get spread out and become more costly. The Northern Growth Plan has strongly suggested recently that communities should try and concentrate populations. City Council adopted a plan that took this into account and made the wise decision to try to concentrate the population and limit sprawl. As keepers of the Master Plan, it is the duty of members of this Committee not to break it and to make sure there are no variations that are inconsistent with the intent of the plan. He stated that this development is clearly inconsistent with this plan, and the spirit and intent of the Master Plan. The people who have spoken are community leaders and are almost all universally against this because it is inconsistent with the City's Master Plan. The Master Plan is a good plan, and the role of the Planning Committee is to protect it and make sure it is implemented. He is speaking as a citizen who likes the plan that the City has adopted, and wants to see it realized and maintained.

Councillor Signoretti stated that we have heard this evening that this application goes against the Master Plan, the Official Plan, the Economic Development Plan and the Downtown Master Plan. He stated they have clear policies in place that go against the principal that the arena be rezoned. This land is zoned industrial use and we are dealing with an arena, not an events centre. It is an industrial park within close proximity to the municipal waste disposal facility. This is urban sprawl, not infilling. They went against the consultant's report. The arena/events centre was supposed to be free, now it is costing taxpayers 100 million dollars which is misleading the public. There is the issue of the amount of salt being put into our drinking water through the watershed into Ramsey Lake. He further stated that there are the issues with transit. This application is not financially or fiscally responsible. Developers did not want to speak because they were afraid of the repercussions from the City. Consultation from the City was poor. The Council meeting before the decision for the location of the arena, the greenhouse gas emissions, and now we are telling people to get in their vehicles and drive to the Kingsway location putting more emissions into our atmosphere. We have seen other communities that have arenas downtown, 90% of OHL arenas are downtown and six (6) out of seven (7) NHL teams' arenas are downtown, with the exception of Ottawa which is moving their arena downtown. We have heard from people and leaders in other communities who do not have a vested interest, say that the arena should be downtown. The traffic impact report states that the queue leaving the Kingsway location would be 45 minutes to an hour long wait. We have heard from tax payers from across the city in opposition to the rezoning application.

Jason Ferrigan, Director of Planning Services, stated that for the purposes of these applications, the applicant is the land owner. The agent appointed by the land owner to act on their behalf is Mr. Tanner. Mr. Shelsted is here in his capacity to the City project manager for the arena project.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none: 475

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following resolution was presented:

PL2018-15 Jakubo/Sizer: THAT the City of Greater Sudbury receives the comments and submissions made at the public hearing on File 751-6/17-27, as outlined in the report entitled "1916596 Ontario Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 22, 2018;

AND THAT staff complete their review of application File 751-6/17-27 and schedule a second public hearing on this matter before the Planning Committee when complete.

YEAS: Councillors Lapierre, Jakubo, Sizer, McIntosh and Landry-Altman.

CARRIED

Recess

At 7:09 p.m. the Planning Committee recessed.

Reconvene

At 7:31 p.m. the Planning Committee reconvened.

2 .. 1916596 Ontario Ltd. – Preliminary Planning Report - Applications for Official Plan Amendment and Rezoning to permit a place of amusement in the form of a casino, Kingsway, Sudbury

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated December 18, 2017, from the General Manager of Growth and Infrastructure regarding 1916596 Ontario Ltd. – Preliminary Planning Report - Applications for Official Plan Amendment and Rezoning to permit a place of amusement in the form of a casino, Kingsway, Sudbury.

Paul Szaszkievicz of Cumulus Architects and Karl Tanner of Dillon Consulting, agents for applicant were present.

Alex Singbush, Senior Planner, outlined the report.

Alex Singbush, Senior Planner, stated that this application is for a rezoning and Official Plan Amendment.

Mr. Tanner stated that this is a relocation of an existing use within the municipality. This application involves an Official Plan amendment and a Zoning By-law amendment. As part of his professional planning opinion, he will show how it is consistent with the Northern Growth Plan, the Provincial Policy Statement and the City's Official Plan. This application is an Official Plan designation in order to allow a place of amusement in the form of a casino and accessory uses like a hotel and a festival square. The existing Official Plan does not allow for this type of use in this area, and this is the appropriate format for that change. They are listening to comments from the public and will take those away as they relate to land use planning considerations for this particular file. From the pre-consultation process, the municipality did ask for a number of background reports which have been prepared and submitted. It is his experience that these applications are straightforward and the issues they are dealing with can be dealt with quite easily. When they come back in the spring with additional information, it will show how the application is consistent with the three (3) before mentioned plans.

Chris Duncanson-Hales stated that he is opposing the request to amend the Official Plan and rezone the subject lands from M-1 Business Industrial to M1-1 Business Industrial Special to permit a place of 475

amusement in the form of a casino. He believes the land is unsuitable for this use for three (3) main reasons. The first reason is related to the increase in vehicular traffic in residential neighbourhoods; the second reason is the impact the proposed development will have on the health and safety of the community, and the third is the proposed amendments are inconsistent with the spirit of the Provincial Policy Statement 2014. With respect to the traffic impact, the traffic report prepared by proponents limits the scope of its analysis to the main intersections. While this study considers the traffic impact on the main and secondary arteries, it fails to take into account the impact of increased volume on the side streets that exit on these primary and secondary arterial roads. For example, the traffic report does not include an analysis of delays to be expected for local residences that are turning left or right onto Second Avenue from Hebert Street, Wiltshire Street, Richard Street or Randolph Street. Having experienced significant delays exiting his street during the expansion of 2nd Avenue in 2017, he is concerned that the increased traffic will incur significant delays that are not accounted for in the traffic report. He further stated that he suggests a more thorough Traffic Impact Report that takes into account the impact of increased volume of traffic on residential streets, and this needs to be completed before these amendments can be considered. He stated that he has reviewed the Official Planning and Zoning By-law Amendment Report (Dillon Consulting, Dec. 2017 -Amended) and is deeply concerned that "Section 1.1: Building Healthy Communities" does not consider in any way the health impacts of expanded gambling on neighbourhoods surrounding the proposed casino development. This despite the assertion by the proponents that the "scope and level of detail of the planning evaluation has been based on: Provincial Policy Statement 2014; Growth Plan for Northern Ontario; City of Greater Sudbury Official Plan policies and criteria." The absence of any consideration of the adverse health effects of the development of a full-scale casino on the Kingsway is not consistent with the Provincial Policy Statement 2014; Growth Plan for Northern Ontario, or the City of Greater Sudbury Official Plan. Each of these planning documents includes directions for promoting healthy communities. In a briefing note from the then Sudbury & District Board of Health dated February 14, 2013, the City of Greater Sudbury Council was asked to "factor into their deliberations and decision making the anticipated health impacts of casino expansion and gambling." The note goes on to indicate that "although a health-based approach would refrain from increasing local gambling opportunities altogether, there are important mitigation measures that can be taken to reduce risk. The briefing note further indicates that 'Certain population groups are disproportionately affected by problem gambling: youth, older adults, Aboriginal people and individuals with low income'. This, with the public health concern that "communities with greater proximity to casinos are likely to experience greater impacts," strongly suggests that consideration must be given to the particular health impacts of gambling on vulnerable residential communities near the subject land. In 2013, the Sudbury Health Unit produced the "Opportunity for All: The Path to Health Equity" report. This report grouped areas across the City of Greater Sudbury according to their social and economic characteristics. The report stated 25% of ward 11 is an area that is considered economically depressed and of low income. This area is within 2.5 kilometres of the proposed casino. This fact is not consistent with what the Health Unit is saying and it is not consistent with what the other documents are saying with respect to healthy communities. A full healthy impact study of the expanded gambling led by the Health Unit should be conducted.

Stephen Caruso stated that he read an article in the fall in the Economist and it was focused on the casino industry, specifically in Las Vegas. He further stated that casinos in Las Vegas are struggling to bring in new customers. The casino industry is not a booming industry; the younger generation does not go to casinos generally. The City is currently proposing supporting a 100 million dollar investment into a facility that is losing popularity very quickly. There are many negative impacts that other speakers will surely bring up. He would like to stress that money should not be invested in casinos as they are a business that is dying. They should reconsider and use this as the opportunity to not accept the proposal; there are many other ways to go forward in the future.

John Lindsay, Chair of the Minnow Lake Restoration Group, stated the information he has given in regards to the effect of salt on the environment, particularly on water bodies, has recently been learned. Ramsey Lake has reached a level 3 times that that affects people on sodium restricted diets. The levels in Ramsey Lake are close to 60 mg/L, which is well above the provincial guideline of 20 mg/L. We are getting close to a level where we will be harming aquatic life. He is not against development but we do have to protect our environment. If this site goes ahead, over 2000 parking spaces will contribute tons of salt into our environment that cannot be removed except through distillation. The cost of distillation is extremely high and there is basically no other alternative for road salt. Salt is used in parking lots and roads all across the country. Taking all the other factors away, we are poisoning our lake that over 50,000 people use as drinking water and there is no way we can stop

it. If nothing else is considered tonight, take into account that we will be responsible for the contamination of one of our main water supplies. He stated he does not have much to say in regards to the casino, but most people already know that he is not a casino friendly person. At the last annual general meeting of the Chamber of Commerce, the head of Music Canada spoke. This individual is also chair of the Ontario Chamber of Commerce and Mr. Lindsay has him for his opinion on a casino coming to Sudbury. He said it would be a disaster and it will destroy the cultural community. Some of the organizations within the arts and cultural community are already suffering financially; do we want to destroy our cultural community with a casino? 477

Ursula Sauve stated that this application claims to be straight forward and this may be so, but it is an application with profound impacts on the development of our community for a very long time. The decision was taken by a previous Council that a casino would be accommodated. She was under the impression that this decision was attached to conditions that should a casino come to Sudbury, it would come with a free arena/events centre. If this Council feels bound given previous Council's decision, she would expect that input would be taken before they go ahead and continue with what is assumed to be done deal. The applications are correlated and we are paying 100 million to accommodate a casino in our community. She has not been able to get any answer on what the cost would be, in addition to the 100 million dollars for various additional infrastructure. She is concerned about her children and grandchildren having to deal with the burden of the cost of the arena, additional infrastructure, and the casino money leaving the community. This "straightforward" application requires very careful consideration.

Steve May stated that he is not here on behalf of his employer or any other organization, he is here as a citizen of Greater Sudbury expressing his opinion. He stated that the Official Plan Amendment before the Committee is both premature and for an area that is too small. He is not a frequent visitor of casinos but does partake in black jack, and should a casino be built in the city he would go. It has been stated that this new facility is the relocation of an existing facility which is not the case. This would be a full gaming casino with card tables, dice, roulette, etc., and currently we only have slot machines. Our City's Official Plan requires that multiple studies be submitted at the time where significant development proposals come forward. One of these studies is an economic study that looks at the impacts of the use. We currently do not have this study and they need to have this information in order to make an evaluation of the economic impact that this new use will have. It is in fact a new use, it is not the relocation of an existing use. Without this study an informed decision cannot be made. He further stated that the elements associated with the integrated site plan, such as the festival square and additional transit routes, are not found within any policies associated to this application in order to ensure they happen. It is just a change in use to allow a single facility without supporting policies to make all the elements contained within the integrated site plan happen. He understands that they will be advised that these elements can be addressed at the Site Plan stage, but the Site Plan process, under the Planning Act, is not a public process. It should be public and until they see these things in policy this application is premature. The proposed stormwater management facility for this site is not located on this site. It is to be located on the lands that the City is intending on acquiring, which he does not believe is appropriate. When the City owns land, the process of disposing and planning on the land are very different. This site needs its own unique stormwater management facility in order to function properly.

John Caruso stated that he has spent 25 years of his career in public service and 20 of them doing economic development and industrial adjustment all over northern Ontario. He also served as Chair of the Greater Sudbury Development Corporation. It has been said, by proponents of the casino, that this will be an economic driver for our community. He asks that they show him a community where a casino has been an economic driver when it is not situated on the border. He encourages members of Council to use taxpayer money to visit Thunder Bay to see the impact that a full service casino has had on their community. OLG built a full service casino in Port Arthur because they believed it would be an economic driver in an economically depressed part of the city. At the time, 90% of the businesses said they believed in it and supported it. It is now an economic wasteland and only 30% of the businesses support a casino. If we go out and learn what happened in Thunder Bay, we could learn what will happen in Sudbury.

Jim Hallows stated that he learned to be an engineer in Manitoba, and while there he noticed that many individuals were gambling and there was a large negative impact. When he heard of a casino coming to Sudbury, he was concerned. He did a lot of research about the negative impacts of casinos. Divorce rates, suicide, and bankruptcies all increase and can be contributed to casinos coming into a 477

town. 94% of people at casinos will lose their money. He stated that guns are considered to be bad, 478 but they are legal, and casinos can be much worse than guns. We should be concerned and care for our city and children. He does not want his children growing up in this environment. He would move from the City should this happen. Taxes are going to go up and will continue to go up with the addition of a casino. There are many individuals that will suffer with all the losses associated with casinos. He strongly believes that we should not allow a casino as we must think of the children, and there are some very serious consequences to take into consideration.

Jeff MacIntyre stated that the reason we are here is because the OLG Modernization Act. The OLG has decided that casinos do not bring tourists anymore. People don't want to travel to go to a casino and even the casinos on borders are not drawing tourists anymore. There have been comments circulated in the community that the casino is just like Costco; a corporate citizen. A casino is a different beast than Costco or a bar, as you cannot self-exclude yourself. Casinos have very specific ramifications around them. He has been told by many that this decision was made by the last Council and we must move forward, which he understands. However, the last Council did not pick a location, which was decided by this Council. When the OLG decided to have this modernization, they made it clear that the location would be decided by the community. We have not had this discussion in this community. The reason the province said this is because many had large concerns. These discussions happened because individuals were concerned about a casino being next to a school, church, etc. We are considering having a casino next to our community arena/events centre, which in the past has hosted "The Wiggles". This arena is said to become "a model OHL franchise", it will be hosting aspiring hockey players as young as 15. These young men can't even go to the casino until they are 19 and they are sharing a space with a casino. The location of this casino matters greatly, we cannot just worry about grabbing as much money as possible. We are looking at spending \$800,000 a year to bring in events and make the events centre a place that encourages entertainment right next to a casino. We will be the only City in Ontario that is paying to try to convince people to go to the casino. It would be bad enough if we were doing this to convince people to go to Costco, but at least business owners can compete with a company like Costco. A business has no chance to compete against a casino because they legally cannot get the licence. However, the casino can at any time open a restaurant and compete with local businesses on an unfair basis. We have a responsibility to locate this casino in an area that has the highest benefit and the least harm to the community through planning decisions.

Dorothy Klein stated that she has been a community nurse in Sudbury for almost 53 years. She has seen addictions and it knows no boundaries. You might think that it only affects people of lower incomes but she has seen wealthy, professional individuals lose everything to addiction. There is health research that shows the problems of addictions. She is speaking about the people and not the economics of this issue. She is thinking of the families and health of those in the community. She stated that this is what people should be thinking about when making this decision. The addition of the casino will change the atmosphere of the City. The proposed location is right within the community, close to schools and where families live. You are bringing children to the entertainment centre on the pretext of sports, and making addiction and gambling a normality. She has seen so many families broken, all of which have said that it started as a game, started as fun but it did not become fun anymore and now we do not know how to get out of it. She is asking that the Committee to really look at the decision they are making. She and other taxpayers do not want to see their money spent on a detriment to the health of our community.

Erin Danyliw stated that she is speaking to represent young people like herself in the City. Sudbury as a whole has a hard time retaining young people. They leave for school and often do not come back. Those who came back did so because they saw Sudbury moving in a certain direction based on the various planning documents set in place by the City such as the Official Plan, the Downtown Master Plan and the From the Ground Up Plan. They chose to stay because they wanted to be a part of the Sudbury those documents envisioned. They chose to stay in a city that focused on establishing a healthy community. Casinos, increasing urban sprawl and spending an hour in your car to exit a parking lot after an event do not create healthy communities. To imagine families will go out to eat before an event to dinner at a casino and advocate this type of entertainment to children and some grandchildren is horrifying in her opinion and will not lead to a healthy future. They chose to stay in a City that was making smart and fact based decisions. Section 19 of the Official Plan asks the City to examine the financial impact of major developments. The financial impact of a casino is not good. It drains money from the community and will harm local businesses, restaurants and retail. These local businesses are owned by citizens who have invested their lives in improving our community. She 478

stated that the casino will also harm charities. Charity bingo's will lose their patrons to the OLG casino and our charities will need to look elsewhere for funding or perish. They chose a community that was moving towards a greener future. One of Sudbury's greatest accomplishments is the greening effort. Part of moving to a greener future is infilling our City instead of sprawling. There are going to be additional costs associated with upgrading the transit system, sidewalks and bike lanes to stay in line with our City's green initiatives. They chose to live in a community that was moving towards rejuvenating the downtown, not building a new downtown in an industrial park. She does not believe an industrial park is a place to send young people for entertainment and is not the first face they want tourists to see when coming into the City. This build also takes opportunity away for industrial projects and makes the industrial park less attractive to industrial ventures. Industrial parks, casinos and arenas do not mix, and forcing them together will lead to reduced economic development. She does not want people her age pushed out of the City due to these poor decisions.

Andre Dumais stated that he is objecting to the Official Plan Amendment and Rezoning applications regarding the casino. There are countless examples in the province where casinos have been added and have had negative impacts on the communities. Casinos compete against local businesses. There are designed with the sole purpose of sucking people in and never letting them go. The casino that most people visualize is what a casino would look like for a few hours on a Friday or Saturday night. However, for the other times during the week it is a depressing place. The province is delegating what is a City service and we are getting into a situation where the province is imposing a voluntary tax of 100 million dollars every year and give back five (5) million dollars. Only five (5) percent of what we lose is given back to us. We have to stop looking at this as a revenue stream, it is an expense line. Council's predecessors decided to have a casino in Sudbury, but it was predicated with the condition of them bringing us something. Now we are spending our tax dollars to bribe them to come to our community, which is backwards. He does not want the issues of gambling addiction that will occur in the City to be on his conscience.

Vicki Jacobs stated that she is objecting the rezoning and Official Plan Amendment to allow a casino and the proposed expansion of gambling in Greater Sudbury. She finds it morally appalling to have a community arena attached to a casino, and encouraging patrons to go into the casino to use the restaurants. There is no such thing a family friendly casino. There is no evidence of casinos being good for economic development or for people's financial health. They are good for the provincial government and the casino operator. They are not businesses, they are government controlled monopolies. They are bad for businesses and charities in the communities that surround them. Entertainment dollars are limited and the casino and OLG will be pushing Sudburians to spend their disposable income in their facility. Existing businesses, who have invested in Greater Sudbury, will lose out and jobs in the hospitality sector will be lost if the casino expansion goes through. Her primary objection is that the decision to pursue this has been made with no evidence that the casino will be good for the citizens of Greater Sudbury or good for economic development. It will not make us a healthy community.

Daniel Wood stated that the current status and next steps for the Kingsway Entertainment District and Arena/Event Centre says that there will be a Planning Committee Public Hearing regarding an application for rezoning and Official Plan Amendment in order to permit a place of amusement in the form of a casino. We are applying for a place of amusement. He then gave multiple definitions of the word amusement. He stated that none of these definitions represent a casino. He cannot believe that we are discussing a place of amusement and a casino in the same breath.

Tom Fortin stated that he is opposing the Official Plan Amendment and rezoning for a casino. He is at the meeting representing the group "Casino Free Sudbury", a group of local businesses in opposition to the casino strictly on economic terms. The casino was added roughly two (2) weeks before the vote on June 27th for the arena location. There was no discussion and no time for public consultation on the matter. Then the vote on the 27th took place and we defacto approved a casino with the arena. In the process of building large public infrastructure, including arenas, section 19 of the Official Plan requires an examination of the financial impacts, which did not happen after the addition of the casino. Local business owners are concerned about being able to attract people to start companies and produce the wealth needed to grow. He is optimistic about the future because he feels as though many people have woken up.

Charles Tossel stated that he is speaking in opposition to relocating the casino to the eastern part of town. There has been a large amount of evidence and studies across other municipalities that suggest

that having a casino with easier access points lead to an economic downturn for people of lower income. This is due to wanting to spend their entire social assistance cheque gambling. Adding more varieties of gambling options is never a good idea and could at times result in individuals becoming homeless. Homelessness can cost taxpayers from \$69/day for shelters, \$140/day to be in jail or \$1100/day to be in a hospital. He believes this will all result in having far more tenants and landlords than property owners in this town. Going to the casino during the day is not enjoyable but rather depressing. Getting only five (5) percent of the revenue would mean losing 95% of the community's money. Municipalities have a duty and responsibility to ensure they protect the less fortunate and vulnerable population, which includes but is not limited to those of low income. Another concern would be the seniors at Finlandia Village; with their large amount of savings, they can become subject to temptation and would have easy access to the casino through the Moonlight bus route. Other evidence has suggested that there will be the same problem that downtown has with loiterers hanging around the popular area. This will also cost taxpayers in the long run due to the need of additional resources through the police departments, courts, lawyers, etc. Municipalities not near the US borders have had negative economic and social impacts on their communities, which he cannot support. He highly urges the municipality to not have a casino in town at all. He would rather see them invest in other options. 480

David Robinson stated that he is in favour of modifying the Master to Plan under two (2) circumstances. One, there is a change that is in line with the spirit of the plan. The other is if there is such a big payoff to changing it, that we cannot resist it. He believes the second option is the one that Council believed when it made the decision about this site. It is not the first option because this is not consistent with the Official Plan, which means it is not consistent with this Council's previous decisions. He is inquiring if we are going to make so much money from this development that it will benefit the City's budget or economy. Casinos do not improve the local economy, except in special circumstances to which we do not adhere. The supposed revenue for Council is less than what it loses in damage to property value elsewhere. This decision is not a winner economically. Economically speaking, this is a loser for the City's budget and a loser for the regional economy. These are the reasons why modifying the Master Plan because we are going to make a great deal of money does not hold up. He is in favour of changing the Master Plan when it is good for us, but he does not believe it is in his professional opinion.

Mathieu Labonte stated that the report states that the City retained Dillon Consulting and he is still quite confused regarding who represents who for these applications. He stated that we should go see the communities in Michigan in order to see how degraded they have become because of the casinos in the area. If this is the vision that Council has for the City of Sudbury, they would not be voting on this as it is the death to a city. This gives young people the impression that we are giving up and building a casino so we can gamble our money away and forget our troubles.

Councillor Signoretti stated that he wanted to give a recap of many of the issues brought up by other speakers. There will be traffic issues with only one entrance point. The extra traffic will likely impact the side streets and there is no traffic impact study of this nature. The addition of a casino does not build a healthy community. There is a large concern with the probability of addiction to gambling. Ward 11 is in a desperate area and is not a good location for the casino. Casinos are struggling to thrive, not growing. There will be a negative social and economic impact. Stormwater management is not on the land where the casino is being located. Casinos are not economic drivers. North Bay is getting a casino and Sault Ste. Marie already has one, therefore, where will people travel from to visit the one in Sudbury? We do not draw from a population of millions of people. Taxpayers have a limited amount of disposable income. Business owners do not want a casino close to their community and affecting their employees. Over 100 million dollars will be taken from our community and we will be given very little back. He would rather keep 100 million dollars in our community rather than seeing it go to southern Ontario. Local businesses and charity bingos in Greater Sudbury will suffer and close. The taxpayers are paying for the infrastructure of this casino. Council's decision was supposed to be about an arena, not a casino. He visited Thunder Bay and the casino was supposed to be an economic driver when it came to their community; however, it ended in disaster for the community. This generation and future generations do not want casinos, they can gamble online. Casinos will not help local businesses; they will open their own restaurants, taking patrons away from others. People who live in communities with casinos often lose their homes to bank repossession. Taxpayers have not had the opportunity to voice their opinions about the casino and its location. He stresses that we should reconsider having a casino in such close proximity to a community arena.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none: 481

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following resolution was presented:

PL2018-16 Jakubo/Sizer: THAT the City of Greater Sudbury receives the comments and submissions made at the public hearing on Files 701-6/17-9 and 751-6/17-24, as outlined in the report entitled "1916596 Ontario Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 22, 2018;

AND THAT staff complete their review of the applications and schedule a second public hearing on these matters before the Planning Committee when complete.

YEAS: Councillors Lapierre, Jakubo, Sizer, McIntosh and Landry-Altmann.

CARRIED

Addendum

.. No Addendum was presented.

Civic Petitions

.. No Civic Petitions were submitted.

Question Period and Announcements

.. No Questions were asked.

Notices of Motion

.. No Notices of Motion were presented.


Adjournment

.. Sizer/Jakubo: THAT this meeting does not adjourn. Time: 8:50 p.m.

CARRIED

Adam Kosnick, Deputy City Clerk

**THIS IS EXHIBIT "63" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**


A Commissioner, & etc.



Robert T. Kirwan

41 mins



I am going to the hockey game tonight with Dario Zulich.

If anyone wants to come up to us and accuse Dario of offering a bribe to the City by giving his land for \$10 in order to get the arena built on the Kingsway, come up and we will set you straight. We will let you know what the anti-Kingsway people have been up to and how low they are sinking to the depths of humanity.

A former crown attorney made a presentation this past week that said the land being given away could be viewed as a bribe. I completely discounted what this gentleman said as being the musings of an old man who was simply being caught up in the experience of being back in the limelight.

But now some people are wondering why Council has not responded in defense. Well, let me give you a response, even though I don't think anyone who is the least bit reasonable would need one.

The whole idea of a bribe is absolutely preposterous and basically demonstrates the level that opponents to the Kingsway development will stoop to destroy the greatest transformation this city may ever experienced.

This whole process couldn't have been more transparent.

The site selection committee was asked to secure conditional offers of purchase and sale from the potential sites.


One of those sites was the Kingsway.

The City needed to negotiate an offer to purchase with the owners of the land. The owners said they would sell the land for \$10 in order to reduce the total cost of building the arena on their site.

This price was not a bribe! It was basically "forced" upon Dario Zulich and Perry Delellce because they knew that the other lands downtown were largely owned by the City. If you want to start a rumour, why not consider that the City strong-armed Dario Zulich into offering his land for free in order to be able to compete with the cost of the downtown option.


So in order to be competitive with the downtown site, Zulich basically had no choice but to give the land away.


**THIS IS EXHIBIT "64" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Robert T. Kirwan  Nothing that I post on this site is an opinion, nor is it an attempt to convince people of anything. What I am posting is accurate and is factual. If there are groups of individuals who do not like the decision, they should understand that Council is not in any position to change our decision merely because there is public opposition to that decision.


 **Andrea Gustafson**, you make it sound as if this is a debate with two sides trying to convince Council to make a decision. Council has already made the decision by a vote of 10 to 2. The process is so far along that it cannot be stopped. All you and your fellow opposition group are doing is upsetting the rest of the City and causing a great deal of animosity against the downtown. Surely you can see that there may be some serious negative fall out from your actions. You can't believe that the rest of the city approves of your opposition tactics.

As a City Councillor it is my job to do my research and make sure that I have as much information as possible "before" making any decision. I did my research and talked to the people who have knowledge that they shared, and I made my decision. Now, unless there is some new, material change that was unknown at the time of the decision, I am not going to change just because you and some others in the city don't like our decision. At this point there has been no such material change and hence the decision will stand.

[Like](#) · [Reply](#) · 1y



**THIS IS EXHIBIT "65" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**


A Commissioner, & etc.



Jan 30th, 2018

City of Greater Sudbury Planning Council

RE: Casino Rezoning and Official Plan Amendment

The Ontario Lottery and Gaming Corporation Act requires the Ontario Minister of Finance to authorize all specific casino developments in Ontario. The act prohibits establishment of a casino until public hearings are held and a resolution of support for the "proposed site" is passed by city council. The resolution and summary of public input must be forwarded to the minister before authorization is given. Note that the act specifically states that the council resolution and public meetings reference a proposed site.

From Ontario Reg. 81/12.....

In the case of a proposed gaming site to be established at premises in a municipality or on a reserve,

i. the municipal council or the council of the band, as the case may be, seeks public input into the establishment of the proposed gaming site and gives the Corporation, in writing, a description of the steps it took to do so and a summary of the public input it received, and

ii. the municipal council or the council of the band, as the case may be, passes a resolution supporting the establishment of the gaming site in the municipality or on the band's reserve and gives a copy of the resolution to the Corporation.

In Sudbury, we did not have a proposed site until June 12, 2017 when Gateway Casinos announced they signed a letter of intent with the Zulich group proposing a site on the Kingsway next to the public landfill.

In 2012, I was actively canvassing to stop the development of a new casino in Sudbury. During that time there were many public statements by both the mayor and councillors to the effect they were expecting a significant contribution by the casino developers of free public infrastructure.

"I don't think we're going to have another opportunity like this for a long time, to get some amenities and some economic growth in our city at a very minimal cost – or no cost at all," Matichuk said. "This is a great opportunity for our city." (<https://www.sudbury.com/local-news/arena-added-to-casino-wish-list-245148>)

I met with Dave Kilgore in my office to discuss my opposition to the possibility of a full casino and he explained that the resolution council passed was a way to keep the door open to see what is offered by the OLG. He also stated that we would have the opportunity to say no when the time comes. I understood this to mean that when a new full casino is proposed for a specific location the community would have an opportunity for public input and a chance of convincing council not to approve the proposed site. With this understanding, I stopped my campaign and waited for a new full casino to be announced. As stated previously, that occurred on June 12th of 2017.

Here is the key part of the resolution passed by council on Feb 26th 2013, the OLG assumes to be the council giving support.

AND WHEREAS the City of Greater Sudbury has confirmed its support for this gaming modernization as approved by City Council on May 15, 2012 and August 14, 2012

It is important to understand the origin of this resolution as it was first passed on May 15, 2012. Following are the minutes from the council meeting on May 15th.

Main Motion

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury will continue to support gaming and will continue to be a willing host for gaming as it evolves;

Friendly Amendments

With the consent of the Mover, the following friendly amendments were made:

1. change the word 'will' in the first paragraph to 'intends to';

2. add the words 'as approved by Council' after the words 'to support gaming' in the second last paragraph.

Main Motion (as amended)

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury will continue to support gaming as approved by Council and will continue to be a willing host for gaming as it evolves;

Note that the original resolution was amended to add "as approved by council" after the words "to support gaming". This clearly shows the intent of council was to be open to a new casino development, however, any specific site would still require a new resolution of support from council, and a new public input session per O. Reg 81/12.

Further, a report published by the City BDO on Aug 2, 2012 titled "City of Greater Sudbury Submission to OLG for Casino RFP" clearly indicates the city had no official position on any location (site) and is merely indicating a "latent interest" in seeing what infrastructure may be offered by any future proposal.

From report Dated Aug 2, 2012, approved by council Aug 14th 2012

Throughout the interactions with all private sector proponents, staff have been careful to acknowledge that Council has not adopted an official position on the question of the desired location for a new facility. We have indicated that there is a latent interest in seeing what amenities might be leveraged as part of this opportunity, either directly or indirectly. We have also indicated that we understand that the private sector proponents must have a solid business case for their investments and that their proposals will be submitted to OLG. Nonetheless, through discussions with proponents staff have received significant feedback on what private sector proponents believe will work within Greater Sudbury.

The interpretation of the Feb 26th 2013 regulation as giving council support for *any* gaming proposal is incorrect. In passing the original resolution back in May 2012, council had the foresight to amend the resolution with the words "as approved by council" to ensure that any future proposed site would still require a resolution of support by council and associated public information session per O.Reg 81/12.

The miss interpretation may be due to a missing comma which is inserted in the resolution here:

AND WHEREAS the City of Greater Sudbury has confirmed its support for this gaming modernization as approved by City Council, on May 15, 2012 and August 14, 2012

The OLG also assumes the public information sessions held in Oct 2012 as meeting requirements of the act for the Zulich/Gateway proposed casino. These public information sessions identified several potential locations including Kingsway East. That location, however, was specifically identified as Kingsway/Barrydowne, which is very different from the present proposed site.

Conclusion

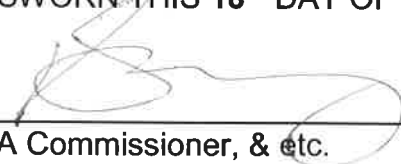
On June 27th 2017, council passed a resolution to build our new arena/event centre on the Kingsway. The resolution did not approve a casino. Council has not passed any resolution concerning the casino proposed by the Zulich/Gateway group and has refused to discuss a casino as stated loudly in the Nov 22, 2017 council meeting.

Given the clear intent of previous council, the requirements of O. Reg 81/12 and the fact that there has been no city initiated public discussion or corresponding resolution to support the proposed site, any authorization from the minister presented by the applicant must be considered invalid. The present re-zoning and OP amendment applications should be suspended until city initiated public information sessions are held and a council resolution of support is passed for the new "proposed site".

Regards, Tom Fortin

Director- CasinoFreeSudbury.com

**THIS IS EXHIBIT "66" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**

A handwritten signature in black ink, appearing to be "T. Fortin", written over a horizontal line.

A Commissioner, & etc.

GORDON E. PETCH

- Barrister -

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

March 12, 2018

VIA EMAIL eric.labell@greatersudbury.ca

Mayor Bigger and Members of City Council
200 Brady Street, 2nd Floor
Tom Davies Square
Sudbury, ON
P3A 5P3

Your Worship Mayor Bigger and Members of Council,

Re: Proposed Kingsway Entertainment District and Arena Event Centre

I am retained by the 'Downtown Sudbury' BIA and Mr. Tom Fortin with regard to the above Planning Act applications which I understand are scheduled to be considered later this month. My clients have retained Mr. Rowan Faludi of urbanMetrics Inc. to undertake a preliminary economic impact study of the said proposals as well as Mr. Robert Dragicevic of WND Planning to provide a planning opinion. Mr. Faludi's report is attached hereto. You will note that Mr. Faludi has many years of experience studying the casino/gambling industry as well studying the economic issues related to Ontario Downtowns.

Mr. Faludi's report speaks to the dire long term economic consequences on the Downtown, firstly for relocating the existing Greater Sudbury Community Arena outside of the Downtown and then secondly, and further compounding the problem, by combining it with the proposed Casino/Hotel/Convention complex. Mr. Faludi also advises that there is no real net financial revenue or job increase advantage for City with the proposed Kingsway development. Given the seriousness of these issues I wanted to provide his report to you prior to the Planning Committee Meetings.

Royal Building
277 Lakeshore Road East, Suite 211
Oakville ON L6J 1H9



Toronto Meeting Rooms
Brookfield Place, 161 Bay Street, Suite 2700
Toronto ON M5J 2S1

TELEPHONE: 416-955-9530 | CELLULAR: 416-720-7103 | EMAIL: gpetch@mlawc.com | FACSIMILE: 416-955-9532

www.MunicipalLawChambers.com

I will file Mr. Dragicevic's Report and will have further submissions to make prior to the Planning Committee meeting.

Yours Sincerely,

A handwritten signature in black ink that reads "Gordon E. Petch". The signature is written in a cursive style with a large initial 'G' and a long horizontal stroke at the end.

Gordon E. Petch
GEP/dh

Encl.

cc. 'Downtown Sudbury' BIA
Tom Fortin

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM FORTIN

Applicants

-and-

CITY OF GREATER SUDBURY

Respondent

APPLICATION RECORD

Volume 3 of 6

DATE: October 22, 2019

MUNICIPAL LAW CHAMBERS

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Fax (416) 863-1515
@thalinski@airdberlis.com

Lawyer for the Respondent

APPLICATION RECORD OF THE APPLICANTS

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- 2 Affidavit of Thomas Gary Fortin, sworn October 18, 2019**
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 - 2 Fortin Initiatives
 - 3 Job Creation
 - 4 Northern Life Letter, dated Oct. 23, 2012
 - 5 Sudbury Star - Gambling on new revenue, dated Feb. 9, 2013
 - 6 Sudbury Star – Health Unit Warning article, dated Feb. 21, 2013
 - 7 Casino Opportunity Update – OLG Presentation, dated Feb. 26, 2013
 - 8 Minutes of City Council Meeting held Feb. 26, 2013
 - 9 Minutes of City Council Meeting held Feb. 26, 2013
 - 10 CBC News - Sudbury Council wants a casino, dated Feb. 27, 2013
 - 11 Sudbury.com – Arena added to casino wish list, dated March 4, 2013
 - 12 State of the City Address, dated June 20, 2013
 - 13 Northern Life - Casino Information Ad by T. Fortin, dated July 18, 2013
 - 14 Text message from M. Whitehouse to T. Fortin, dated Apr. 17, 2019
 - 15 Minutes of City Council Meeting held Aug. 14, 2012
 - 16 Application for rezoning for Kingsway site, dated Sept. 29, 2014
 - 17 Email from D. McIntosh, dated Oct. 9, 2014
 - 18 Letter of Recognition for Compliance with O.Reg. 81/12, dated Jan. 14, 2015
 - 19 Email from S. Watt to G. Petch, dated Aug. 21, 2018
 - 20 Report on Event Centre Site Evaluation Matrix and Agenda for City Council Meeting, dated April 11, 2017
 - 21 See Exhibit 1 - USB Key
 - 22 Option Agreement, dated June 08, 2017
 - 23 Sudbury.com – Gateway inks deal with True North for Kingsway casino, dated June 13, 2017

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Affidavit of Thomas Gary Fortin (cont.)

- 24 Letter from M. Signoretti to City Council
- 25 See Exhibit 1 – USB Key
- 26 Promotional video view count, dated June 13, 2017
- 27 Emails from T. Fortin to the Mayor and copy of CasinoFreeSudbury webpage, dated June 22, 2017
- 28 Email from D. McIntosh to T. Fortin, dated June 27, 2017
- 29 Letter from Fabio Belli Foundation dated Nov. 17, 2017
- 30 See Exhibit 1 – USB Key
- 31 Minutes of City Council Meeting, dated June 27, 2017
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- 33 Minutes of City Council Meeting, dated Aug. 22, 2017
- 34 Manager Report – Event Centre Development, dated Aug. 09, 2017
- 35 Endorsements
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- 37 Facebook post of R. Kirwan, dated Sept. 21, 2017
- 38 Minutes of the Business Improvement Area Board Meeting, dated Dec. 7, 2017
- 39 Facebook post of M. Jakubo, dated Nov. 5, 2017
- 40 Email from T. Fortin to P. Dellelce, dated Nov. 5, 2017
- 41 Email from Gateway to Bryston's, dated Nov. 9, 2017
- 42 Facebook post of R. Kirwan, dated Nov. 14, 2017
- 43 Email from T. Fortin to City Clerk, dated Nov. 21, 2017
- 44 Facebook post of M. Jakubo, dated Nov. 22, 2017
- 45 Minutes of City Council Meeting held Nov. 22, 2017
- 46 See Exhibit 1 – USB Key
- 47 Draft Site Plan Presentation, dated Nov. 1, 2017
- 48 Site Design Strategy-Kingsway Entertainment District, dated Nov. 22, 2017
- 49 Notice of Completed Application (Arena and Casino), dated Dec. 15, 2017
- 50 Amending Option Agreement, dated Dec. 21, 2017
- 51 Social Media Ads, dated Jan. 2018
- 52 Sudbury Star – Casino opponent lays out argument, dated Jan. 1, 2018
- 53 Facebook post of R. Kirwan, dated Jan. 1, 2018
- 54 Cost Contribution Agreement, dated Jan. 8, 2018
- 55 Summary Casino Sudbury Website, date of printing Oct. 11, 2019
- 56 Sudbury Star - Open Letters "A voice against Sudbury's casino", dated Jan. 13, 2018
- 57 Facebook post of R. Kirwan, dated Jan. 19, 2018
- 58 Facebook post of R. Kirwan, undated
- 59 Facebook post of R. Kirwan, dated Jan. 22, 2018

- 60 See Exhibit 1 – USB Key
- 61 See Exhibit 1 – USB Key
- 62 Minutes of Planning Committee Meeting held Jan. 22, 2018
- 63 Facebook post of R. Kirwan, dated. Jan. 26, 2018
- 64 Facebook post of R. Kirwan, dated Jan. 27, 2018
- 65 Letter from CasinoFreeSudbury to Planning Committee, dated Jan. 30, 2018
- 66 Letter from G. Petch to Mayor Bigger and Members of Council, dated March 12, 2018

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Affidavit of Tom Fortin (cont.)

- 67 Staff Report on casino application, dated March 12, 2018
- 68 See Exhibit 1 – USB Key
- 69 Facebook post of R. Kirwan, dated March13, 2018
- 70 Minutes of Planning Committee Meeting held March 26, 2018
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- 72 See Exhibit 1 – USB Key
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- 75 Minutes of Planning Committee Meeting held March 28, 2018
- 76 Facebook post of R. Kirwan, dated March 29, 2018
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- 82 See Exhibit 1 – USB Key
- 83 See Exhibit 1 – USB Key
- 84 Appeal to the Local Planning Appeal Tribunal, dated May 4, 2018
- 85 Email exchange between Mayor and Premier, dated Aug. 22, 2018
- 86 CBC – “Mayor on events centre: ‘Sudburians want the project done’, dated Aug. 15, 2018 and photograph
- 87 Letter from T. Fortin to G. Mazza, dated Nov. 26, 2018
- 88 Selection of news articles by R. Kirwan Articles re BIA
- 89 Sudbury Star - Why the Downtown BIA should be scrapped, dated May 24, 2019
- 90 Facebook post by M. Jakubo, dated June 2017
- 91 Report of the Integrity Commissioner, dated Sept. 3, 2019
- 92 See Exhibit 1 – USB Key

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Affidavit of Tom Fortin (cont.)

- 93 Selection of news articles by R. Kirwan

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Affidavit of Rowan Faludi (cont.)

AA Official Plan Amendment No. 88

4 Affidavit of Henry Vincenzo Goegan, sworn October 18, 2019

5 Affidavit of Stephanie A. Fleming, sworn October 22, 2019

- A** Minutes of the City of London Council Meeting held June 12, 2012
- B** Letter from the City of London to the OLG, dated June 21, 2012
- C** Minutes of the City of London Strategic Priorities and Policy Committee Meeting held Dec. 11, 2017
- D** Presentation titled "Welcome to Gateway Casinos & Entertainment", dated Dec. 11, 2017
- E** Letter from Jake Pastore of OLG to the City of London, dated Jan. 17, 2018
- F** Staff Report to the Strategic Priorities and Policy Committee of the City of London, dated Jan. 29, 2018
- G** Minutes of the Strategic Priorities and Policy Committee of the City of London held Jan. 29, 2018
- H** Minutes of the City of London Council Meeting held Jan. 30, 2018
- I** Letter from the City of London to Anna Lisa Barbon, dated Jan. 31, 2018
- J** Email from Anna Lisa Barbon to Jake Pastore of OLG, dated March 21, 2018
- K** Email from Jake Pastore of OLG to Anna Lisa Barbon, dated March 26, 2018
- L** Display Boards for Public Open House and Information Session
- M** Summary of Public Consultation Results: Public Comments on Social Media
- N** Summary of Public Consultation Results: Survey
- O** Staff Report to the Strategic Priorities and Policy Committee of the City of London, dated April 23, 2018
- P** Minutes of Meeting of the Strategic Priorities and Policy Committee of the City of London held April 23, 2018
- Q** Minutes of the City of London Council Meeting held January 30, 2018

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- P** Minutes of Meeting of the Strategic Priorities and Policy Committee of the City of London held April 23, 2018
- Q** Minutes of the City of London Council Meeting held January 30, 2018

6 Affidavit of Jeffrey MacIntyre, sworn October 18, 2019

- A** Letter from Prime Real Estate Inc. to Sudbury, dated June 26, 2017
- B** Minutes of City Council Meeting held Nov. 24, 2015
- C** *Modernizing Lottery and Gaming in Ontario*, dated March 12, 2012
- D** Minutes of City Council Meeting held May 15, 2012
- E** Staff Report on City of Greater Sudbury Submission to OLG for Casino RFP, dated Aug. 2, 2014
- F** Presentation to City Council, dated Aug. 14, 2012
- G** Minutes of City Council Meeting held Aug. 14, 2012
- H** Open house presentation on "Potential Casino Development", dated October 10, 2012
- I** Schedule of payments in respect of capital donation
- J** Facebook Messenger communication between J. MacIntyre and R. Kirwan, dated June 28, 2017
- K** News articles and Facebook posts from Councillor Kirwan in respect of BIA
- L** Facebook post by Councillor Kirwan, dated May 18, 2018
- M** Agenda of City Council Meeting, dated July 9, 2019
- N** Letter from BIA to Gordon Petch, dated August 2, 2019
- O** Complaint from BIA to Integrity Commissioner
- P** Email from J. MacIntyre to G. Petch, dated September 16, 2019
- Q** Agenda of City Council Meeting, dated September 24, 2019

**THIS IS EXHIBIT "67" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Date: March 12, 2018

STAFF REPORT

Applicant:

1916596 Ontario Ltd.

Location:

Part of PINs 73561-0282 & 73561-0264, Part 6 and Part of Part 11, Plan 53R-19391, Lots 9 & 10, Concession 4, Township of Neelon, Kingsway, Sudbury

Application:

1. To amend the [Official Plan](#) for the City of Greater Sudbury to provide a site specific exception to Section 4.5.1.1 to permit a place of amusement in the form of a casino within the General Industrial area.
2. To amend [By-law 2010-100Z](#) being the Zoning By-law for the City of Greater Sudbury by changing the zoning classification of the subject lands from "M1-1", Business Industrial to "M1-1(S)", Business Industrial Special to permit a place of amusement in the form of a casino and to provide exceptions to the required interior side yard setback and maximum height permitted.

Proposal:

The application proposes to amend the Official Plan for the City of Greater Sudbury and to rezone the property to permit a place of amusement in the form of a casino. A 7,696 m² (82,839 sq. ft.) casino, a 15 storey hotel and an outdoor plaza with approximately 825 parking spaces is proposed on the 6.96 ha (17.2 ac.) site contained by the loop formed by Streets A and C on the draft plan of subdivision. The site is proposed to have two points of access on east/west Street A and will have no direct access to the Kingsway.

The casino and hotel site is proposed to be immediately adjacent to a proposed 5,800 seat recreation and community centre project with approximately 1,250 parking spaces on an 11.96ha (29.56 ac.) site that is the subject of a separate rezoning application. The casino and hotel are proposed to be connected, via an enclosed pedestrian bridge, to the recreation and community centre and the projects will share an outdoor plaza referred to as "Festival Square" on the conceptual development plan. The applicant has provided the attached conceptual elevations of the proposed development.

Studies and submittals made with respect to the application and in the review of the application have been attached as Appendix # 2.

Casino Gaming Background:

In March 2012, the Government of Ontario and Ontario Lottery and Gaming Corporation (OLG) launched the modernization of Ontario's lottery and gaming industry. This initiative was launched in response to earlier direction from the Province, when OLG was asked to review its operations and determine how it might improve operational efficiency and market appeal to generate additional review to the Government of Ontario. The modernization initiative is intended, in part, to reconfigure the casino landscape, expand private sector delivery of gaming, as well as responsible gambling programs. Within this context, Greater Sudbury was identified as a site for expanded gaming opportunities.

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May 15, 2012

On May 15, 2012 City Council adopted motion [CC2012-166](#) respecting the implementation of the OLG Report Modernizing Lottery Gaming in Ontario. Council included in their motion, ...“that the City of Greater Sudbury will continue to support gaming and will continue to be a willing host for gaming as it evolves”...

August 14, 2012

On August 14, 2012 City Council adopted motion [CC2012-265](#) as follows:

That the City of Greater Sudbury adopt the following principles as the municipality’s position on potential casino development:

1. The City of Greater Sudbury welcomes the results of OLG’s Gaming Modernization Initiative and commits to working with the successful proponent of the forthcoming Request for Proposals;
2. The City of Greater Sudbury encourages gaming facility investment proponents to maximize benefits to the community by identifying and developing opportunities for ancillary and complementary amenities as part of their proposal;
3. The City of Greater Sudbury may consider the sale of municipal property or a gaming facility based upon the proponent’s commitment to develop ancillary and complementary amenities which benefit the Greater Sudbury community;

FURTHER THAT staff be directed to convey this information to OLG for their information and uses as part of the Request for Proposal for the Sudbury Gaming Zone;

AND FINALLY THAT staff be directed to initiate an open house information session to seek public input on casino development in the four areas identified in the report dated August 2, 2012 from the General Manager of Growth & Development.”

The August 2, 2012 [report](#) from the General Manager of Growth and Development identified four areas of interest for casino development, which were described as, “South End”, “Kingsway East”, “Sudbury Downs” and “Downtown Sudbury”.

In accordance with the August 14, 2012 direction from Council, an Open House was held on October 10, 2012 attended by approximately 200 people with 450 responses provided at the meeting and on-line. The [presentation](#) to Council on February 26, 2013 included a summary of the public consultation and the general responses received from the public.

February 26, 2013

On February 26, 2013 City Council, adopted motion CC2013-71, as follows:

WHEREAS the Ontario Lottery and Gaming (OLG) has conveyed its intention to modernize its gaming infrastructure in Greater Sudbury and other communities in Northern Ontario;

AND WHEREAS the City of Greater Sudbury has confirmed its support for this gaming modernization as approved by City Council on May 15, 2012 and August 14, 2012;

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AND WHEREAS the OLG has asked municipalities for a better understanding of the expectations of the modernization process to inform the development of the request for proposal process and to share with potential bidders;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury adopt the following principles as the municipality's position on potential casino development:

- The City of Greater Sudbury requires gaming facility proponents to maximize economic opportunities to the community by working with local groups to develop ancillary complementary amenities as part of their proposals;
- These amenities may include, but not be limited to, a hotel, a convention or multi-use centre, a performing arts centre and/or an Ontario Hockey League-ready arena;
- That Council reaffirms its commitment to the four areas identified in the report dated August 2, 2012 from the General Manager of Growth and Development;
- That staff be instructed to convey these requirements to the OLG and continue its open, accountable and transparent process regarding the future of this project in Greater Sudbury."

December 13, 2016

On December 13, 2016 OLG announced Gateway Casinos and Entertainment Limited as the service provider for the Northern Ontario gaming bundle of casinos, which includes casino facilities in the City of Greater Sudbury, Sault Ste Marie, Thunder Bay, North Bay and Kenora.

August 22, 2017

On August 22, 2017 City Council considered a report from the CAO regarding the creation of an integrated site design strategy, financing plan and other matters. With respect to the principles set out in Council's February 26, 2013 motion, it is noted that the subject lands are considered to be located within the "Kingsway East" area, one of the four areas of interest identified by Council for casino development. In addition, Gateway Casinos and the applicant (1915695 Ontario Limited) have worked with the City in sharing in the costs of preparing the site plan concept for the arena and casino use as provided for in Council's resolution [CC2017-257](#) on August 22, 2017.

November 22, 2017

On November 22, 2017 City Council considered a [report](#) from the General Manager of Community Development on the site design strategy for the arena and casino uses. Council passed resolution [CC2017-330](#) accepting the Design Strategy for the Kingsway Entertainment District as outlined in the staff report.

The design strategy accepted by Council is reflected in the concept plan submitted by the applicant which includes a hotel use as part of the casino site, an enclosed pedestrian link between the arena and casino and an outdoor amenity area, referred to as "Festival Square" serving users of both the arena and the casino.

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Site Description & Surrounding Land Uses:

The subject lands are located on the north side of the Kingsway west of the intersection of Levesque Street and the Kingsway in the settlement area of the community of Sudbury. The community of Sudbury is the regional service centre for the City of Greater Sudbury and Northeastern Ontario providing a mix of employment and residential uses. The lands form a part of the City's employment area and are designated General Industrial in the City of Greater Sudbury Official Plan.

The subject lands are located in a draft approved industrial plan of subdivision referred to as the Jack Nicholas Business and Innovation Park, City file reference 780-6/10002. The plan of subdivision was draft approved on October 26, 2010, proposing a total of 33 blocks of land to the north of the Kingsway in the community of Sudbury. The subdivision is accessed via two proposed roads (Streets "A" and "C" on the draft plan) from the Kingsway.

The south western portion of the place of amusement site has approximately 240 m (787 ft.) of frontage on the Kingsway with another approximately 287 m (941 ft.) of frontage provided by Street "A" on the draft approved industrial plan of subdivision. The property encompasses approximately 6.96 ha (17.2 ac.) and is currently vacant and consists primarily of undulating bedrock. An air photo of the subject lands has been attached to this report. The lands are subject to the [Source Water Protection Plan](#), located within the Intake Protection Zone 3 of the Lake Ramsey Issue Contributing Area.

On the south side of the Kingsway, south and southeast of the subject lands, is a developed and growing area within the Sudbury community referred to as the Minnow Lake area which had a 2016 Census population of approximately 9,500 persons. There are six draft approved residential plans of subdivision and two draft approved industrial subdivisions in this area. Commercial and institutional uses are located in close proximity to the Kingsway and residential land uses are located further to the south.

Lands on the south side of the Kingsway, immediately south of the subject lands are zoned C2(52), General Commercial Special permitting multiple dwellings, retail uses, restaurants, offices or personal service shops and their related accessory uses, C2(75), General Commercial Special permitting a trade school offering transport training, storage for an institutional use; and offices and related accessory uses, and R1-5, Low Density Residential One. These properties are vacant, occupied by a trade school and additional uses, and occupied by a single detached dwelling respectively.

Land to the east, west and north within the draft approved industrial plan of subdivision are vacant and zoned "M1-1", Business Industrial, "M2", Light Industrial and "M", Heavy Industrial. There are two other draft approved industrial plans of subdivision in the area.

Neighbourhood Consultation:

The statutory notice of the public hearing was provided by newspaper along with a courtesy mail out to property owners and tenants within a minimum of 120 metres of the property and to those who requested notice. The owner was advised of the City's policy recommending that applicants consult with their neighbours, ward councillor and key stakeholders to inform area residents on the application prior to the public hearing.

The first public hearing on the application was held before the Planning Committee on January 22, 2018. The staff report considered at the first public hearing is attached for the Committee's reference along with the minutes of the meeting. At the first public hearing 17 members of the public spoke on the application. Comments provided by the public, received at the public meeting and in writing through the Clerk's office can be grouped into the following themes: consistency with the Provincial Policy Statement (PPS), conformity with the City of Sudbury Official Plan, environmental impacts, transit, traffic and accessibility issues, facility design, socio-economic impacts and the public consultation process.

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At the first public hearing, the Planning Committee resolved:

PL2018-16: THAT the City of Greater Sudbury receives the comments and submissions made at the public hearing on Files 701-6/17-9 and 751-6/17-24, as outlined in the report entitled "1916596 Ontario Ltd." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of January 22, 2018;

AND THAT staff complete their review of the applications and schedule a second public hearing on these matters before the Planning Committee when complete.

The motion carried and was ratified by Council on February 27, 2018.

This staff report will provide additional information with respect these themes with the exception of socio-economic impacts, as the socio-economic impacts of gambling fall outside of the scope of these land use planning matters.

The Planning Framework:

Council's decision on this land use planning matter must be consistent with the Provincial Policy Statement (PPS), conform to/does not conflict with the Growth Plan for Northern Ontario (Growth Plan) and conform to the City of Greater Sudbury Official Plan (Official Plan).

The PPS and Growth Plan indicate that they are to be read in their entirety and the relevant policies are to be applied to each situation; they are more than a set of individual policies. When more than one policy is relevant, consideration should be given to all of the relevant policies to understand how they work together. Similarly, the Official Plan for the City of Greater Sudbury provides a policy framework for the implementation of a wide range of land use planning policies that require consideration when evaluating multiple facets of a development application.

Provincial Policy Statement

The PPS was issued under Section 3 of the Planning Act and came into effect on April 30, 2014.

The following polices of the PPS are relevant to the application:

Policy 1.1.1, relating to sustaining healthy, liveable and safe communities;

Policy 1.1.2, relating to land availability;

Policy 1.1.3, relating to settlement areas;

Policy 1.2.6, relating to land use compatibility;

Policy 1.3, relating to employment;

Policy 1.6, relating to infrastructure and public service facilities;

Policy 1.7, relating to long-term economic prosperity;

Policy 1.8, relating to energy conservation, air quality and climate change;

Policy 2.1, relating to natural heritage; and

Policy 2.2, relating to water.

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These policies are included in Appendix 3 for the Planning Committee's information and will be referenced throughout the remainder of this report.

Growth Plan for Northern Ontario

The Growth Plan was prepared and approved under the Places to Grow Act and came into effect on March 3, 2011.

The following policies of the Growth Plan for Northern Ontario are relevant to the application:

Section 2.2, relating to existing and emerging priority economic sectors;

Section 2.3.10, relating to tourism;

Section 4.2, relating to long range planning for all communities; and,

Section 4.3, relating to economic and service hubs.

These policies are included in Appendix 3 for the Planning Committee's information and will be referenced throughout the remainder of this report.

Official Plan

The Official Plan was adopted on June 14, 2006, approved by the then Ministry of Municipal Affairs and Housing on March 7, 2007 and upheld by the Ontario Municipal Board in an April 10, 2008 decision.

The following policies are relevant to this application:

Section 2.1, relating to pattern of development;

Section 2.2, relating to defining the urban structure;

Section 4.0, relating to employment areas;

Section 8.0, regarding water resources;

Section 9.0, relating to the natural environment; and,

Section 11.0, regarding transportation;

Section 12.2, regarding sewer and water; and,

Section 14.2, regarding community design.

These policies are included in Appendix 3 for the Planning Committee's information and will be referenced throughout the remainder of this report.

The Official Plan contains a holistic set of goals, objectives, and policies to manage and direct growth and change and its effects on the social, economic and natural environment of Greater Sudbury. All applications for rezoning are reviewed against the policies of the Official Plan. It is the policy of Council to ensure that zoning by-law amendments conform to the plan, and the plan indicates that it is the intent of Council to evaluate each rezoning application according to all applicable policies.

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The subject lands are designated “General Industrial” in the City of Greater Sudbury [Official Plan](#). A place of amusement in the form of a casino is a permitted use in the Official Plan’s Mixed Use Commercial Designation, Downtown, Regional Centres and Town Centres but is not expressly permitted in the General Industrial designation and thus the applicant has submitted an application to amend the Official Plan.

Zoning By-law

The Zoning By-law came into effect on September 29, 2010. [By-law 2010-100Z](#), the Zoning By-law for the City of Greater Sudbury implements the policies of the City of Greater Sudbury Official Plan by regulating land uses and built form throughout the municipality.

The subject lands are currently zoned “M1-1”, Business Industrial. This zone permits a variety of land uses, including hotels and restaurants, but does not permit a place of amusement and, as such, the applicant is requesting a rezoning to “M1-1(S)”, Business Industrial Special to permit a place of amusement in the form of a casino. The application requests an exception to permit a building height of 55 m (180.45 ft) in the M1-1 Zone where the maximum building height permitted in the by-law is 12.0 m (39.37 ft.). An additional exception to permit a minimum interior side yard of 0 m where the minimum interior side yard required in the by-law is 3.0 m (9.84 ft.) has been requested.

By-law 2010-100Z, the Zoning By-law for the City of Greater Sudbury defines a Place of Amusement as:

A commercial establishment where indoor facilities are provided for participatory entertainment and amusement activities, or where exhibits are displayed for gain or profit, and includes, without limiting the generality of the foregoing, a bowling alley, pool hall, billiards parlour, arcade or game establishment, pinball arcade and wax museum.

A place of amusement is permitted in the “C2”, General Commercial, “C5”, Downtown Commercial and “C5”, Shopping Centre Commercial zones. Sudbury Downs, the current location of the OLG Slots in Rayside Township has a site specific “OSR(2)”, Open Space Recreational Special zoning which permits wagering facilities and a gambling casino.

The parking standard for a place of amusement is 1 parking space for every 20 m² net floor area.

The maximum height permitted in the M1-1 zone is 12.0 m. The applicant has requested an exception to this by-law standard to permit a maximum height on 55.0 m.

The M1-1 zone requires an interior side yard setback of 3.0 m on at least one side of the lot. The applicant has requested an exception to this by-law standard to permit an interior side yard of 0 m. The applicant has requested that the site specific zoning permit the outdoor use referred to as the “Festival Square” as a permitted land use accessory to a place of amusement as the definition of place of amusement does not permit accessory outdoor uses.

Departmental/Agency Circulation:

The Nickel District Conservation Authority advised that they had no concerns with the application. Building Services, Environmental Planning Initiatives, Environmental Services and Transit Services have not indicated any objection to the application and provided additional comments for the information of the applicant.

Development Engineering has advised that municipal water services are available at the Kingsway for the development to connect to as part of the construction of Streets A and C in the subdivision plan and that water supply for the development should be sufficient. With respect to sanitary sewer services Development Engineering has advised that no additional upgrades are required to the linear collection

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system. The Levesque Lift Station is required to be upgraded and the City is in the process of issuing a Request For Proposal (RFP) for the upgrades which are expected to be completed in 2019. Storm water management can be finalized as part of the development of the review of the plans for the subdivision and at the site plan stage.

Infrastructure Capital Planning Services (Roads) have advised that sufficient parking can be provided within the subdivision lands to satisfy the needs of the arena. A single left turn lane is sufficient at Street "A" and Street "C" to accommodate the expected volume of vehicles that will be attending the site on event nights. Improvements to provide the turn lane are required in accordance with the current conditions of draft plan approval for the subdivision.

Water/Wastewater Services has indicated that a Risk Management Plan is required before the development application may receive final approval. These discussions are ongoing.

Detailed department and agency comments are attached in Appendix 1.

Planning Review and Considerations:

Municipalities in the Province of Ontario are required under Section 3 of the [Planning Act](#) to ensure that decisions affecting planning matters are consistent with the [Provincial Policy Statement](#) (PPS). The PPS acknowledges the complex relationships between environmental, economic and social factors in land use planning.

The PPS includes policies designed to build strong and healthy communities. These policies are intended, in part, to ensure that land uses are managed and directed to achieve efficient and resilient development and land use patterns.

The PPS states that healthy, liveable and safe communities are sustained by: promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; ... ; and promoting cost effective development patterns and standards to minimize land consumption and servicing costs (Policy 1.1.1 a) e)). These broad outcomes are further articulated in the PPS policies that speak to settlement areas, rural areas in municipalities and rural lands in municipalities.

Location

With respect to settlement areas, the PPS recognizes that the vitality of these areas is critical to the long-term economic prosperity of communities. The PPS states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted (Policy 1.1.3.1). The proposal is consistent with this policy as the site is located within the settlement area of the Sudbury community.

The PPS states that land use patterns within settlement areas shall be based on: densities and mix of land uses which efficiently use land and resources, are appropriate for, and efficiently use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion, minimize negative impacts to air quality and climate change, and promote energy efficiency, support active transportation, are transit-supportive, where transit is planned, exists or may be developed ... (Policy 1.1.3.2 a) 1-5). The proposal for a place of amusement in the form of a casino on the subject lands furthers the goal of providing a mix of land uses in this portion of the Sudbury community through the development of an employment land use on the subject lands, complementing the existing residential, commercial, and industrial land uses in the area. Further comments regarding infrastructure and public service facilities, active transportation, transit, air quality, climate change and energy efficiency are provided later in this report.

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The PPS states that new development taking place in designated growth areas should occur adjacent to the existing built up area and shall have compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (Policy 1.1.3.6). The proposal is consistent with this policy. It is adjacent to a built up, mixed use area to the south and southeast. There are also six draft-approved residential subdivisions and two draft-approved industrial subdivisions southwest and west of the site. Further comments regarding infrastructure and public service facilities are provided later in this report.

The employment policies of the PPS, contained in Section 1.3, speak to protecting and preserving employment areas for current and future uses. The proposed casino is an employment use, consistent with the PPS; the proposed casino will not result in the conversion of employment lands to non-employment uses.

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform/do not conflict with the [Growth Plan for Northern Ontario](#). The Growth Plan for Northern Ontario is “in part an economic development plan, an infrastructure investment plan, a labour market plan and a land-use plan” and as such, only select portions of the plan are relevant to this application for rezoning to permit a place of amusement in the form of a casino.

The Growth Plan contains policies that speak to community planning and design. These policies are intended to support community planning in Northern Ontario that balances the equally important priorities of human, economic and environmental health. These policies speak to long range planning in all communities, economic and service hubs, strategic core areas and regional economic planning. The City of Greater Sudbury can be considered an economic and service hub for the purposes of the Growth Plan.

The Growth Plan states that economic and service hubs should be designed to: accommodate a significant portion of future ... employment growth in Northern Ontario, function as service centres that deliver important region-wide public services to broader surrounding regions, and function as economic hubs linking Northern Ontario with other significant economic regions in Ontario (Policy 4.3.2). The proposal conforms/does not conflict with this policy. The proposed casino and hotel development will allow for the expansion and diversification of the employment base of the City of Greater Sudbury.

The proposal to locate a commercial land use within the settlement area of the community of Sudbury adjacent to existing and planned development is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the pattern of development and urban structure policies of the Official Plan.

In terms of urban structure, the Official Plan recognizes three forms of settlement: communities, non-urban settlements, and rural and waterfront areas. The Official Plan sees communities as the primary focus of residential and employment growth. Within these communities, Sudbury is the regional service centre for the city and region and is the main residential and employment centre (Sections 2.1, 2.2.1). In these respects, the proposal to locate a commercial land use within the settlement area of the community of Sudbury adjacent to existing and planned development is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the pattern of development and urban structure policies of the Official Plan.

Land Use

The application proposes to establish a commercial land use (casino) on the subject lands, which is within an employment area, although designated and zoned for industrial land uses.

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The Official Plan Amendment proposes a site specific amendment to add “place of amusement” as a permitted use in the General Industrial land use designation. The proposed development includes a place of amusement in the form of a casino and an outdoor plaza. The proposed hotel is permitted within the General Industrial land use designation. The proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for Northern Ontario.

The proposed development is located on lands designated General Industrial in the City of Greater Sudbury Official Plan and are located within the serviced community of Sudbury, consistent with the policies of Section 1.1 of the PPS. Municipalities are encouraged to support a mix of land uses within settlement areas. The PPS indicates, in Section 1.3.1, that economic development and competitiveness shall be promoted by providing for a mix and range of employment and institutional uses to meet long term needs and by supporting a wide range of economic activities and ancillary uses. The application conforms to Section 4.3 of the Growth Plan respecting Economic and Service Hubs. The City of Greater Sudbury can be considered an economic and service hub for the purposes of the Growth Plan. The Official Plan in Section 4.1 b. indicates that it is the objective of the employment area policies to ensure that a broad range of commercial opportunities be provided for residents, employees and tourists.

The lands are located within a draft approved industrial plan of subdivision within the community of Sudbury abutting another draft approved industrial plan of subdivision. It is anticipated that the existing development in the area and the development of the subject lands will contribute positively to the completion of this portion of the community in terms of encouraging continued development of employment and residential lands in the area.

The vision of the City of Greater Sudbury Official Plan, expressed in Section 1.2 of the Plan, is of a city that is open to business and strives to provide an economic environment to grow commercial and industrial enterprises and to attract new investment. The City’s Official Plan, adopted by City Council in June 2006 was informed by the City’s economic development strategic plan entitled “Coming of Age in the 21st Century. That plan, adopted in 2003, sought to embrace opportunities for investment and growth in the community.

The Official Plan’s Employment Area policies (Section 4.0) speak to ensuring that a broad range of commercial, institutional, industrial, and mining and aggregate sector employment opportunities are provided within the City. Further, in Section 4.1 of the Plan, one of the objectives of the employment area policies is to promote the development of underutilized or unused industrial lands like the subject lands which are within an undeveloped draft approved industrial plan of subdivision. The proposed site specific official plan amendment to permit a place of amusement in the general industrial area furthers the overall objectives of the employment area policies by allowing the expansion and further diversification of the employment base.

Other employment based land uses permitted in the general industrial designation, where the place of amusement is proposed, include offices, hotels, restaurants; commercial recreation centres and bulk retail outlets. These land uses are compatible with and serve to support other employment uses in the general industrial area; the proposed casino use is, similarly, anticipated to be compatible with other employment uses in the general industrial area. No other land use compatibility issues are anticipated, either with the proposed arena project on lands immediately to the east, or with existing land uses in the area.

The proposal to establish a commercial land use within an employment area is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the Employment Area objectives of the Official Plan.

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Transportation System

Infrastructure Capital Planning Services (Roads) have reviewed the traffic impact study and addendum prepared by Dillon for the applicant.

The traffic impact study has considered the traffic volumes to be generated by the casino, arena and employment uses in the area. Roads have advised that a single left turn lane is sufficient at Street "A" and Street "C" to accommodate the expected volume of vehicles that will be attending the casino along with the adjacent arena site on event nights. Condition of approval #15 on the industrial draft plan of subdivision currently requires that the owner agrees to participate in the cost of any improvements or upgrades identified in the Traffic Impact Study. The developer will be required to satisfy this condition before this phase of the subdivision will be permitted to proceed to registration. This is consistent with the PPS (1.3.1 d., and 1.6.1 b.) and conforms to the Official Plan (Section 4.4. 2.b).

Roads have indicated in their comments that they have concerns with respect to the amount of development that can occur in the balance of the industrial subdivision and the impact of that development on the City's road network. Condition of approval #15 on the industrial draft plan of subdivision currently requires that the owner prepare a traffic impact study to identify any roadway improvements or upgrades to traffic control required to accommodate the development. The condition also provides that the owner agrees to participate in the cost of any improvements or upgrades identified in that study. The developer will be required to do additional Traffic Impact Studies to satisfy this condition before further phases of the subdivision will be permitted to proceed to registration.

The Safety and Access policies of the Official Plan (Section 14.3) which addresses traffic speeds, pedestrian safety and barrier free access to buildings have been addressed, in part, in the Traffic Impact Study submitted by the project proponents and will be addressed through the site plan review process.

In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

Transit

The site is currently served by four transit routes including Routes 101 (Howey/Moonlight), 102 (Howey/Third), 241 (Howey/Moonlight/Shopping Centre) and 103 (Coniston). Route 101 operates at hourly intervals Monday through Saturday until 10 pm. Route 102 operates at hourly intervals (staggered with Route 101) during weekly peak periods. Route 241 is the "Sunday" service for Routes 101 and 102 and operates on hourly intervals. Route 103 services Coniston and operates every two to three hours, seven days a week. Routes 101 and 102 have a stop approximately 150 south of the Kingsway on Levesque Street. Routes 241 and 103 stop at the Kingsway/Levesque intersection.

The PPS requires that transportation and land use considerations be integrated at all stages of the planning process (Policy 1.6.7.5). The proposal is consistent with this policy. The proposed integrated site plan and Traffic Impact Study include transit considerations and the draft approved plan of subdivision can be serviced by public transit.

The proposal is also consistent with Policy 1.6.7.2 of the PPS, which requires that efficient use be made of infrastructure (including transit corridors and facilities). As indicated in the comments from Transit Services, the three urban routes (101, 102 and 241) that serve the site currently operate at an average capacity of 36 percent. It is anticipated that a proportion (approximately 5%) of patrons and employees of the proposal will rely on public transit. These additional riders will improve the efficiency of the existing service. Comments from Transit Services indicate that during event nights, transit service to the Event Centre can be enhanced by express shuttles to the Downtown and New Sudbury Shopping Centre transit hubs.

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Similarly, the proposal also conforms to Section 5.3.1 and 5.3.2 a) c) of the Growth Plan as it optimizes the capacity and efficiency of existing routes and meets the needs of the tourism sector, which is identified as an emerging priority economic sector.

Finally, the proposal also conforms to Section 11.3.2, Policy 7 in the Official Plan as public transit has been integrated into the long term planning for this Employment Area.

Infrastructure

The site is to be serviced through the construction of Streets A and C along with the associated municipal services in the draft approved plan of subdivision. Sanitary sewers, watermains and storm sewers are to be provided in the subdivision as required in the conditions of draft approval. The site is subject to a Section 391 Municipal Act Charge for water and sanitary sewer upgrades that the City undertook in 2007 and for future sanitary upgrades to be constructed that would benefit the subject lands.

Kingsway Sewer and Water Enhancements – Section 391 Municipal Act Charge February 28, 2007

On February 28, 2007 Council considered a report from the Acting General Manager of Infrastructure and CFO/treasurer respecting [Kingsway Sewer and Water Enhancements](#). Council adopted Resolution 2007-98 as follows:

The City proceed with the installation of new water and wastewater services along the Kingsway from Falconbridge Road to Moonlight Avenue, in conjunction with the 2007 road widening project, an estimated cost of \$2.565 million;

The City fund its share of this project (\$768,800) through the 2006 Water Capital Envelope and the 2008 Water and Wastewater Capital Envelopes;

Proceed with the necessary downstream upgrading works (estimated at \$3 million) as the projects are required, funding the city's share from the appropriate Capital Envelopes, and financing the recoverable portion through the Capital Fund;

Recover \$3.8 million, based on a 6% interest rate and a 20-year recovery period, through a Section 391 Charge, as outlined in Option 2 of the report dated 2007-02-21 from the Acting General Manager of Infrastructure and CFO/Treasurer and in the Hemson Report dated February 2007;

Collect these fees at the building permit stage for all new residential, commercial and industrial development in the catchment area; and

Have the Section 391 Charge By-law prepared for Council approval.

The Section 391 Charge By-law 2007-309F was enacted by Council on December 12, 2007.

The City's Water and Wastewater Policy and Water and Wastewater Rates and Charges in General and for Special Projects, By-law 2017-6, includes on Schedule F, the Section 391 Fee Schedule for the Kingsway Sewer and Water Project. The commercial /industrial fee from January 1, 2018 to December 31, 2022 is \$16.49 per m², increasing to \$22.06 per m² from January 1, 2023 to December 31, 2027.

The subject lands are located within the area benefitting from the installation of new sewer and water services along the Kingsway in 2007 and future upgrades to the Levesque Street Lift Station and downstream sanitary sewer upgrades.

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Wastewater

The 2007 cost estimates for the Levesque lift station upgrade was \$1,000,000 with the City's share being \$100,000 and \$900,000 to be recovered from Section 391 Charges. To date, the works associated with upgrading the Levesque Street Lift Station have not occurred as development in the catchment area of the lift station has not proceeded to the point where the upgrade has been required.

Based on the total peak sewage flow calculations provided by the applicant's agent, J. L. Richards, of 97.9 litres/second to be generated by the arena, casino and ancillary uses and the remainder of the lands in applicant's plan of subdivision, upgrades will be required to the Levesque lift station.

The 2007 cost estimates for downstream upgrades was \$1,990,000 with the City's share being \$435,520 and \$900,000 to be recovered from Section 391 Charges. In 2011 the City undertook improvements to Levesque and Rheal Streets including upgrades to water and sanitary sewers. The sanitary sewers were upgraded from 400 mm to a combination of 450 mm and 500 mm mains.

WSP on behalf of the City has reviewed the impact of the estimated 97.9 litres/second sanitary sewer flows to be generated by the proposed arena, casino and the balance of the applicant's industrial subdivision on the downstream capacity of the sanitary sewer system. Based on hydraulic modeling assessment, the sanitary sewer system has enough capacity to handle these new flows with no additional upgrades to the linear collection system. However, the Levesque Lift station, as previously identified in the development of the Section 391 charge, will need upgrades to remedy existing capacity deficiencies in terms of peak flows and to provide equipment upgrades. The upgrades will also account for new flows coming from the proposed arena, casino and the balance of the applicant's industrial subdivision. The City is in the process of issuing a Request For Proposal (RFP) for the Levesque Lift Station upgrades and it is expected that detailed design/Schedule B Environmental Assessment (EA) will be completed by the end of year 2018 with construction completed by the end of year 2019.

Water

Street A connects to an existing 300 mm diameter main on the north side of the Kingsway and Street C connects to a 200 mm diameter stub provided for the subdivision at the Kingsway/Levesque Street intersection. Both watermains were constructed by the City as part of the Kingsway Sewer and Water Project in 2007. The development is proposing to connect to the watermain to be constructed on Street A. Development Engineering has advised that the municipal water supply for the site should be sufficient provided that the watermain on Street A is sufficiently sized.

Water and Sewer Discussion

The proposed development is to be serviced by municipal sewer and water services consistent with Section 1.6.6.2 of the PPS which provides such services as being the preferred form of servicing in settlement areas. Consistent with Section 1.1.3.6 of the PPS, the proposed development will make efficient use of the investments in infrastructure that the City has already made in sewer and water along the Kingsway.

The proposed development conforms with the Growth Plan policies in Section 5.2.1 respecting the co-ordination of land-use planning and infrastructure investments. In this regard, the City has taken actions to provide water and sanitary services to the east Kingsway area, through the installation of services on the Kingsway in 2007 and the establishment of the Section 391 Municipal Charge and planned upgrades to the Levesque lift station and downstream sewers to accommodate the planned development in the area including on the subject lands. The proposed developments will contribute to the sharing of the costs of the installation and upgrading of the services.

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The Official Plan in Section 12.0 Utilities, Section 12.2.2 New Development Policy 1. Provides that:

1. Development in urban areas is permitted provided that existing and planned public sewage and water services have confirmed capacity to accommodate the demands of the proposed development. Alternatively, the proponent of the development will upgrade, at their own expense, the existing sewage and water systems to ensure adequate delivery and treatment facilities consistent with City standards, including adequacy of fire flows.

As set out in this report, a significant portion of infrastructure works included in the Kingsway Sewer and Water Enhancements have been completed, with the upgrades to the Levesque lift station expected to be completed in 2019.

In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

Water Quality

The subject lands are located within the Intake Protection Zone (IPZ) 3 of Ramsey Lake with a vulnerability score of 9 in the Greater Sudbury Source Protection Plan. A stormwater management pond is proposed to the east and south of the proposed arena and casino sites, which will also serve the applicant's industrial plan of subdivision.

Stormwater Management

Section 1.6.6.7 of the PPS provides that planning for stormwater management shall address various matters to prevent contaminant loads, minimizing changes in water balance and erosion, risks to human health, safety and property damage, use of pervious surfaces and promoting stormwater management best practices. Section 8.6 of the City's Official Plan includes policies which address storm water management and the requirement for a stormwater management reports for new development. The storm water management for the site will need to address the requirements of the Ministry of Environment and Climate Change (MOECC), respecting source water protection under the Clean Water Act, 2006 as this area is located with the Intake Protection Zone (IPZ) 3 of Ramsey Lake with a vulnerability score of 9 in the Greater Sudbury Source Protection Plan. As a result, storm water facilities in this area, must provide enhanced level water quality control and an additional 20 percent water quantity control in addition to the requirements for the MOECC Stormwater Management and Planning Manual.

The draft plan of subdivision on the subject lands includes conditions 18 and 19, requiring the preparation of a storm water management report and plan. Additional storm water management details will be finalized as part of the required site plan for the casino and arena development. The details of the stormwater management for the site will be finalized as part of satisfying the servicing conditions on the draft plan of subdivision, prior to registration and as part of the site plan for the casino and development plans for the arena.

Sourcewater Protection

The PPS addresses issues related to protecting, improving or restoring the quality of water in Section 2.2 of the PPS. Section 8 of the Official Plan, Water Resources, contains policies with respect to safeguarding drinking water resources (8.3).

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The applicant has submitted an application for Restricted Land Use Review Application for Section 59 Notice in accordance with the Greater Sudbury Source Protection Plan. On January 12, 2018 the applicant was advised that a Risk Management Plan (under Section 58 of the Clean Water Act) is required to manage the future threats related to the handling and storage of road salt, the on-site application of road salt, and the storage of snow. The Clean Water Act requires that decisions under the Planning Act conform to significant threat/condition policies identified in the Greater Sudbury Source Protection Plan.

Two significant threat policies, Sa3EF-RMP and Sa4E-RPM, have been identified by Water/Wastewater Services with respect to the subject lands; these threats are described as follows in the Greater Sudbury Source Protection Plan:

Sa3EF-RMP Where it could be a significant threat and where Policy Sa6F-SA does not apply, the application of road salt (existing and future) and storage of snow (existing) is designated for the purpose of Section 58 of the *Clean Water Act*, requiring risk management plans for those properties with exterior parking lots equal to or greater than one (1) hectare in area. Expansions to existing activities are permitted provided that the activity can be adequately managed.

All land uses except residential in the City of Greater Sudbury Zoning By-Law 2010-100Z are designated for the purpose of Section 59 of the *Clean Water Act* in the vulnerable areas where the application of road salt and the storage of snow could be a significant threat.

Sa4E-RMP The existing handling and storage of road salt is designated for the purpose of s. 58 requiring Risk Management Plans in the vulnerable areas where the activity is a significant threat. In the Ramsey Lake Issue Contributing Area, this policy applies to 0.5 tonnes of road salt and greater.

The risk management plan shall require at a minimum that a permanent structure be constructed to house the salt and/or sand/salt mixture. The structure will be constructed on an impermeable pad and drainage will either be treated (e.g. collected and transferred to an appropriate treatment facility) or directed to flow away from sources of municipal drinking water. If excess outdoor storage space is required, the sand/salt will be stored on an impermeable pad, covered by a tarp, and drainage will either be treated or redirected to flow away from sources of municipal drinking water. Expansions to existing activities are permitted provided that the activity can be adequately managed.

All land uses except residential in the City of Greater Sudbury Zoning By-Law 2010-100Z are designated for the purpose of Section 59 of the *Clean Water Act* in the vulnerable areas where the handling and storage of road salt could be a significant threat.

Dillon Consulting has provided the City with a Preliminary Report on the Risk Management Plan, (RMP), providing a summary of the components to be included and outlining best management practices for design and operation of the site that will be considered for application after additional details regarding the site are determined. The components to be included in the RMP are summarized below:

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1. The identification of traffic areas and sensitive features that may provide an opportunity for increased infiltration of salt into the subsurface or that may need to be protected.
2. The identification of snow storage areas and the transport of snow from these areas to approved snow dump facilities.
3. Consideration of alternatives to the use of road salt, or lower sodium concentrations, such as the application of sand, where it is safe and effective to do so.
4. Engineering measures, such as on-site grading and the location of roof downspouts to reduce ice formation and the use of fencing and vegetation to minimize snow drifting.
5. A winter operations plan with measures to minimize the use of road salt including details on the amount of salt to be stored on-site, the maintenance and washing of snow removal equipment to occur offsite, monitoring of weather conditions to remove snow quickly after snowfall events, and limiting the use of road salt.
6. On-going monitoring and management through logging winter maintenance activities including the amount of road salt used and the creation of a baseline winter maintenance conditions at the site to identify opportunities for improvement.

Planning staff note that the Preliminary Report on the RMP provides an overview of the components to be considered in finalizing the RMP. The discussions regarding the Risk Management Plan are ongoing.

It is recommended that the amending by-law include an "H" Holding provision restricting the use of the subject lands to those uses which legally existed on the date the by-law applying the "H" Holding symbol is enacted.

Holding Provision

In order to ensure a Risk Management Plan has been accepted as part of the planning approvals that services are adequate before development, the use of a holding provision is recommended. Policy 20.5.4 of the Official Plan provides for the use of holding symbols (H) in certain instances which include:

- i. when certain details of development have not yet been determined, or where certain conditions of development have not yet been met such as, but not limited to, development or servicing agreement with the City;
- ii. when the level of community services and/or infrastructure is not yet adequate to support the proposed use;
- iii. where environmental conditions or constraints temporarily preclude development ; and,
- iv. where required studies have not yet been approved by the City."

The "H" Holding symbol may be removed by Council upon the Risk Management Official advising that a Risk Management Plan under Section 58 of the Clean Water Act has been submitted to his satisfaction.

Subject to the comments noted above, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

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Energy Conservation, Air Quality and Climate Change

The proposal for a casino and a hotel development, which is an employment land use, is located proximate to existing transit routes and will be designed to benefit from direct transit access, consistent with the PPS (1.8.1. c). The PPS promotes improving the mix of employment uses to shorten commute journeys and decrease traffic congestion (1.8.1 e.). The proposed development is located on lands designated General Industrial in the City of Greater Sudbury Official Plan and are located in close proximity to the Living Areas of the Sudbury community, consistent with the PPS.

The PPS promotes design and orientation which maximizes energy efficiency and conservation (1.8.1 f.). The proposed casino and hotel project will be built in compliance with the current Ontario Building Code requirements for energy conservation, consistent with the PPS. As part of the site plan approval process, the applicant will be encouraged to design the facility in accordance with LEED (Leadership in Energy and Environmental Design) standards.

Transportation Demand Management

Transportation Demand Management (TDM) is a term used to refer to a wide range of tools (e.g. policies, programs, services and products) that influence how, why, when and where people travel to make travel behaviours more sustainable. Within the context of this application, TDM means a set of strategies that result in a more efficient use of the transportation system, by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route or cost.

The PPS requires that existing and planned infrastructure be used efficiently, including through the use of transportation demand management strategies, where feasible (Policy 1.6.7.2). This policy complements other policies which speak to connectivity within and among transportation systems, land use patterns that support public transit and active transportation, transit and active transportation supportive land use patterns and infrastructure being provided in a manner that considers climate change while accommodating projected needs (Policies 1.1.3.2, 1.6.1, 1.6.7.3 and 1.6.7.4).

Similarly, the Growth Plan calls for transportation systems to be planned and managed to emphasize opportunities to optimize capacity and efficiency, enhance connectivity between transportation modes and reducing emissions and other environmental impacts (Section 5.3.2).

The Official Plan's public transportation and active transportation policies support these broad policy outcomes. The plan states that pedestrian walkways, intersections of major roads, and pedestrian access systems are integrated with transit stops and connected to trail systems (wherever possible) (Section 11.3, Policy 6). The plan also requires that development proposals be reviewed to ensure adequate pedestrian access and bicycle facilities, required sidewalks on one side of local roads and two sides of collector roads, high quality pedestrian connections to public transit, pedestrian connections to major attractions/generators (Section 11.7 Policies 2, 5).

The subject site is served by public transit. There is a sidewalk along the east side of Levesque Street, which connects to Bancroft Drive. There are bicycle lanes on Bancroft Drive, which form part of the Ramsey Lake Cycle Tour.

Given the location, it is anticipated that the majority of transportation trips to and from the site will be automobile trips. The proposed integrated site plan includes a number of design features intended to influence travel behaviour including: prioritized car pool parking for the proposed event centre; a "looped" driveway that would provide prioritized transit access to the proposed Event Centre and Festival Square;

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prioritized transit egress from the looped driveway; and pedestrian crossings across Street A. City Council's previous approval of the draft plan of subdivision includes conditions that require the owner to construct Streets A and C to an urban standard (including sidewalks) and a sidewalk along the north side of the Kingsway to connect Streets A and C. The provision of bicycle parking is required by the Zoning By-law and implemented through the site plan process.

The Traffic Impact Study Addendum dated March 9, 2018 has identified several Transportation Demand Management (TDM) measures related to events at the arena to help ensure that a minimum of 5% of event goers utilize transit. However, the study did not provide details about how these measures would be operated and what the financial implications would be. With over 2,200 vehicle trips expected to be generated from a sold out OHL game, a small increase in the percentage of event goers utilizing transit will result in a significant reduction in the number of vehicles traveling to the site. It is recommended that a detailed TDM plan be developed for the arena to determine the details of the identified TDM measures and potentially identify additional measures to be implemented during the operation of the event site. These discussions are ongoing.

Holding Provision

In order to ensure that Transportation Demand Management has been addressed before development proceeds, the use of a holding provision is recommended.

The use of an "H" holding provision limiting the use of the property until such time as the Transportation Demand Management Plan has been submitted to the satisfaction of the General Manager of Growth & Infrastructure in conformance with the policies in Section 20.5.4 of the Official Plan is appropriate.

In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

Natural Environment

The PPS prohibits development and site alteration in significant wildlife habitat, habitat of endangered and threatened species (except in accordance with provincial and federal requirements) and on adjacent lands, provided certain conditions have been met (Policy 2.15 d., 2.1.7 and 2.1.8). These outcomes are reiterated in Section 9.2.2 of the Official Plan.

The applicant has submitted correspondence from the Ministry of Natural Resources and Forests dated September 23, 2015 indicating that the Ministry has determined that activities associated with development of the site have a low probability of contravening the Endangered Species Act for Blanding's Turtle and Whip-poor-will.

In these respects, the proposal is consistent with the PPS, conforms/does not conflict with the Growth Plan and conforms to the policies of the Official Plan.

Site Plan Control

The City's Site Plan Control By-law 2010-220 designates the whole of the municipality as a site plan control area under Section 41 of the Planning Act and excludes specific zones from being subject to site plan control. Lands zoned Industrial that are located more than 152.4 m (500 feet) from the nearest residential zone and from the nearest Municipal Road (designated with an "MR" number) or Provincial Highway are excluded from site plan control.

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The proposed casino and associated parking would be subject to site plan control as they are located on lands within 152.4 m of lands zoned Residential to the south of the Kingsway and the lands about the Kingsway which forms part of Municipal Road 55.

The Official Plan contains policies with respect to the Community Design (Section 14.2), Built Heritage and Natural Environment Feature Integration (Section 14.4), and Design Features, Views and Corridors (Section 14.5). Review for compliance with the policies will form a part of the City's review of the development project, through the site plan control process. Compliance with the barrier free access policy will be addressed through the City's review of the development project through assessment of both on-site and off-site accessibility and will be integrated with the building design as required by Building Services through their review of the permit drawings for the facility.

The proposed development is adjacent to a landfill site and periodic nuisances should be expected and considered in the design of the site, especially the proposed hotel. The lands are currently zoned for industrial uses and the proposed uses are not expected to pose land use conflicts with the landfill site.

Zoning By-law Standards

The applicant's sketch indicates that all of the parking required by the proposed casino and hotel project can be provided on the subject lands; no exception to the parking standard has been requested or is required.

As noted previously, the maximum height permitted in the M1-1 zone is 12.0 m and the applicant has requested an exception to this by-law standard to permit a maximum height of 55.0 m to accommodate the proposed hotel building. Given the location of the hotel no adverse impacts to adjacent residential land uses with respect to shadow/shade are anticipated. No adverse impacts related to the height of the proposed hotel on other proposed land uses in the industrial subdivision, including the proposed arena, are anticipated.

The applicant has requested an exception to this by-law standard to permit an interior side yard of 0 m in order to permit the proposed enclosed connection between the arena and the proposed casino and hotel project located on lands immediately to the west of the subject lands.

Planning staff are of the opinion that relief requested is appropriate within the context of the area and in keeping with the purpose and intent of both the Zoning By-law and Official Plan.

Conclusion

The proposed Official Plan amendment and rezoning applications are considered to be consistent with the Provincial Policy Statement, in conformity with the Northern Growth Plan and in conformity with the relevant sections of the City of Greater Sudbury Official Plan. The applications represent good planning and are in the public interest. There do not appear to be any adverse impacts that will result from the approval of the applications, and they are therefore recommended for approval subject to the conditions noted in the resolution section of this report.

**THIS IS EXHIBIT "68" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**


A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

**THIS IS EXHIBIT "69" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Robert T. Kirwan shared a link.



Admin · March 13, 2018

"I'm not an economist. You can only have a professional opinion in court."

Those are the words of Tom Fortin, who is heading up casinofreesudbury. He and Jeff MacIntyre, who is from the Downtown Sudbury BIA, introduced a report today that they intend to use in their appeal of the anticipated approval of the zoning applications that will allow construction to begin on the Kingsway Entertainment District.

And therefore, anyone who reads the information found in the report must understand that it was done so that the opponents of the Kingsway will have a professional opinion on their side when the zoning appeals are heard.

The people I have spoken with today tell me that this admission completely destroys any sense of integrity the report may have portrayed.

It was reported on MCTV News tonight that the study cost the opponents of the Kingsway Development \$60,000.

And so it makes sense that they would hire Mr. Gord Perch, a lawyer from Oakville who is a Member of the Board of the Downtown Oakville BIA. He has been described as a person who is passionate about the downtown business model. He makes an excellent choice a lawyer who would be able to argue the case for the downtown.

And then there is urbanMetrics. This is a company that has undertaken numerous downtown studies on behalf of municipalities and is another excellent choice to prepare a report that can be used in an argument to bolster an appeal by the opponents to the Kingsway Development.

When you have a chance to examine the report (a link is provided in the article below) you will not find any new information. The material in the report is basically a repeat of all the arguments that we have heard from the opponents to the casino and from the Downtown Sudbury BIA. What the opponents have done is reportedly pay \$60,000 so that they can say they have a professional opinion that mirrors what they have said all along. And, I ask, what would you expect the report to say when you pay \$60,000 to have it written to support your arguments?

It is painfully obvious that the opponents of the casino and the Downtown Sudbury BIA have a common objective: to prevent the Kingsway Entertainment District from going ahead. The casino is merely collateral damage. They know that if they can scare Gateway Casinos away, then they have a chance to change the minds of Council about building on the Kingsway.

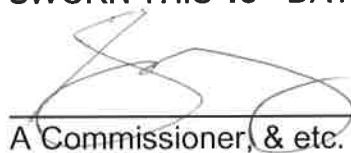
However, they have greatly underestimated the will of Council to proceed with the Kingsway Development on land that is owned by [Dario Zulich](#) and Perry Dellelce.

They have greatly underestimated the tremendous long term economic value of the library art gallery, the convention and performance centre, the new hotel that will go up downtown, Place des Arts, the Elgin Greenway, and the Sudbury Theatre Centre that this Council has committed to at the same time.

There is increasing public animosity towards the attempts being made by the casinofreesudbury group and the Downtown Sudbury BIA to destroy the momentum that we have built up during the past couple of years. It is time for the opponents to this development to back off and help this city prosper instead of trying to put up roadblocks.



**THIS IS EXHIBIT "70" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Location:	Tom Davies Square
Commencement:	4:35 PM
Adjournment:	8:45 PM

Minutes For the Planning Committee Meeting held Monday, March 26, 2018

Councillor McIntosh, In the Chair

Present	Councillors Lapierre, Jakubo, McIntosh, Landry-Altman Councillors Signoretti, Vagnini [D 5:45 p.m.], Montpellier, Kirwan, Cormier
City Officials	Ed Archer, Chief Administrative Officer; Jason Ferrigan, Director of Planning Services; Eric Taylor, Manager of Development Approvals; Robert Webb, Supervisor of Development Engineering; Alex Singbush, Senior Planner; Joe Rocca, Traffic and Asset Management Supervisor; Mike Jensen, Acting Director of Water/Wastewater Services; Ed Stankiewicz, Executive Director of Finance, Assets and Fleet; Adam Kosnick, Manager of Regulated Services/Deputy City Clerk; Christine Hodgins, Legislative Compliance Coordinator, Franca Bortolussi, Acting Administrative Assistant to the City Solicitor and Clerk; Renée Stewart, Clerk's Services Assistant

Declarations of Pecuniary Interest and the general nature thereof

None declared

Public Hearings

- 1 .. 1916596 Ontario Ltd. – Applications for official plan amendment and rezoning to permit a place of amusement in the form of a casino, Kingsway, Sudbury.

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated March 14, 2018 from the General Manager of Growth and Infrastructure regarding 1916596 Ontario Ltd. – Applications for official plan amendment and rezoning to permit a place of amusement in the form of a casino, Kingsway, Sudbury.

Paul Szaszkiwicz of Cumulus Architects and Karl Tanner of Dillion Consulting, agents for applicant 517 were present.

Alex Singbush, Senior Planner, outlined the report.

Alex Singbush, Senior Planner, stated that the request for the rezoning is for a place of amusement. Other uses are proposed in conjunction with this development including a hotel which is permitted on the lands. The applicant has requested an outdoor accessory space referred to as a festival square and some minor variance relief to setbacks to facilitate development on the property. The zoning by-law does not have a definition of a casino, though the by-law defines a use that is called a place of amusement. This use is defined as a commercial establishment where indoor facilities are provided for participatory entertainment and amusement activities. He believes this captures the definition of the proposed casino use. The only permitted recreational form being proposed for this application is in the form of a casino

Jason Ferrigan, Director of Planning Services, stated that in the first Public Hearing for these applications, there was substantial feedback from the community concerned about the social and economic impacts associated with the proposed use. There was an opportunity to discuss the social and economic impacts of this use when past Council was making the decision of whether or not the City wanted to be a willing host for expanded gaming. At that time, a public meeting was held and attended by over 200 individuals and 450 submissions received in relation to that matter. The concerns were taken into consideration by the past Council and the decision was made to include Sudbury as a site for expanded gaming in Ontario. He further stated that the lands have a vulnerability score of nine (9) in regards to source water protection, and this is based on a scale of one (1) to ten (10); one (1) being the least sensitive and ten (10) being the most. What this scale refers to is the amount of time it takes for the water and possible pollutants to migrate from the surface to the water. Nine (9) is characterized as being a sensitive scoring.

Mike Jensen, Acting Director of Water/Wastewater Services, stated that the Risk Management Plan states that snow will be removed on a frequency based on the amount of snowfall accumulated. There could be years where there is less snow than others. They could specify a certain amount in metric tons or centimeters of snow if necessary. He further stated that the policy is constantly being reviewed by risk management inspectors. If there is a threat to drinking water, it is something that the office proactively keeps an eye on in case there needs to be an adjustment made at that time.

Jason Ferrigan, Director of Planning Services, stated that the Risk Management Plan was prepared in order to allow for the Official Plan Amendment and Rezoning. The plan will continue to be refined if the applications are approved and as it goes through the Site Plan process. The lands are draft approved for a plan of subdivision, and the draft conditions for the approval speak to the owner preparing comprehensive stormwater management reports, together with geotechnical reports to inform the eventual detailed design and construction. The image before the Committee is a representation of what the site could look like but additional work needs to occur. They spoke to the project team regarding the location of the stormwater management facility. This site for the facility was selected for a variety of reasons. Firstly, it is a low lying area within the site and makes sense to place the facility in this location. 95% of this site drains into the Ramsey Lake area, a small portion of the site in the north eastern corner drains to a different watershed. There are a limited number of outlet locations for the stormwater to flow into Ramsey Lake. Therefore, if the stormwater management pond were to be moved elsewhere on the site, the outlet locations are still the same and the water would still be flowing to Ramsey Lake.

Mike Jensen, Acting Director of Water/Wastewater Services, stated that the Risk Management Plan identifies three (3) risk activities for the application of road salt. One of the activities is to put a minimal amount of road salt and use other traction material, minimizing the amount of salt that is necessary and use it only for safety related purpose during certain times of the year. A second activity is salt storage on site which is limited to 0.5 metric tons. Yellow totes could be located near entrances and doorways where staff can sprinkle salt as necessary. The third activity has to do with the storage of the snow, through the effective removal of snow which would have any residual salt in it. They would be mitigating the amount of salt being retained and going through the stormwater management facility. He believes the Risk Management Plan as it stands, prevents an excess amount of damage to the intake protection zone area. The current plan for the risk management facility does have an Environmental Compliance Approval (ECA) through the Ministry of the Environment and Climate Change. The ECA₅₁₇

has restrictions on the amount of discharge that can be released into the natural environment and at this time it does not include monitoring saline. In the third paragraph of the background of the report, they mention other special features in general terms. The Risk Management Plan did take into account the three (3) items that were threats to the drinking water. The other items listed were more for education purposes. They could possibly include a paragraph indicating that that they were considered but do not have implications at this time.

Eric Taylor, Manager of Development Approvals, stated that in respect to the 391 charge, it is a charge that Council has applied under the Municipal Act which goes with the sewer and infrastructure that was constructed back in 2007 along the Kingsway when sewer and water was brought to the area as part of the road expansion and widening. In 2007, Council passed a by-law that that set out a fee schedule for charging developments within the benefiting area to help recoup the cost of the sanitary sewer and water that was constructed and provide for future work downstream from the sewer on the Kingsway that would go the Levesque lift station. There were cost estimates identified at that time for upgrading the Levesque lift station which was estimated to be one (1) million dollars with the City's share being \$100,000 and \$900,000 to be recovered from the section 391 charges. The work associated with upgrading the Levesque lift station have not yet occurred as development has not happened to the point where the upgrade is required. There were also downstream upgrades estimated to be \$1,990,000 with the City's share being \$435,520 with \$900,000 to be recovered from the section 391 charges. There was additional work done in 2011, and the City undertook improvements on Levesque and Rheal streets, including upgrades to their water and sanitary sewers. The sizes of the sanitary sewers were upgrades from 400 millimetres to a combination of 450 and 500 millimetre watermains. It is important to note, because the sanitary sewage that will be generated from the subject lands would be going down those sewers on Levesque Street. The City has looked at the capacity of the downstream sewers and it has been determined that there is sufficient capacity for the proposed development. However, there is an upgrade that will be required of the Levesque lift station. The upgrades are expected to be completed by the end of 2019. The subject development going on this site, at the time of a building permit, will be required to pay the required fees under the section 391 fee charge. The current fee is \$16.49 per square metre of development. This fee is in effect until January 21, 2023, and will increase after to \$22.06 per square metre.

Mike Jensen, Acting Director of Water/Wastewater Services, stated that it is not that the province does not monitor salt, they have the Risk Management Plan that deals with salt. He indicated that they are not currently measuring saline at the discharge of the stormwater management facility. The source protection plan takes into account a number of threats to drinking water, some of the threats established are the application of road salt, storage of snow and storage of salt on site. There are 21 specific threats to the drinking water and these are three (3) that determine why it was necessary to build a Risk Management Plan in order to mitigate the threat.

Mr. Tanner stated that the application conforms and is consistent with the three (3) documents mentioned by Mr. Singbush. After hearing comments from the public and the administration during the Public Hearing in January, additional pieces of information were submitted. These additional submissions include an addendum to the original Planning Justification Report, a Sanitary and Capacity & Flow Analysis, a Transportation Demand Management Report and the Risk Management Plan. He further stated that they received a letter which updates the PWC report during site selection. It states that if applications for the casino and hotel had been submitted prior to finalizing the June 2017 report, it is likely that the Kingsway site would have scored higher in such categories as Economic Impact and Complimentary Development. They are in full support of the administration's position and recommendations to the Committee. He further stated that the stormwater management pond is located on the lowest point on the property and water is leaving the site from that point. By moving it to another location, it would not benefit a great deal. Should it be the Committee's will, they could re-evaluate the location.

Tom Fortin stated that he would like to quote excerpts from the Official Planning Documents. The Provincial Policy Statement states that the municipalities must "maintain, and where possible, enhance the vitality and viability of downtowns and main streets" and Greater Sudbury's Official Plan states the municipality is required to "examine the financial impacts of all major development projects to ensure they are financially sustainable". He would like to point out that the Provincial Policy Statement and the Official Plan have precedence over Council's decisions. They do not have a financial impact study as required by the Official Plan requirements because the casino was added two (2) weeks before the actual vote on the 27th and after the PWC report was prepared. A group of local businesses

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commissioned a report by Urban Metrics who are experts on Casinos. They have experience with Sudbury market being the main consultants for Science North, and do some consulting work with Dynamic Earth. He would like to outline three (3) findings from the report. First, the proposed Kingsway Entertainment District may not result in a significant number of new jobs. Casinos are very efficient at taking money from the community. For every \$1 million spent in casinos and associated amenities, 4.2 jobs are created. For every \$1 million spent in traditional restaurants/entertainment 10-12 jobs are created. This will result in 7 jobs lost for every million dollars diverted from our local businesses to a casino. A \$30 million increase in spending when converting the current slots into a casino will result in a loss of 2010 jobs in the community. Secondly, a casino would not significantly affect tourism to Sudbury, as it would draw the vast majority of its support from within the City. The available external population is only 28,000 compared to the millions for Southern Ontario casinos. The OLG has been very clear that people do not drive far to go to a casino. We are surrounded by casinos and the North Bay casino is likely to be built before Sudbury's. Third, additional revenues to the City from the proposed Kingsway Entertainment Project may not be significant. The expected increase in revenue for the City is expected to be from 1.45 Million to 1.7 Million dollars. Property taxes will be used to support other projects, however they will be used to pay for new infrastructure. Therefore, the money will not be available to subsidize other projects within the City. Council is the "decider" and must not exhibit bias to permit objective view of evidence from all parties. He believes that there have been many instances of bias on behalf of Council during the Planning process. The alternative to this casino is to encourage and enable our youth and keep revenue in local hands as this is the only path to a sustainable future.

Vicki Jacobs stated that one would rezone properties in an effort to build the best city possible. The staff report stated that a casino is consistent with the corporate strategic plan, that it will stimulate growth and increase conferences, sports and event tourism and cultural diversity. Additionally, it implies that rezoning this land for casino instead of industrial uses promotes economic development and competitiveness. Casinos do not improve a city's competitiveness or attractiveness to investors. They are more likely to have a negative effect and in particular make the City less appealing to young knowledge workers and creative people. Casinos do not stimulate growth they hamper it. Page one (1) of the staff report states that the purpose of a casino is to generate additional revenue to the government of Ontario, which is the case. The casino is not being generously bestowed on us for your own gain or amusement; it is Trojan horse, a "gift" from the province and Gateway Casinos laying siege on our economy causing financial and addiction hardship. She stated that anyone who lived in Greater Sudbury in 2012 knew that the casino operator was supposed to be providing the community with new amenities and not the other way around. Tying the casino to the community arena means that we will be using a municipal asset, our biggest recreational investment, to attract people to a gaming and gambling facility. Since these two (2) developments are being physically linked, she questions why they are being separated for the purposes of the land use discussions. The intent of the Provincial Policy statement is to ensure that land uses are managed and directed to achieve strong and healthy communities. She does not believe that a casino is an efficient and resilient development intended to achieve that purpose. It will benefit the Provincial Government, it will benefit Gateway Casinos, it will benefit the land owner but it will not benefit the citizens. It will not benefit businesses in Greater Sudbury or the Municipal Government. The City did not do a financial impact analysis on the Kingsway Entertainment District, therefore she relies on the Urban Metrics report which indicates a negative economic impact. She believes the planning report is straining to justify a Council decision that goes against all the great planning documents the City has previously realized. Municipal staff and the recent draft Official Plan seem to be moving the City forward into a modern community but a casino attached to an arena outside of the city core keeps us firmly rooted in the past. She suggests that the City hire a competent and independent consultant to undertake a systematic analysis of the casino and event centre to give the public a clear understanding of what is happening before the project moves any further.

Christopher Duncanson-Hales stated that he is speaking on behalf of 45 interfaith leaders that are opposed to the rezoning and the amendment to the Official Plan in order to allow for an expanded casino on the subject lands. As stated in the staff report, "the Official Plan contains a holistic set of goals, objectives, and policies to manage and direct growth and change and its effects on the social, economic and natural environment of Greater Sudbury" and that in the opinion of City staff, the applications "represent good planning and are in the public interest. There do not appear to be any adverse impacts that will result from the approval of the applications." Despite these assurances, the report goes on to dismiss, quote, "the socioeconomic impacts, as the socio-economic impacts of gambling fall outside of the scope of these land use planning matters." These matters were apparently

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covered in previous consultations but the consultation happened after Council had taken a vote on the casino. He questions how the consultation is effective after the vote has happened. The interfaith leaders who have added their names in opposition to this application represent diverse faith communities with unique perspectives, principles, sacred texts, traditions and teachings that form the basis of their opposition to expanded gambling. They are unified in their position that gambling is contrary to the ethical norms of traditions because it negatively impacts our communities and the wider public. The application before the Committee is not in the public interest. While the economic activity of land use may fall outside of the scope of land use planning matters, the location of certain economic activities on adjacent communities falls well within the scope of these land use planning matters. They are deeply concerned that the relocation and expansion of the casino to the Kingsway will have a serious and disproportionately negative impact on vulnerable communities in close proximity to the proposed Kingsway location. In a 2013 report on the health impacts of expanding casino gambling in Ontario, the Wellesley Institute concluded that people living in poverty are more likely to spend a higher proportion of household income on gambling and seniors living on fixed incomes and accumulated savings are at a greater risk of becoming problem gamblers. The proposed relocation of the casino to the Kingsway is within a 3 km radius of subsidized housing and less than 10 minutes by direct bus from the senior community of Finlandia Village. They are convinced by this and other evidence that this casino's relocation will contribute to family breakdowns, depression, addiction, bankruptcies and crime. The harm caused by the development of a full casino so close to these vulnerable communities is antithetical to their mission as faith traditions and will put a serious strain on their capacity to strengthen individuals, families and communities. Their faith traditions teach that the governments should maintain order, preserve justice and promote the common good. They believe that the government must take a stand to promote the values of education, hard work, social justice and the dignity of labour, and reject the illusion of easy money, for both individuals and public coffers. The governments should protect the most vulnerable in society from casinos that exploit human weaknesses and addictions. They call upon our governments to reject gambling expansion and reject this predatory industry as a solution to economic and fiscal problems. They strongly urge the Planning Committee and City Council to oppose the relocation of the Gateway casino to the Kingsway property of True North Strong. They further urge brothers and sisters in the faith communities to become informed about this issue and voice their opposition to expanded gambling to elected officials. They are not preaching to the choir but rather reminding municipal leaders that the choir votes.

Geoff McCausland stated that he moved to Sudbury a decade ago. Since moving here, he has grown to love the community and urges that they say no to casino. He read a powerful article published by the Atlantic in 2004 entitled "A Good Way to Wreck Local Economies: Build a Casino". One of the opening comments is "expect a casino to disappoint everyone involved; the City looking for tax revenues, the workers hoping for jobs and the investors expecting hefty returns". A 2013 report projected that a casino would take 59 to 100 million dollars a year out of Sudbury's economy based on revenue projections of 100 to 150 million dollars a year. More than half of the revenue would go to the provincial government and up to 6.6 million to the City of Sudbury. If this is the case, for every dollar leaving through the casino we would get 6 to 11 cents back. The slots already take approximately 50 million a year out of Sudbury's economy and we do not need to lose anymore. The math of casinos is simple, take a lot out of a community and give a little bit back. An exposé by the Fifth Estate found that as much as 50% of revenue for casinos comes from problem gamblers. We are quite despicably trying to pay for our health care and provincial bills with money taken from the most vulnerable. In regards to tourism, any tourists that go to the casino will stay at the casino, especially if it is at the edge of a town. They will spend their money to eat, get entertained and sleep there. This will benefit the casino/hotel complex and not much else in the community. To invest in a casino, especially one so far from local restaurants and businesses is to betray everyone who has invested in our community. When governments get addicted to gambling revenue it is the people and communities that suffer. For gambling to be profitable people need to lose. A new casino development would be morally suspect, financially detrimental to the City, puts the economy at risk, the people at risk and our drinking water at great risk.

Doug Allen stated that he is speaking in favour of the casino. The casino has done nothing but help the community. The casino that is proposed is in a perfect location and he would not want it downtown due to the lack of parking and snow removal. The casino on the Kingsway would be the perfect location and will benefit the City greatly. In the paper a week ago, it was stated that employees of the Sudbury Downs casino will lose their jobs. All those employees will get the first opportunity to work at the new casino. There will be job creation through the construction of this casino as there will be a need for many local contractors. Surely they may have look elsewhere for certain positions but the

majority of workers will be hired from the community. He is very much in favour of the casino where it is proposed. 521

Norm Eady stated that he is a local business owner and he has dealt with the Planning Department in the past during the development of pieces of land. He believes the Planning Department has done good work with this proposal; however, when he pursued his development, it took 10 years. He believes that the way the process is being pushed through is unfair to other developers. This shows the difference between trying to develop on your own versus a corporation taking on a similar type project. He is a catering owner and had the catering contract with the OLG slots, which he lost when he took his position for CasinoFreeSudbury. He stated that this is significant as it shows the constraints affiliated with casinos. Local business owners will lose business. When doing an internet search for Las Vegas, the top hits do not mention gambling. He went to Las Vegas a few years ago and enjoyed his time; however, it was due to the entertainment as he did not gamble. Individuals no longer go to physical buildings to gamble, many do it online. In fact, Las Vegas had to reinvent itself with food and entertainment due to the decline of gambling interest. He believes the City should be reinventing itself and does not understand why it is moving backwards. He stated that 80% of people he has surveyed, once they receive the relevant information they are not in favour of casino in Sudbury.

Richard Denton stated that he was born in Sudbury but has spent the past forty years living in Kirkland Lake, and at one time was a mayor there. He firstly would like to speak to the committee as a family physician informing that gambling is an addiction that will harm the individual gambler, their employment, family and community. Kirkland Lake gets their water from Gull Lake, where no houses are built near it, no boats on it, no sewer that run into it, it is a protected drinking water area. He cannot believe that we are allowing storm systems to run into the Ramsey Lake watershed. He currently lives in the south end and gets his drinking water from Ramsey Lake and is aware of the high salt content, and projections are increasing. When we look at the parking lot area being salted the rates will increase. There is no economical way of removing salt from the water. He inquired if other options were looked into. He inquired if the treatment areas will be overwhelmed by the spring run off. The municipality will be receiving a fraction of the money that citizens will be sending to Gateway Casinos and to the province.

Eric Legendre stated he is resident of ward 5 and he requested that the zoning permit for a casino be denied. Currently, 3% of the adult population has a gambling addiction, and in Sudbury that amounts to roughly 3,700 individuals. Studies show that those who live within a 50 kilometre radius of a casino have a 50% increase in the occurrence of problem gambling. A study in Windsor has shown that problem gambling jumped from 3.1% to 7.2% for those individuals within 15 kilometres of the casino. This statistic is an increase of over 100%. This fact would increase problem gambling numbers in Sudbury from 3,700 to roughly 8,000 people. This would mean thousands of families that will be negatively impacted by problem gambling. Currently, the slots facility in Azilda drains about 40 million dollars from the community in a year. With a full casino the number will increase to between 100 to 150 million annually. These are projections that have come directly from the OLG. The majority of individuals spending money at the casino will be locals, projected to be 80 to 90% of the local population. Meaning money that would otherwise be spent in the community will be spent at the casino. Seniors are especially vulnerable to gambling problems as they have disposable income and free time on their hands. Sudbury has an aging demographic with over 20% of the population being over 65 by 2020 when the casino is intended to open. He stated that almost all communities that have relied on casinos to be economic drivers have higher than average unemployment rates. In Ontario, Niagara Falls' unemployment rate is 8% and in Orillia it is 10.5%, while the provincial average is 5.5%. He inquired why unemployment rates are higher in cities with casinos. Casinos do create some jobs but they also make the community lose many jobs. Local businesses will close because disposable income is now being spent at the casino. He believes bringing a casino into this community will have devastating consequences that will affect the citizens for years to come. This is not the relocation of an existing facility as there is a significant difference between the existing slot facility and a full casino. He questioned why normalize gambling, and bring in a toxic establishment that will ruin lives and increase addiction. He does not believe that this is a wise investment and it will change the fabric of our community. He believes that there are other options, like a waterpark, that could benefit the community rather than harm it. He thinks this is a risky proposition and Council should rethink their decisions.

Cathy Orlando stated that her biggest concern is the socio-economic impacts. She stated that she is an environmentalist with a master's degree in physiology; therefore, she is also gravely concerned 521

about the water. She inquired if there has been a study that shows how long it will be before the salt 522 levels in the water get too high, how much it would cost to take the salt out and how the proposed casino would impact this issue. She is from Niagara Falls and left due to the casinos, but it made sense in Niagara Falls. An older adult in her family developed dementia, they did not get control of her finances until it was too late. Family members have been accused of stealing money from this individual. When it is said that a certain percentage of people are affected by casinos, there are also entire families behind those people, and it is difficult when the finances get destroyed. She further inquired if the thought leaders in the community have been polled to determine if they would leave should the casino be built.

Matt Labonte stated that the Provincial Policy Statement and the Northern Growth Strategy have been discussed in the staff report but he is confused with the information being portrayed. He stated that Finance Ontario had projections through to 2042 suggesting that there was negligible population growth for Sudbury. Since this Council has been sitting since December 2014, over 4,000 people have left the labour force according to Statistics Canada. A casino is considered a service, and most service jobs, unless they bring tourists in, do not create jobs, they rely on a base sector to drive them. Without anything else, there is not anything to support. The jobs created cannot be counted as a net gain if they are being viewed in isolation instead of the possibility that jobs are moving around back and forth throughout the City. If there is no growth because there are no jobs, we are not in compliance with the Northern Growth Policy. Sudbury's housing density is roughly 2.2-2.4 per household and has been declining since the 70s. The City is not growing and we are losing workers. He inquires where the future development is coming from, and are things simply being moved from one end of the City to another. He further inquired if this development would be considered in compliance if existing buildings are being torn down and we are developing land that has not been developed. As per section 110 of the Municipal Act, when it comes to the arena, any partnership between the City and a private corporation has to end at the arena. He inquired if Gateways Casinos would still want to continue this project if the arena and City were no longer involved.

Dorothy Klein stated that she is a registered nurse and she is speaking in favour of health and opposing the casino and entertainment centre as she does not believe it is appropriate for the area. She lives in a 3km radius of the proposed property. As a community nurse, she has seen the effects of addiction. She believes that the public has not been informed enough and an assessment of the environmental impacts this development will have on Ramsey Lake has not been thoroughly done. This development is located in the Ramsey Lake watershed. The report did not address the parking and it was stated that overflow parking would be on the streets in the adjacent subdivisions, which she does not believe is appropriate. She stated that governments issue permits for development, and it is the prerogative and right of the citizens and the community to give the permission. She believes that the permission of the community was not received. She offered to be on the committee when input was being given but she never heard from anyone. She is asking that the Committee look at democracy, they can give a permit but must get permission of the community. She is a senior and her family has lived here for over 100 years. She is passionate about Lake Ramsey and the water. She believes they are putting people at risk.

Chuck Jacobs stated that his purpose is to persuade Planning Committee members not to approve the development on the Kingsway. He stated that in this process facts and evidence based information has gone to the wayside. He questioned his Councillor over a year ago asking "what makes Sudbury different?" How can Sudbury develop outside of the downtown core when in other cities they have found that it does not work well? Ottawa and Moncton are moving their development downtown. The City of Windsor moved their development away from downtown and it has caused financial issues. He questions what makes Sudbury different that we do not need to invest in the downtown. Everyone else is infilling, the Official Plan and the Provincial Policy Statement state we should be infilling. What makes Sudbury different that we will be successful in doing things that history has shown in other areas is not successful.

Arthemise Camirand-Peterson stated that the square kilometres of Greater Sudbury is 3,200 of land space with a population of, according to the 2011 census, 160,274 residents. Toronto has 2,707 square kilometres of land space with a population of just over 2.8 million in 2016. Toronto has 9,500 roads or 52,999 square kilometres across the city to maintain according to the City of Toronto website. Greater Sudbury has 2,308 kilometres, 1,434 miles, of paved road to maintain. The gravel roads that are crucial to residents and industry, also need to be maintained. Infrastructure is crumbling and roads are constantly being dug up to repair broken mains and water pipes. Taxpayers demand better roads, 522

sidewalks, bicycle paths and services in Greater Sudbury. She inquired how could the City do this 523 without putting an extra burden on the taxpayers. She believes some of the issues could be addressed with the extra tax revenue from the two (2) complexes. She looks forward of the future of the recreation and community centre.

Cindy Bertolo stated that she works in the social services field and has experience with the vulnerable in society. Addictions and mental health concern her in relation to this application. She is confused by the definition of an amusement centre, she does not believe that going to a casino is the correct definition. The vulnerable in our society will find their way to this casino. She feels like she is being forced to accept a casino. The number nine (9) sensitivity for the water is a concern to her and she was surprised, as she was not aware of it prior to this meeting. Amusement to her is not a casino. She wishes the City would plan for better subsidized housing and people with financial struggles rather than a casino.

John Lindsey stated that back in 2012, there was a decision made regarding the establishment of casino in Sudbury which he has some doubts about whether there was public consultation prior to the decision being made, and this should be questioned. The article in the Sudbury Star with the headline "Challenging Time Bomb", addresses the elephant in the room referring to the very sensitive environment around the Lake. He is a member of the Minnow Lake Restoration Group, the Ramsey Lake Stewardship Group and the Greater Sudbury Watershed Alliance. The contents of the article in the Sudbury Star dealt with the findings of the public meeting that they held where a number of aquatic scientists expressed real concerns about the salt loading on our lake. Had the opportunity been presented for the Planning Department to present what would be seen as a "negative" report, it would have given Council the opportunity to weight the two (2) options. International studies have been done showing that casinos are not a good idea. It has been determined that 2-4% of the population are problem gamblers which represents roughly 5,000 people in Sudbury. He believes that we need to be aware of what we are doing to the problem gamblers in the way of families being harmed, financial hardship, suicides, etc. He stated that we are already aware of the consequences of problem gambling as we are aware of the harm the salt is causing to the lake that cannot be taken out of the environment. The City has spent over two (2) million dollars more this year than last year on salt for the roads. Any mitigation technique being considered will not significantly reduce the harm on our lake. Any decision regarding this application should be delayed until the report of the Provincial funded draft Ramsey Lake sub-watershed study is released. The H holding in the resolution should not be part of the approval process, they should be after the approval process. This is a very serious situation that needs to be evaluated more closely than it has been.

Recess

At 6:20 p.m. the Planning Committee recessed.

Reconvene

At 6:33 p.m. the Planning Committee reconvened.

Fiona Ferguson stated that the no casino movement is growing. Many communities have formed committees because they are not happy with the large casinos coming in and taking money away from the City. She stated that they have a petition with over 4,000 signatures of individuals opposing the casino. She stated that this is more signatures than Toronto has collected. One of the members of the Toronto No Casino Committee sent an email that stated many suicides happen near or inside the casino but cannot be traced because of the way the province tracks suicides by their home postal codes. She would rather plan an outing with her parents than send them to a casino as she does not see them as fun.

Peter Ridsdill stated that he would speak on the casino, he would like bring up the issue of salt. He worked for the ministry of transportation for 42 years. We should not blame the casino or a building for the salt. The biggest threat on Ramsey Lake is the railway that carries oil. If we ever had a derailment we can say goodbye to Ramsey Lake. He likes gambling and thinks gambling is fun. He gambles every day and does not run out of money, but is not a millionaire. He thinks the casino and new arena are great and looks forward to it.

Erin Danyliw stated that she volunteers in the community and spends all of her time reading reports for her various volunteer work. She does this volunteer work to improve our community to make it a 523

community that millennials want to live in. She wants Sudbury to represent the millennial values so 524 that the youth population stops dwindling. Millennials want to live in cities with vibrant culture, interesting local restaurants and shops. Cities that are walkable and whose policies care for the environment. Casinos do not align with millennial values. Casinos do not lead to vibrant cultures, they take entertainment spending away from the interesting restaurants that bring us to this City. This project does not align with the environmental values that millennials seek. This planning report gives no rationale as to why we should abandon the planning documents that show us moving into the 21st century. She does not understand why we should back peddle on the progress made, move away from bolstering the urban core, and why the land use planning decision should move us away from a city millennials want to live in.

Jeff Huska stated that when he looks at the decisions the City is making he looks at how it will benefit the City. He commends the change that Mr. Zulich is trying to make. When looking at a casino coming to Sudbury, he relates it to when he was young and no one in the neighbourhood had a colour television. A friend of his down the street got the first colour television and they would go to his house to watch it. Once other people in the neighbourhood started getting the colour televisions, the group at his friend's house grew much smaller. This is the same effect that the casino will have on Sudbury when cities in the surrounding area, such as North Bay and Sault Ste. Marie, have one. He questions where the draw will come from? When it comes to the casino he believes the economic impact will be more of a loss and a detriment than something beneficial.

Steve May stated that he is not here on behalf of his employer or any other organization, he is present as a citizen of Greater Sudbury expressing his opinion during this public process that is a requirement of provincial statute. In regards to the proposed applications before the Committee, he will first elaborate on economic development. The City's economic development strategy focuses on five (5) engines for growth. The best mining supply services in the world; a City of creative curious and adventurism providing a quality of life to attract diverse populations; one of Ontario's top four (4) tourism destinations capitalizing on natural assets and history to attract residents and visitors; a leader in health innovation and biotechnology; and a model for ecoindustry and renewable energy. These are all principals of the City's Official Plan. It can be noted that the development of a casino is not in keeping of any of the engines. The City's Official Plan does not include any policies regarding how and where a casino should be developed. Further, there is no reference at all of a casino in the City's Official Plan. "From the Ground Up" is the City's new Economic Development Plan and it does not identify a casino as a priority for economic development. He believes that this proves that the development of a casino is not related to economic development in any way. In absence of policy direction, it is City staff's recommendation to evaluate a casino as if it is a land use that is permitted in the Official Plan, even if the City's Official Plan does not permit a casino. Staff are silent on the socio-economic impacts of gambling, which is fine; however, the discussion is concerning a building where gambling will be primary modus operandi of the facility. The Provincial Policy Statement in section 1.1.C. states that "healthy, livable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns". Back in 2013, the Health Unit flagged Council in regards to the health and safety concerns related to the casino development and the City is washing its hands of its obligation under the Provincial Policy Statement to consider the health safety impacts on citizens prior to making a decision. Without an appropriate evaluation of the health and safety impacts of casino gambling, the application to relocate a gaming facility from a rural area to an industrial area in close proximity to significant residential areas is premature. Section 19 of the City's Official Plan has an objective, to implement the policies and programs of the Official Plan in a financially sound manner in conjunction with the City's long term financial plan. It further indicates that to ensure the long term financial sustainability of the City, monitoring of the long term financial plan to ensure the City's needs are met over the next ten (10) year period is also a requirement. He stated that the financial health of the City is a priority of the City's. The absence of a municipal fiscal impact analysis on how the proposed use will contribute or detract from the fiscal health of the City makes it premature to conclude that the use is appropriate in the City, specifically in the proposed location. The only financial oriented study is the one provided Urban Metrics. This study determines that the economic development impacts of the casino are overstated and are not likely to be achieved, especially when looking at how the casino will impact the downtown. It is clear that the City's Official Plan has never contemplated a casino. The plan has all sorts of policies for separation of land uses, aggregate extraction and manufacturing, and small scale home based businesses. However, it is silent on what some are calling "one of the most toxic land uses a municipality can ever contemplate", being a casino. He believes it is silent because the plan does not contemplate a casino in the City. We have the slots at Sudbury Downs, which is a 524

grandfathered land use. In the absence of Official Plan policies, it is inappropriate to simply add a new use to the Official Plan via an Official Plan Amendment. With regards to the zoning by-law there is no definition of casino or wagering facility in the City's comprehensive zoning by-law. There was a chance to review this in 2010, but it failed to contain any relevant definition of casino or wagering facility despite the fact that they are already referenced in the by-law with regards to the open space recreational zoning that exists in the Sudbury Downs. A place of amusement is not the appropriate zoning for a casino. A place of amusement, such as a bowling alley or an escape room, is something of a much smaller scale when looking at the parking requirements of the by-law. The zoning by-law where places of amusement are currently allowed restricts the number pinball machines that can be located in a facility, and also establishes a separation distance between schools and arcades. He stated that pinball machines are more of a menace than slot machines by this point. A casino is not an employment use, it is a monopoly as it is not in competition with other commercial activities. He stated the approval of the rezoning and Official Plan Amendment are effectively taking lands out of the general industrial cluster that exists in the area without a comprehensive review that is required by the Provincial Policy Statement. He refers to an email that was sent to Council in July of 2017.

Jeff MacIntyre stated that all over northern Ontario, casinos are being introduced by Gateway Casinos. There will be buffers all around Sudbury and there is no longer an incentive for tourism in regards to this casino. The largest casino close to Sudbury, Casino Rama, is now run by Gateway Casinos. Therefore, for them to bring people from southern Ontario to northern Ontario does not make sense because they would be driving by the other casinos and spending more gas. He has an issue with how the procedure of the application has unfolded as he does not believe that the event centre and the casino should be separate applications. It has been made clear by the City that this is the "Kingsway Entertainment District", not just a casino or an event centre. Further, it has been made clear by Councillors that these developments could not exist as stand alones; this casino is apparently the necessity for anything to ever happen in the community. The "magical" fund that is coming will pay for it all, even though they will be losing the tax revenues from Sudbury Downs and impact downtown. The City's Planning report has the PWC for the events centre attached to it. When something acts in the City's interest, they are a combined entity; and when it acts against the Kingsway Entertainment District's interest, they are separated. He believes putting them together is the worst possible thing that could be done. He stated that a casino next to a community centre is disgusting. At the last meeting someone spoke of how amazing it will be to have a nice community centre in New Sudbury, leaving out the fact that it would be attached to a casino. The projects are tied together. When it is presented by the community, the City or Councillors, it is presented as an entertainment district and that is not what is being talked about for this application. He believes large scale damage will be done to our current entertainment districts, to the downtowns across the City. He has been told by mining suppliers that this is the greatest stall to our development. These individuals need to attract the best and the brightest to our community and it is regularly said that we need a better downtown. The school of architecture students have spoken out and said how they are saddened by the development over the past few years. The style of development is outdated, massive big box development, which does nothing for community growth. He stated that the first vote Council made was the first mistake, because parking was placed before community development. It was decided that the most important thing was where we stored our cars and not how the community is developed.

Derek Young stated that he applauds Council for its vision back in 2015, when the floor was opened to look at ideas and big projects. He is a local arts/events promoter and is very involved in many community organizations. Over the last year, he has travelled across Canada and wonders why we cannot have some of the facilities that other communities have. A few weeks ago he was able to visit the western fair district in London, Ontario. There was a March Break family event happening in the area across from a casino attached to a community arena, by a pedestrian overpass. He further stated it was a great campus like atmosphere. This is the opportunity we have in Sudbury with this development. He believes that a casino can be part of an overall entertainment district. He does think the two can work together. He wishes Council luck on the important decisions ahead.

Howard Wideman stated that he is very impressed by everyone who has come to speak and hopes that the Committee has been listening. Further, he appreciates that the Chair pointed out the water protection for the drinking water. He has engineers in his family and he stated it is hard to get them to stay in Sudbury. Sudbury needs thinking people and not gambling.

Charles Tossell stated that he is an anti-poverty activist and will begin by outlining the concern of the vulnerable people. Casinos only help big municipalities and those near the United States' border. Local

businesses are going to suffer because people will no longer be spending their extra income on local retail but rather on the casino. He has never been to a casino and does not intend to. He has heard from many individuals that if one goes to the casino during the day, it is the most depressing thing you could ever imagine as only problem gamblers are present. There are three (3) sets of public housing units and Finlandia Village located near the proposed development, making the Hovey/Moonlight bus route the express to the casino for the individuals living there. This is concerning because the citizens nearby will end up losing their homes. There have been many news reports stating that building or relocating a casino to more popular areas, rather than more isolated areas, result in more problematic citizens. As a result, more police and justice department resources will be needed due to problem gamblers and the casino. This leads to multiple issues such as tenants not paying rent and getting evicted, home owners losing their homes, and couples arguing over their finances. It costs taxpayers \$1,100 per day for someone to be in the hospital which includes the Crisis Intervention Services Department at Health Sciences North. It costs taxpayers \$63 per day for someone to be in a psychiatric hospital such as the one at the Kirkwood site. It costs taxpayers \$140 per day for someone to be in Jail. It costs taxpayers \$69 per day for someone to be in a homeless shelter. It costs taxpayers \$31 per day for someone to be in supportive housing and \$25 per day for social housing units. He is also concerned about the travelling aspect to this development. It is concerning that the Kingsway will be gridlocked with having only two (2) directions to leave once a big event has finished. This site is limited to only eastern and western directions on Highway 17, whereas Downtown there are all four (4) directions available to leave. Transit services for this proposed development will cost the City. Including shuttle bus services, as it is not guaranteed that the casino will pay for these services. He is also concerned about the smell from the landfill. Whenever the wind comes from the north and it is humid in the summer, the smell travels to the moonlight area where he has had friends complain to him. He believes as a municipality we have more important things to do such as providing for more supportive, transitional and affordable housing. This would diminish the amount of homeless and panhandlers in the Downtown making it more appealing for the general citizens. He does not understand why we must create competition between this new event centre and the event centre downtown. He does not believe anyone is willing to pay over 100 million dollars for this development on the eastern part of town when the cost to build it downtown would be less. Building a casino will cause more homelessness; politicians should be focusing on building more accessible housing units and partnering with organizations such as the Canadian Mental Health Association and March of Dimes Disability Services.

Edouard Brunet stated that he had a few questions; he wonders if the slots in Chelmsford will close, why not just keep it in Chelmsford as it was chosen for a good reason. He further inquired if the application for rezoning is denied, will the casino be staying in Chelmsford? He stated that the Chelmsford site was chosen because they did not want it close to downtown and he wonders what changed. Pertaining to an article in the Sudbury Star, for the City to have received 2.2 million, from April 1, 2016, to March 31, 2017, how much money was generated at the Sudbury Downs in Chelmsford?

Greg Oldenburg stated that he is concerned about the private information known by the Councillors in regards to discussions pertaining to a hotel. The original proposal for this development was a much bigger plan. What the Committee has before them is not a much bigger plan but simply an arena and a casino. There is discussion that there is a hotel operator that is looking to come to this site, which has not been disclosed. If information is being promoted it should be disclosed to all members of the public. If the business plan for the casino falls apart due to the arena not being there, then it is not much of a business case. Casinos are lonely, desolate places when people are not in them, and he does not believe that there are enough people in the City of Greater Sudbury to allow for the successful operation of a casino to the extent that the City of Greater Sudbury is going to benefit. He asked that full disclosure be given of who the hotel operator will be and information that councillors have about a downtown hotel operator that will support the Synergy Centre and library/art gallery. He believes this information needs to be publically disclosed so that citizens have a better understanding of the proposed projects. He further stated that he does not see a transit plan that outlines everything that this property would need. There is a fair amount of information that is not being disclosed but heavily publicized and people's opinions are not being listened to.

Councillor Montpellier stated that as the Councillor of Ward 3, which includes the former town of Chelmsford, for obvious reasons he cannot support the staff recommendation to amend the Official Plan and change the zoning classification to allow for casino next to the City's landfill site.

Councillor Signoretti stated that he has listened to many comments from the gallery and individuals with various planning knowledge. He finds it disturbing that the process has been putting the cart before the horse. He believes it is bias to come to Planning Committee regarding the rezoning when colleagues have already made the decision on the location of the event centre/casino being on the Kingsway. Many have thanked him for what he is standing for. There is stigmatism that he is part of some "downtown group" this is not the case. He is simply standing for what believes is right for the community. Doing what is right for a community is not supporting the casino, as it sucks the money out of the community and gives back pennies on the dollar. The applications lack the social and economic impact of the development, and he believes it is disheartening that the Committee does not take these into consideration. There have been many discussions of Council pertaining to the need for intensification and infilling; however, this is another example of urban sprawl. Intensification is leaving the arena downtown, and the casino will find a place as the only reason they want to be on the Kingsway is because the citizens of Sudbury will be footing the bill for new infrastructure. There are many areas in Sudbury that are in need of new infrastructure and upgrades. These areas have manufacturers and business owners that bring money to the community and we are turning a blind eye to them because the developer has presented this grandiose plan. It was largely circulated, back in June, that the developer was paying for the development and it was not going to cost the taxpayers. The project has evolved; taxpayers are paying and the developer and casino operator are benefitting from the development. As an elected official, he cannot support this project because it goes against all the principals that he believes in, in a city that his children will grow up in. Millennials want to live in a place with walk ability and uniqueness, not urban sprawl. They will not walk to the Kingsway. There are already complaints about congestion of traffic on the Kingsway and Bancroft and it will only increase with this development. He hopes the Committee will be factual and base their decision on what is right for the community as it is not a done deal. 527

Councillor Kirwan stated that he would like to make it clear that he respects this process as a land use decision. There is a landowner in Greater Sudbury that has an opportunity to make an agreement with other business owners including the City of Greater Sudbury to develop a facility on his property. He has come with an application to amend the Official Plan and amend the zoning to allow for a place of amusement in the form of a casino so that it can be one of the elements to go into this facility. Planning staff are accredited professionals that belong to a national and provincial institution that does not allow them to make any kind of bias reports. They have examined the application that has come from other professionals who have put together the application, in accordance with the legislation that governs their profession. Staff has come to the conclusion that the application should be approved and the Committee will decide if it should be. This decision will then be presented to City Council on April 10, 2018. The report before the Committee has been developed in order to evaluate an application that has come from a business owner in the City. We need to respect staff's recommendation and their report. He has not heard anything that would make him think that staff has made an error in judgment in any way or that could be up held in an official court as being something that proves that the report should be overturned. He questions if the application was looked at by a third party, would they rule that it has met the required criteria? He is urging that his colleagues move to approve the recommendation and move it on to Council to make the decision.

Councillor Cormier stated that he thanks all members of the public who have come to address the Planning Committee and those who have sent emails. He looks forward to April 10, 2018, and the healthy discussion when this matter is brought forward to be ratified. He questioned why the Downtown Master Plan and the Economic Policy are not part of the Official Plan. Further, if these documents would fit into the new Official Plan as it is currently being reviewed. He further asked why the applications are being dealt with separately? The Master Plans, which are accepted by Council, should be official in some capacity and carry some weight. These are very expensive, time consuming documents which many individuals in the community have spent countless hours working on. If the Master Plans are not part of an Official Plan or cannot be, then the Master Plans should be given enough credibility that they carry weight in decisions such as this one.

Recess

At 7:33 p.m. the Planning Committee recessed.

Reconvene

At 7:50 p.m. the Planning Committee reconvened.

Mike Jensen, Acting Director of Water/Wastewater Services, stated that currently they are monitoring sodium levels in Ramsey lake, under the Ministry of the Environment and Climate Change guidelines, once every five years. But because it is a large concern for the Ramsey Lake Watershed, they take two (2) additional samples per year as part of the drinking water sampling program that the Ministry of the Environment has. The City's levels are slightly elevated over the 20 mg/L; he can provide more details through reports at a later date. The Risk Management Plan, as it relates to the current application to rezone, deals with the salt and snow removal and any salt storage on the site. The Source Protection Committee spent several years surveying, monitoring and getting hydro-geological sub-watershed studies to monitor the impact of the 21 threats to the drinking water and Ramsey Lake. There were three (3) specific threats identified in the report. There are a number of homes in the community surrounding the subject land that have the application of road salt. In the intake protection zone 2, which is adjacent to where the water treatment facility is, it has a risk management plan for the application of road salt. There are a number of Risk Management Plans a person can apply for to mitigate any threats to the drinking water. The Risk Management Plans are designed through science and hard facts. If the Risk Management Plans are properly applied for the application of road salt, salt storage and snow removal, it will mitigate the threat to the drinking water and to Ramsey Lake. There are a number of bodies that revisit the Risk Management Plans as well as the Source Protection Plan. The Nickel District Conservation Authority is heavily involved in the Source Protection Plan, as is City staff. He suggested that the Risk Management Plan from the consultant be revised on an annual basis to see if there are any changes and what the impacts are. Some of the points of discussion brought forward by the Chair were valuable and they will look into them further.

Jason Ferrigan, Director of Planning Services, stated that the Risk Management Plan is a regulatory tool that the City has to ensure that the threats to the drinking water are mitigated or eliminated to the extent possible. As any regulatory tool that the City would be using to impose on property owners, it would be the property owner's obligation to incur the cost to insure that their operations on the site are meeting the terms of the Risk Management Plan. He further stated that the application does conform to the Growth Plan for Northern Ontario. The Growth Plan for Northern Ontario, distinct from the Growth Plan for the Greater Golden Horseshoe, is about facilitating, encouraging and sustaining growth in northern Ontario. Whereas in the Golden Horseshoe Plan, it is about controlling the high rates of growth that they have. There was a statement made about the Ministry of Finance's forecast that suggests the City is not growing. When they did the Official Plan review many years ago, they did forecast population, job and housing growth within the community. The methodology used is different than the Ministry of Finance but is a professionally accepted methodology for projecting population and employment growth. In those projections, it was estimated that the number of jobs in the City would grow between 2,000 and 8,600 jobs over a 25 year period, depending on the type of economic development projects that are realized within the community. It is in their opinion that this application would help grow the number jobs in the community, particularly the casino application, as it would involve relocation from its existing facility in Chelmsford and would involve more employees on site. The board, when looking at these types of questions, has ruled that all jobs bear the same weight as they hold a value to the person who holds it and therefore has value to the community in which that person resides.

Ed Stankiewicz, Executive Director of Finance, Assets and Fleet, stated that in 2012, the City entered into an enhanced sharing agreement with the OLG from 5% to 5.25 %. The cheque presentation occurred last week and was for approximately 2.2 million dollars, which is 5.25% of the net revenues generated by the slots at Sudbury Downs. This equates to approximately 4.2 million dollars in net revenue.

Jason Ferrigan, Director of Planning Services, stated that the decision to locate gaming at Sudbury Downs in Chelmsford was a decision that was made in regional government times. At that time, the province had an initiative underway to pair gaming with the horse racing industry as a way of sustaining the industry. There was a discussion in the community of where a casino could be located in the community to encourage gaming. The community of Chelmsford said that they would be a willing host for a gaming facility in combination with the horse component. This is what led to the creation of the slots in Chelmsford today.

Mr. Tanner stated that the Chelmsford site will close once the facility relocates.

Jason Ferrigan, Director of Planning Services, stated that in his earlier comments he indicated that the Downtown Master Plan and Economic Development Strategy did form part of the Planning framework.

that they use to evaluate the applications. In phase one (1) of the Official Plan review, in accordance⁵²⁹ with the direction received from Council in 2012, they proposed recommended changes to the Official Plan to reflect the work that went into the Downtown Master Plan document. The decision regarding the document was deferred pending the receipt of additional information relating to the cost of growth study and rural in-fill policies. They intend to incorporate the recommendations of the Economic Development Strategy, which was created by the Greater Sudbury Development Corporation in consultation with the community, as part of the second phase of the Official Plan review. They do bring the Master Plans into the planning documents. Their analysis of the application is based on the plan in effect, which would be the plan adopted by City Council in 2006. It was approved by the Minister of Municipal Affairs and Housing with modifications in 2007. The document was appealed to the Ontario Municipal Board and upheld as being consistent with the Provincial Policy Statement in effect at that time, through a series of decisions beginning in 2008. He further stated that in August of last year, City Council received a report from the CAO regarding the approach to the integrated site plan and planning approvals. The City would work in partnership with the property owner together with Gateway on an integrated site plan to understand how the developments can relate to each other. When this work concluded, the City and the property owner would pursue their application and Gateway, working with the property owner, would pursue its application. Staff was directed to submit an application to allow a public arena on these lands, which explains why the applications are dealt with separately. The City staff report states that a casino is permitted in the municipality in various commercial zones including the downtown, regional centers, and the mixed use commercial designation. They are of the opinion that a casino does fall under the definition of a place of amusement as part of the zoning by-law. In the zoning by-law, the City's Chief Building Official is the named City officer who is responsible for interpreting matters related to zoning within the community. Many years ago when they were aware of the casino file being initiated by the province, there was consultation with the Chief Building Official to review the zoning by-law and it was determined that a casino is permitted within the place of amusement definition. Currently, a casino is permitted elsewhere in the City of Greater Sudbury. He further stated that they regularly entertain amendments to the City's Official Plan. The Official Plan presents a vision of what the City will look like in 20 years time and contains policies to guide both land use and infrastructure decision making. The Planning Act allows individuals to amend the Official Plan if there is a new idea that comes forward that may not have been contemplated at the time that the Official Plan was written. The zoning by-law is exclusionary in nature; an individual cannot use a property for any purpose unless expressly prohibited in the zoning by-law. All of the lands in the City of Greater Sudbury have rights associated with the parcels of land and people have the right to use the parcels in accordance with zoning by-law. The City of Greater Sudbury does not have a tree cutting by-law. The other regulatory tool that the City has to control site alteration is the site alteration by-law. If an individual is working on a property and is altering the grades beyond certain thresholds, they must come forward with engineered plans that demonstrate how they are proposing to change the grade of the property and what impact it will have on run-off to adjoining properties. He suggests that in the absence of the property needing a site alteration permit and a tree cutting by-law, a property owner is well within their rights to initiate those activities. The Ministry of Natural Resources has given the property owner permission to move ahead with site alteration and construction on the property in accordance with the Endangered Species Act. The memo from the Ministry of Natural Resources and Forestry is appended to the staff report for reference.

Mr. Tanner stated that the application still has to go through the Site Plan Control process at which time many details associated with the development are dealt with. He is certain that along with Planning staff, they will ensure that the stormwater management meets or exceeds the requirements of the City.

Jason Ferrigan, Director of Planning Services, stated that the existing draft approval has conditions pertaining to geotechnical reports, lot grading and stormwater management. In order to register the lots to facilitate development, those conditions need to be met to allow registration to proceed. If the Committee chooses to approve, those conditions are already in place and when meeting the conditions they always work to the highest possible standards as permitted under the law and regulations that they are given to work with. Another assurance is the Site Plan Control. It has been indicated that the Risk Management Plan is a living document and makes it so that the Committee can make a decision on the zoning knowing that the threats to source water and drinking water will be mitigated. He anticipated that the Risk Management Plan will evolve as they go through the Site Plan process. There are mechanisms in place to amend the Risk Management Plan as new details become available and as they move forward in other processes. They would look to the relationship between

the Risk Management Plan and the Site Plan to look for opportunities to amend the Risk Management Plan. 530

Mike Jensen, Acting Director of Water/Wastewater Services, stated that he is sure there is a methodology to determine the impact of the salt from this development versus what is currently put the roads. The information regarding the intake protection zones is available on the City's website through the source protection; there are maps that show the three (3) protection zones. The intake protection zone 1 is in the immediate area around the raw water of Ramsey Lake. The intake protection zone two (2) is another area immediately adjacent to where the intake for the water treatment plant is. The surrounding water bodies around Ramsey Lake are in intake protection zone three (3). These determinations were made by hydro-geological testing and the amount of water that are contributed to Ramsey Lake in the specific areas within those outlined areas in intake protection zones. He does not currently have the amount of salt applied in any given year, as it varies to the amount of salt supplied, the weather patterns, and the amount of sand/salt removal that occurs. There is a direct correlation on the amount of sodium that would go into Ramsey Lake through the intake protection zone. The contributing source of salt, if the Risk Management Plan is adhered to, will not have an adverse impact on the drinking water within Ramsay Lake. He does not have exact figures but should the Committee want to have more information they could request a report as exact numbers would require a study.

Jason Ferrigan, Director of Planning Services, stated that their regulatory approaches that are approved uses relative to the risk that are involved. The Source Water Protection Plan was a seven-year long effort, initiated in 2007 and the plan being approved by the Minister in 2014. It is an evidence based plan that was locally developed. There are three (3) regulatory tools that are available under the Clean Water Act used to help regulate or manage the risk to the drinking water. One of the tools is an outright prohibition on land use activities. The second, which is section 58, allows land uses to continue subject to the Risk Management Plan. The third is section 59 which is a flagging mechanism which brings individuals to a section 58 application. The Source Water Planning Protection Committee looked at this issue and came to the conclusion that this property can be developed subject to the provisions of a Risk Management Plan. They did not say that development on this property should be prohibited. He further stated that the staff report before the Committee recommends that the rezoning be approved subject to the "H" or the hold being placed on the property pending the submission of two (2) technical studies: the Transportation Demand Management Plan and the Risk Management Plan. The Transportation Demand Management Plan has to be submitted to the satisfaction of the General Manager of Growth and Infrastructure. The Risk Management plan is to be submitted to the satisfaction of the City's Risk Management Official, which is an individual that has been trained and certified by the province to help assess and understand these types of applications within these types of areas in communities across Ontario. When the report was written they did not have these pieces of information; therefore it is appropriate to use the "H" so that the Committee and City Council has an opportunity to make a decision on the land use question but reserves its judgment on the technical pieces of information in order to fully implement the zoning rights. The studies were submitted subsequent to the reports being written and received approvals from the necessary individuals. Therefore, it would be appropriate, should the Committee agree, to remove the "H" holding provision in the recommendation.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following resolutions were presented:

Resolution regarding Application for Official Plan Amendment:

PL2018-43 Jakubo/Lapierre: THAT the City of Greater Sudbury approves the application by 1916596 Ontario Ltd. to amend the Official Plan for the City of Greater Sudbury in order to provide an exception to 4.5.1.1. to permit a place of amusement in the form of a casino in the General Industrial area for the lands described as .Part of PINs 73561-0282 & 73561 0264, Part 6 and Part of Part 11, Plan 53R-19391, Lots 9 & 10, Concession 4, Township of Neelon as outlined in the report entitled "1916596 Ontario Ltd.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of March 26, 2018.

CARRIED

Rules of Procedure

With the concurrence of the Committee, the reading of the resolution was waived.

Resolution regarding Rezoning Application:

PL2018 44 Jakubo/Lapierre: THAT the City of Greater Sudbury approves the application by 1916596 Ontario Ltd. to amend Zoning By law 2010-100Z to change the zoning classification from "M1-1", Business Industrial to "M1-1(S)", Business Industrial Special to permit a place of amusement in the form of a casino on those lands described as Part of PINs 73561-0282 & 73561-0264, Part 6 and Part of Part 11, Plan 53R-19391, Lots 9 & 10, Concession 4, Township of Neelon, as outlined in the report entitled "1916596 Ontario Ltd.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of March 26, 2018, subject to the following conditions:

- 1.a) That in addition to the uses permitted in the M1-1 zone, a place of amusement in the form of a casino shall also be permitted.
- b) That an outdoor plaza shall be permitted as an outdoor accessory use to a place of amusement, and that no parking shall be required for the outdoor plaza.
- c) That a maximum building height of 55 m shall be permitted;
- d) That the streetline of the street intersecting with the Kingsway shall be deemed to be the front lot line.
- e) That a 0 metre interior side yard shall be permitted;
- f) That the amending by-law includes an "H", Holding provision restricting the use of the subject lands to those uses which legally existed on the date the By-law applying the "H", Holding symbol. The "H", Holding symbol shall only be removed by council upon:
 - i. The submittal of a Transportation Demand Management Plan to the satisfaction of the General Manager of Growth and Infrastructure.
 - ii. The submittal of a Risk Management Plan under Section 58 of the Clean Water Act to the satisfaction of the Risk Management Official
2. That prior to the enactment of the amending by-law the owner shall provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of the by-law.
3. That conditional approval shall lapse on April 10, 2020 unless condition #2 above has been met or an extension has been granted by Council.
4. That the City of Greater Sudbury's delegated official be directed to amend the conditions of draft plan approval for plan of subdivision File 780-6/10002, on those described as PIN 73561-0261, PIN 73561-0258 and PIN 73561-0264, Lot 9 and 10, Concession 4, Neelon Township, as follows:
 - i. That a new condition 41 be added as follows:

"41. The owner shall prepare urban design guidelines for the plan of subdivision, which shall provide recommendations respecting, but not limited to, building design and massing, building materials, landscaping, parking lot design, lighting, paving, fencing and signage, to the satisfaction of the Director of Planning Services."

Councillor Jakubo presented the following amendment:

PL2018-44A Jakubo/Lapierere: THAT the resolution be amended to remove condition 1 (f), which reads as follows:

"f) That the amending by-law includes an "H", Holding provision restricting the use of the subject lands to those uses which legally existed on the date the By-law applying the "H", Holding symbol. The "H", Holding symbol shall only be removed by council upon:

i) The submittal of a Transportation Demand Management Plan to the satisfaction of the General Manager of Growth and Infrastructure.

ii) The submittal of a Risk Management Plan under Section 58 of the Clean Water Act to the satisfaction of the Risk Management Official."

YEAS: Councillor Lapierre, Jakubo, McIntosh and Landry-Altmann.

CARRIED

The resolution as amended was presented:

PL2018-44 Jakubo/Lapierre: THAT the City of Greater Sudbury approves the application by 1916596 Ontario Ltd. to amend Zoning By law 2010-100Z to change the zoning classification from "M1-1", Business Industrial to "M1-1(S)", Business Industrial Special to permit a place of amusement in the form of a casino on those lands described as Part of PINs 73561-0282 & 73561-0264, Part 6 and Part of Part 11, Plan 53R-19391, Lots 9 & 10, Concession 4, Township of Neelon, as outlined in the report entitled "1916596 Ontario Ltd.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of March 26, 2018, subject to the following conditions:

1.a) That in addition to the uses permitted in the M1-1 zone, a place of amusement in the form of a casino shall also be permitted.

b) That an outdoor plaza shall be permitted as an outdoor accessory use to a place of amusement, and that no parking shall be required for the outdoor plaza.

c) That a maximum building height of 55 m shall be permitted;

d) That the streetline of the street intersecting with the Kingsway shall be deemed to be the front lot line.

e) That a 0 metre interior side yard shall be permitted;

2. That prior to the enactment of the amending by-law the owner shall provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of the by-law.

3. That conditional approval shall lapse on April 10, 2020 unless condition #2 above has been met or an extension has been granted by Council.

4. That the City of Greater Sudbury's delegated official be directed to amend the conditions of draft plan approval for plan of subdivision File 780-6/10002, on those described as PIN 73561-0261, PIN 73561-0258 and PIN 73561-0264, Lot 9 and 10, Concession 4, Neelon Township, as follows:

i. That a new condition 41 be added as follows:

"41. The owner shall prepare urban design guidelines for the plan of subdivision, which shall provide recommendations respecting, but not limited to, building design and massing, building materials, landscaping, parking lot design, lighting, paving, fencing and signage, to the satisfaction of the Director of Planning Services."

YEAS: Councillor Lapierre, Jakubo, McIntosh and Landry-Altmann.

CARRIED

Public comment was received and considered and had no effect on Planning Committee's decision as the application represents good planning.

Addendum

.. No Addendum was presented.

Civic Petitions

.. No Civic Petitions were submitted.

Question Period and Announcements

.. No Questions were asked.

Notices of Motion

.. No Notices of Motions were presented.

Adjournment

.. Jakubo/Lapierre: THAT this meeting does now adjourn. Time: 8:45 p.m.

CARRIED

Adam Kosnick, Deputy City Clerk

**THIS IS EXHIBIT "71" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

**THIS IS EXHIBIT "72" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

**THIS IS EXHIBIT "73" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

**THIS IS EXHIBIT "74" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

**THIS IS EXHIBIT "75" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Location: Tom Davies Square

Commencement: 4:32 PM

Adjournment: 9:46 PM

Minutes For the Planning Committee Meeting held Wednesday, March 28, 2018

Councillor McIntosh, In the Chair

Present Councillors Lapierre, Jakubo, McIntosh, Landry-Altman
Councillor Signoretti, Kirwan, Cormier, Reynolds

City Officials Ed Archer, Chief Administrative Officer; Jason Ferrgian, Director of Planning Services; Eric Taylor, Manager of Development Approvals; Robert Webb, Supervisor of Development Engineering; Alex Singbush, Senior Planner; Mike Jenson, Acting Director of Water/Wastewater; Joe Rocca, Traffic and Asset Management Supervisor; Adam Kosnick, Manager of Regulated Services/Deputy City Clerk; Franca Bortolussi, Acting Administrative Assistant to the City Solicitor and Clerk; Lisa Locken, Clerk's Services Assistant

Declarations of Pecuniary Interest and the general nature thereof

None declared

Public Hearings

- 1 .. 1916596 Ontario Ltd. - Application for rezoning to permit a recreation and community centre in the form of a public arena, Kingsway, Sudbury.

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated March 14, 2018 from the General Manager of Growth and Infrastructure regarding 1916596 Ontario Ltd. - Application for rezoning to permit a recreation and community centre in the form of a public arena, Kingsway, Sudbury.

Karl Tanner of Dillion Consulting, agent for the applicant and David Shelsted, Project Director for the Event Centre were present.

Alex Singbush, Senior Planner, outlined the report.

Alex Singbush, Senior Planner, stated that the only zoning for this hearing is the land use re-zoning for an arena. In terms of zoning by-laws, there are defined land uses. In this application, for Planning purposes staff used the definition of recreation and community centre in the form of a public arena.

Jason Ferrigan, Director of Planning Services, stated that the outdoor plaza is an accessory use of the property, and there are no parking requirements for accessory uses.

Alex Singbush, Senior Planner, stated that the applicant requested a maximum building height of 35 metres.

Jason Ferrigan, Director of Planning Services, advised that the Downtown Masterplan would not have any standing with respect to these applications. He is of the opinion that the Local Planning Appeal Tribunal (LPAT) would have the same view. He advised that Minnow Lake has approximately 9,500 residents within the community today. He also outlined the planned developments of subdivision that were previously approved by Council, and once completed the total number of residents will be close to 12,000 residents. He further stated that the comments regarding the Traffic Impact Study were provided by Mr. Rocca.

Joe Rocca, Traffic and Asset Management Supervisor, stated the initial study was submitted in December and we provided initial comments, as well as hired WSP to provide a peer assessment. An addendum was provided to the initial Traffic Impact Study. The comments regarding the initial study and the addendum outline all of the concerns.

Mike Jenson, Acting Director of Water/Wastewater Services, advised that in the draft Risk Management Plan, they discussed ways to prevent threats to drinking water. Best practices will be used in regards to grading so that a minimal amount of salt is used throughout any of the parking lots.

Robert Webb, Supervisor of Development Engineering, stated that the Storm Water Management Plan was approved in the location it is in now; however, it will need an amendment to relocate it to prevent encroaching on the proposed arena site.

Jason Ferrigan, Director of Planning Services, stated that when they review applications they look at other policies or laws that either the site or application engages, one of which is the Source Water Protection Plan. The application for the parking lot is greater than a hectare and there is a need to look at threats to drinking water from salt and snow. When the Draft Plan of Subdivision was approved, subject to zoning, it depends on the uses proposed for the lots. For this particular case, the need for a Risk Management Plan is triggered by the size of the parking lot. He further stated that there are new requirements from the province regarding the Ministry of Environment Climate Change Enhanced Protection and when the Draft Plan of Subdivision comes up for renewal, they will need to

look at conditions to ensure the new requirements are in effect to ensure that this development adheres to the current regulations.

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Mike Jenson, Acting Director of Water/Wastewater Services, stated that any concerns with phosphorus levels are in areas that apply fertilizer, such as agricultural areas. They are not anticipating a threat of phosphorous with this application and the Sourcewater Protection Plan does look at chemicals such as phosphorous. He further stated that it is quite cold in our northern environment to apply stratification to the storm tank. When we get further in development and see how large the storm facility will be, we will review best practices regarding stratification. He advised that concerns regarding the sourcewater will be addressed through the Risk Management Plan and the Source Protection Plan. They have studied over seven (7) to ten (10) years of what the impact is of road salt. They will have to take measures to protect the drinking water source. As well, in detailed design, they will need to ensure that other concerns are addressed as well through best practices. The Risk Management Plan as it is proposed now, and once the detailed design comes forward, they will ensure the best practice for snow removal so that there is not a substantial impact on the environment. He stated the environmental compliance approval process for stormwater management ponds requires sampling. There is not a requirement to measure for sodium or phosphorous. They will be measuring the total amount of suspended salt, as well as oil and grease. At the time of the environmental compliance approval application, they could look at best practices that they could work into the sampling regime. Once the storm facility has been constructed, all the sampling is the responsibility of the City's and maintained by city staff.

Eric Taylor, Manager of Development Approvals, stated that the lands to the north of the proposed development are zoned M3, which is heavy industrial and includes a wide range of industrial uses. The uses include such things as an auto body shop, lube shop, automotive repair shop, service station, building supply outlet, commercial garage, storage facilities, contractor's yard, convenience store, dry cleaners, salvage yard, commercial school or service trades, vehicle sales and rental, warehouse, food processing, fuel depot, gas bar, heavy equipment sales, rental impound yard, medical marijuana facility, public utility, public works or a scientific lab. A smelter would also be allowed but it would depend on whether the land size could accommodate this.

Mike Jenson, Acting Director of Water/Wastewater Services, advised that the introduction of the Risk Management Plan provides the steps the applicant has to take and the owners are responsible to report on an annual basis regarding the Risk Management Plan and effectiveness of the plan. At that point it can be adjusted if needed.

Jason Ferrigan, Director of Planning Services, stated that when a Draft Plan of Subdivision is approved, there are many conditions and they expire after three (3) years. When the plans are approaching the three (3) year date, the applicants often apply for extensions that are brought back to the Planning Committee. At that time, Planning staff can reflect on any changes that have come into effect and modify the requirements.

Dave Shelsted, Project Director for the Event Centre, and Karl Tanner of Dillion Consulting, provided an electronic presentation outlining the application.

David Shelsted, Project Director for the Event Centre, advised that they will be using pickled sand with calcium chloride as the salt portion. The Risk Management Plan addresses using other agents for deicing and they are investigating calcium chloride for use on high pedestrian traffic areas such as the main entrance. It does cost eighteen to twenty times the cost of sodium chloride and there are concerns of it being a more slippery substance and tracking into areas. They are willing to do a pilot project on calcium chloride as an alternative use.

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Rowan Faludi stated that he has been asked to look at the Kingsway Entertainment Centre from the perspective of an economist and an urban planner. He advised that he has done a considerable amount of work in the Sudbury area, and has seen amazing things that have been accomplished and what the City has become. Based on extensive research, the proposed Kingsway Entertainment Centre and the relocation of the downtown arena does not make economic sense. Downtown Sudbury is the city's and region's economic and commercial engine. Downtowns are the centres for culture and innovation, which attract workers and businesses to a new community. Cities with a neglected downtown core struggle to attract jobs and businesses. For these reasons, protection and enhancement of the downtown is a necessary commitment. The Sudbury community arena is a leading attraction downtown and supports major businesses. You cannot remove an important visitor attraction from downtown without major losses to the core. Negative impacts will be doubly worse for the downtown. PWC report rated the downtown as the preferred location for the new arena. He feels that an independent report should be done before relocating the arena to investigate what the economical consequence would be to the downtown area.

Ed Brunet stated that he is concerned with the holding pond and asked if it encompass the total area. He also would like to know what the total acreage of the casino and arena is versus the holding pond, and does it apply to any other developments? He asked if drainage from other developments are going through conduit pipes to the holding ponds and most importantly, where is the line located that effects the Ramsey Lake collection? He would like to see the holding pond located at the top of the property so that drainage could go towards the dump.

Gordon Petch, municipal lawyer retained by the Downtown BIA and Mr. Fortin, stated that there are considerable errors of law being made with these applications. The Planning Act requires that any decision must be consistent with the Provincial Policy Statement (PPS). The PPS also speaks to public health and the proposed arena will be connected to a casino, which is a social gambling issue and you must consider this and the economic impacts on the downtown. Not considering these impacts is contrary to the PPS. The growth plan for northern Ontario encourages, and wants to see community studies that have been completed. To advise that these reports have no weight in the Planning report is wrong and shocking. The transitional projects slated for the downtown cannot be supported in this City. We cannot support two (2) performing art centres and two (2) hotel and convention centres. The economic impacts have not been studied yet. Bad council decisions should not be brought on to future council and residents. Economic hardship in the downtown will cost a lot of jobs. Landlords will not maintain their buildings. Many downtowns have lost all retail anchors and are striving to bring in entertainment. He feels the public process is flawed. There was no commitment from the previous council. In June 2017, Council committed to the Kingsway site for the arena and immediately after the casino. None of these have been approved and they want Council to comply with the law rather than defer to a court order.

Fiona Ferguson stated that since there is neither a satisfactory Transportation Management Plan, especially given the increase in residential and industrial land or Risk Management Plan, this application for rezoning should be rejected. The light industrial land should be reserved as such as there is not enough service land. She feels we should be improving the downtown to make it even better. Amenities such as the farmers market, library, art centre and arena contribute to the appeal of the downtown. It was a promise that many businesses relied on that the downtown would be improved. The Ontario Municipal Board will reject the application for the casino and then what will happen, as they will not want an arena built out on the Kingsway by itself.

Joel Belliveau has been a resident of Sudbury for nine (9) years and also teaches engineering at Laurentian. He stated that the road towards a new arena has been long, and we are still traveling it. Along the way we have all heard many arguments both for and against the proposal to build the new arena and event centre on the Kingsway. This is an important decision and we will all live with the consequences for decades. Whether one likes it or not, this project, should it go ahead, will be a big part of the legacy with which the present Council will be remembered. Winston Churchill was adamant that to have influence, one must retain one's capacity and will to change one's mind. He often said that "to improve is to change, so to be perfect is to change often." He was also fond of repeating George Bernard Shaw's "Those who cannot change their minds cannot change anything." He encouraged the Planning Committee to change their minds about the Kingsway location.

John Closs stated that allowing this project to proceed as proposed is a one hundred million dollar mistake. The Event Centre is described as an arena, casino and hotel, surrounded by sea of parking lots, which he does not feel is an entertainment district. We will end up with a community arena isolated from the downtown and other regional centres, as described in the Official Plan. We do not have resources to waste on a project that does not build on our current strengths and he urges the Committee to reject this application as it does not conform with the Provincial Policy Statement. Planning authorities promote intensification and redevelopment in which new development occurs adjacent to the existing built up area. This area is currently zoned for industrial use and a community centre in this area does not conform with the Official Plan and is not keeping with the city's goals of a well planned, sustainable development. The Ontario Hockey League has only one arena located further than Sudbury's arena would be and that is Windsor. Twelve (12) of the arenas are within walking distance of the city centre. This proposed site is not in an area of the City's growth centre. This would not provide growth to the City. Council needs to ensure that adequate transportation be provided to the site, this area is poorly serviced by public transit and only five (5) percent of patrons will use public transportation. This development would encourage automobile travel with over 1000 parking spaces. The Sudbury area would be the only one that had such a development within six (6) kilometers of a landfill facility. The property should remain zoned industrial.

Recess

At 6:05 p.m. the Planning Committee recessed..

Reconvene

At 6:16 p.m. the Planning Committee reconvened.

John Lindsey, Chair of Friendly to Seniors, Vice President of the local Chapter of the Canadian Association of Retired Persons (CARP), a member of Sudbury Citizens for Safety, and a member of three environmental groups concerned about our valuable water resources, stated that the whole matter of ownership of this facility is bothersome to many. When approached by Mr. Zulich, it was understood that his company was prepared to construct the project in an arrangement with the city for some sort of loan guarantee and at a price around 60 million dollars. They encouraged Mr. Zulich to visit an arena in Sydney Nova Scotia that has had some success as an entertainment centre. Mr. Zulich did visit along with the CARP President Hugh Kruzel, and were impressed with the facility. It was discussed with Mr. Zulich what use the present arena could be put to if a new facility were to be built. It was at this and subsequent meetings that many began to question the actual need for new arena especially when the cost for a new facility had ballooned to \$100 million with the city involved. We do not pretend to represent all older citizens in our group or the community, however, almost without exception, most are concerned with the money

involved in constructing a new facility when we do have a functional arena in the downtown that according to surveyed experts, could be renovated at low cost. With respect to parking, it seems according to numbers provided that the parking on site according to the plan is over 1,200 parking spaces less than required, and this number will be provided in surrounding vacant subdivision lands, but apparently not included as part of the proposal to be owned by the city. Also, the report indicates that traffic loading on roads and intersections on game nights could experience "capacity restraints" and "have been identified as not having sufficient capacity to accommodate expected volume of vehicles." It is interesting to note that hundreds of additional vehicles will use Bancroft Drive, a route that the city has described as being over capacity, as a reason for denying an application for a subdivision on Howey Drive, part of this route which is now before the OMB. The solution to these concerns according to the report and the Transportation Demand Master Plan is to institute more pedestrian and cycle access, car pooling and other measures, of unproven and speculative value, to reduce the number of motor vehicles accessing the site and as well "to accelerate road links identified in the Master Transportation Plan to divert traffic." These would likely include the completion of Maley Drive through to the Kingsway, and construction of new and widening of roads in the Ramsey Lake Watershed that besides environmental concerns would cost in the hundreds of millions of dollars. With respect to parking in the downtown, I have personally examined this situation and even with events taking place at the same time, at the arena and the Theater Centre, I have found that there is little traffic congestion as there are various routes to and from the site. As well, even with multiple events this winter there still remained available parking in the CPR lot next to the old train station and at other areas in the downtown. I have had to walk a couple of blocks on occasion for events but likely not more than the distance in the large parking lots proposed for the combined projects. If there is a parking "problem" downtown, would it not be better to construct parking structures at far less expense than what is being proposed for the Kingsway site. Plus possible enhancements to our present arena, like what took place for the Memorial Gardens in North Bay, which is the same age as our facility and 30 years younger than myself.

Simon Nickson stated that the decision in June 2017 was held with limited opportunities and no public comment was asked until a key decision was already made. He would like to change the holding pattern and keep the Kingsway alive. There was a public information session in November 2017 which was rapidly put together with minimum notice. There were no answers provided on how funding would be provided. The sessions seemed rushed and were largely about the arena and no one took note of any of my comments. He suggested that the committee must ultimately not support this location and it goes against the Official Plan, and public comment came too late. There has not been adequate public input and this location is undesirable by most residents. The heart of Greater Sudbury, as is with most urban places, is located downtown which is where the theater, market and library exist. The Downtown Master Plan shows an upgraded arena and a new four star hotel overlooking Memorial Park. This decision does not conform to the Official Plan or the Downtown Master Plan.

John Caruso stated that it will cost one hundred million plus to build a new community arena that we do not need, in a location that does not make sense. Linking a gaming site to a community arena is offensive. A community arena is an asset that is owned by the community. He advised that he will not take grandchildren or visitors to an arena linked to a gambling emporium. The money earned from the slot machines will pay for the new arena. The casino does not need to be attached to an arena to use the funds from it. Arena patrons will not take their kids for lunch in casino owned restaurants, most of which require you to be eighteen (18) years of age. This is forcing people through the gaming site and children are not allowed in a casino. He feels the arena should be downtown, however, if you insist on building a new arena then choose a site that does not link the community

arena to a casino. We are one of the largest geographical municipalities in Ontario and the best we can do is build beside a casino and next to a dump. Is this the legacy you want to be remembered by?

Geoff McCausland stated that there are many evidence based reasons to reject this application. The True North Strong centre is a risky investment which betrays the Downtown Master Plan and invests in urban sprawl. It is a logistical nightmare getting people in and out for events. We need to protect our drinking water. Lake Ramsey's recommended salt content is twenty (20) grams per litre, and it currently is fifty (50) grams per litre. The Kingsway location has been given a nine (9) out of ten (10) for water rating vulnerability. The extra salt could easily run into Lake Ramsey and it is impossible to stop the excess salt from getting into our drinking water. How can we prioritize parking over the health of our citizens? Putting the event centre at edge of town is a discrimination against youth, elderly, seniors and poor people. It is only for those that own cars to access. Investing in the Kingsway is investing in equality. Bicycle routes in Sudbury are rare and bus service is slow and antiquated. All routes lead to downtown and we need to invest in the downtown. This land use and vision are foolish, discriminatory and should not be approved.

Donald MacDonnell stated that he is aghast about the lack of information. A lot of homework has been done but not enough. We do not know what the impact of salt will be on Ramsey Lake. Making the decision solely on the arena and not the casino and the convention centre impacts everyone. He is against the arena being built on the Kingsway, it is an anchor for this community. Sears was an anchor store for the mall and it is now gone and this is having an impact on other stores in that area. Small businesses have devoted time and effort into the downtown. He stated that the committee is being asked to make a decision without enough information.

Arthur Peach stated that he is speaking on behalf of himself and his business and professional partner, Oryst Sawchuk. He advised that they are an architectural-planning consulting practice that has been, and still is, active in Sudbury and throughout Ontario since 1957. His partner was part of the original Planning Board. The staff report concerning the issues at hand shows contempt for, and betrayal of the philosophical values of the planners. Those who have championed the downtown in the past have shown real vision advocating for the School of Architecture and many other downtown projects. The Planning Committee have been presented with a redemptive opportunity that can still be rejected. He stated that he would like to see the Committee vote down the Kingsway development property as it is against the Official Plan and the future advancement of Sudbury.

Andre Dumais stated that he wants the arena to remain downtown. He stated that no one in the room is in support of this project and no one has spoken in favour of it. He feels it is unfortunate that Planning staff had to swallow their pride to support this application. This proposal is to be built within the limits of urban development, which is the outskirts of the City. Nothing is going to grow around there. He is asking that the Committee not discount work done by past councillors. Everyone speaking has a sincere interest in moving the community forward. If the arena remains downtown there will not be concerns regarding salt since the downtown is not in the Ramsey Lake watershed, and infrastructure already exists. He wanted to know where the detailed costs for the development are and who is paying for the costs involved. Has the effect of salt management been considered in operating costs? The staff report identified that shuttles would be used to transport residents to events; have these costs been considered?

Howard Wideman stated that the runoff should be pumped north since anywhere the runoff goes will go into the drinking area. We should be using our current infrastructure. Fielding Road and Isabelle are not up to standard and this needs to be dealt with. He has concerns

about the drinking water. He feels the Planners are defensive. It is important to listen to the taxpayers and citizens and speak to the people and listen, then provide Democratic leadership. 346

Vicki Jacobs stated it is her understanding that re-zoning applications should only be approved if we are changing our carefully thought out plans to make the city better. Better culturally, economically, socially and environmentally. The applicant and City staff have failed to demonstrate to the public that those improvements exist with this application. There's been a lot of talk and hopeful statements, but no fact-based evidence that this type of project works. She stated that re-zoning to relocate our community arena should only occur if the amassed intelligence of experts and good experiences elsewhere point to this being absolutely the best place for the arena to be. There was discussion at Monday's planning meeting that social and economic concerns are not of interest in these discussions, however the Provincial Policy Statement policies speak to those concerns. These related to sustaining healthy, livable and safe communities, long term economic prosperity, water, employment and infrastructure. The project proposed for this land negatively affects each of those things. Adding infrastructure to support an arena when the infrastructure already exists downtown will cost us maintenance money forever while not reducing any costs downtown. Paving over greenfield lands to provide parking for thousands of cars is an environmental harm and has the potential to add salt to Ramsey Lake. Downtown is not in the Ramsey Lake watershed and the environmental hazard could be avoided. Jobs in existing businesses will be lost if you re-locate the arena. There is no evidence that there will be a net gain if the proposed arena relocation goes through. Or that there would be more jobs than if you left the arena in lands already zoned for that purpose. There is no evidence that a project such as the one proposed for this land will provide long term economic prosperity. The experience of other communities, most recently, Peterborough and Oshawa, has demonstrated that arena/events centres have the best chance of success in downtowns. They can be terrific drains on the taxpayer when located in situations like the applicant has proposed. So, the spirit and language of the Provincial Policy Statement tells us that this application does not meet the standard for re-zoning. Because it's not an improvement for our city relative to land that is already zoned for the purpose of a community arena. City Planners have referenced tourism in their report to justify recommending the re-rezoning. City Council's own PWC consultant's report advised our community to not rely on tourism because they're not coming to Greater Sudbury for the purpose of visiting our arena. This is a community arena and events centre. It is not a tourist destination. Even if you attach it to a casino, it is still not a tourist destination. City Planners have given us no explanation of why they have chosen to abandon all of the planning done for our city in favour of creating a brand new entertainment district on the edge of town. Why have plans if you're going to abandon them without doing due diligence? Where's the opportunity cost analysis? Where's the public education campaign on what this is going to cost us year after year? Why are you issuing RFPs for upgrading the Levesque Street lift station before the land has even been re-zoned? These hearings feel like window dressing. Like we're being mollified for a decision on which you're never going to waiver. She advised that she has spent countless hours advocating that planning and development decisions are based on facts and evidence. That has been the frustration for her and many others throughout this process. You would never spend \$100 million dollars of your own money without having a solid understanding of the investment. Please don't spend ours. She is requesting that you hire an independent, competent consultant to undertake a systematic analysis of the impact of relocating our community arena and events centre, including on existing businesses. She also requested that the Committee does not approve this rezoning until we can be assured that we know and understand those numbers.

Narasim Katary stated that he is pleading for the Committee to commission a rigorous 547 analysis of the impact of the proposed Casino/Events Centre not only on the downtown but also on the wealth of the city as a whole. The staff report has given you ample reason to do so. He stated that he cannot persuade you, only you can persuade yourself. He advised he is speaking neither as a planner for 14 years with this City, nor as an adjudicator in the province of Ontario for 17 years, but as a deeply saddened resident of Sudbury for 43 years. The City staff report to the Planning Committee is a sincere effort by dutiful civil servants following the Council decision on locating the Casino/Events Centre on Kingsway. They have done their best. The report, however, perhaps because of time constraints, is meticulously mute on some of the most relevant policies of the Official Plan. One of the most important being sections 19.2.1.a and b. It is my view that City staff are fully cognizant of the missing analysis. Legal counsel Gordon Petch and Rowan Faludi have dealt with inadequacies in following established planning practices in Ontario and rigorously addressing the implementation of planning policies. It is somewhat unfair to expect land use planners to undertake analyses of financial and economic impacts that require expertise and experience in applied statistics and econometrics. In not addressing some key policies in the Official Plan in a rigorous fashion, the planning report has denied Council an opportunity to apprise itself of the consequences of its forthcoming decisions on amendments to planning instruments and large-scale public expenditures. This oversight might not be important if the decision dealt with a minor matter. The impending decisions, however, are likely to lead an expenditure of 100 million plus dollars on a project that is highly consequential to the long-term health of the entire city. This is a matter of utmost gravity. It is necessary to ask: what is the merit of rigorous analysis? There are at least three benefits that are worth taking into account. First, if the analysis supports expenditure at the Kingsway location, a heavy burden will be lifted off the shoulders of decision makers. They can make reasoned arguments to overcome any residual objections in the city. Second, if the analysis does not support expenditure at the Kingsway location, the City would know the hill that it has to climb to overcome the hurdle, not only with the objectors in the City but also before anyone else that might get involved as the situation evolves. Third, if the analysis does not support the expenditure, the Council can of course disregard the principal finding. The merit of competent analysis is that the City can anticipate signposts of challenges ahead and be prepared to overcome them when they arise. Foreknowledge, also called intelligence in military circles, is an invaluable asset in confronting adversity. In the absence of analysis the city can be overwhelmed, given negligible growth and modest development that the city has experienced since 1985. There is a larger public interest involved in the need for, and the desirability of, rigorous analysis that transcends the decision on a large-scale expenditure. This Council needs to reflect on the legacy that it will leave behind, that is far more important than bricks and mortar. Planning is the home of reason in a city-state and you have an opportunity to demonstrate leadership. Leadership entails relying on the best evidence rooted in a comprehensive analysis of all factors. My earnest appeal to you is a simple one. Please inform yourself fully by competent experts on the consequences of your decisions prior to amending planning instruments and committing public money on a major project that will affect future generations.

Jeff McIntyre stated that the location of the proposed development will be located five minutes from the proposed Coniston smelter. He stated that this is not a good idea to approve this application. He advised that he is embarrassed that the Downtown Master Plan has not yet become part of the Official Plan. How can something that important be delayed for so long. He feels that the application should not be pushed through as an economic report has not been completed. The Ontario Growth Plan requires the need for transit. I tried to find people or experts to disagree with my position and have not found anyone. An article was recently published regarding casinos and it made it apparent that we are doing this in a way that we cannot get tourism. There should be a clause in the 547

zoning that states the arena cannot be built next to a casino. Zoning for a place of amusement and zoning for casinos is not the same. This event centre is more than a building; it is a statement of what kind of community we have. All amenities in the city should be located together.

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Rock Palmer stated that people are speaking with passion and knowledge against the Kingsway development. In living in Sudbury we should be proud of our city. It is an ugly city in certain ways and it would be nice to see a more vibrant downtown through architecture and infrastructure. Beautification is not increased by urban sprawl or moving things from the downtown core. An arena in the downtown would help with beautification. We should be investing in buildings that provide art and culture, that are located in the downtown. The big metric is doing something for the people, and beautification of the downtown would go a long way towards this.

John Roth stated that he is a Sudbury Wolves fan and a ticket holder for forty-five years. He stated that many of the people speaking out against the arena are not regular attendees to the downtown arena. Our city needs a new arena. He advised he has been to Kingston, Oshawa and London to see Ontario Hockey League games at these arenas. What makes these arenas is the people and fans. Many commentators, at many games, say there are no fans like the Sudbury fans. There are a couple of flaws. If you read the dictionary, downtown is defined as the main business section of a community. He feels our main street is Barrydowne Road. It is the cross section where all the stores are located such as Costco, Winners, Silver City and the New Sudbury Shopping Centre. This area is way closer to the proposed location than the real downtown. In our current downtown area, the Downtown Business Improvement Area encourages events such as the Ribfest. Most people do not go downtown unless they have an appointment or are attending an event such as Ribfest. Ted Silva had a vision for the big nickel and many people mocked him.

Mary Jane Veinott stated that she lives off Howey Drive. In 2012, she attended several Planning Committee meetings regarding a rezoning application from Dalron Construction to rezone all the property on the hill to the west of her street in the vicinity of the Sudbury Curling Club to allow Dalron to build a large subdivision on the property. To make a long story short, the application was denied by the Planning Committee because of the heavy traffic situation along the Minnow Lake corridor. This busy corridor connects Paris Street with the east end of the Kingsway. It was determined that Howey Drive and the corridor in general are at capacity and no further development can occur in this area until these two-lane roadways are widened to at least three (3) lanes. As was well documented in the Dalron matter, this corridor has become a main alternative to the Kingsway, a much lamented bottleneck for traffic flow in our city. This situation remains unchanged since the 2012 Dalron decision and there appears to be no imminent move by the City to remedy this matter. Her concern is that locating the Event Centre (and the Casino) at the east end of the Kingsway across from Levesque Street will only add to the already unacceptable volume of heavy traffic along the Minnow Lake corridor. As well with this development the list of affected roadways will expand to include all of Bancroft Drive, and the Levesque street and Moonlight Avenue connectors to the Kingsway and the Event Centre, as motorists travelling to and exiting from the Event Centre will follow a well established routine of choosing the Minnow Lake corridor to avoid the Kingsway bottleneck. The Minnow Lake corridor is a heavily populated residential area. With most of the affected roadways being two (2) lanes and having bike lanes on both sides, vehicles making a left turn to exit the corridor hold up traffic. This results in many motorists automatically using the bike lanes to get around the left turning vehicle, giving rise to many safety concerns for cyclists and pedestrians alike. This situation will only get worse as motorists use the corridor as a throughway to get from one end of the city to another, focused on arriving on time for events and heading home or to other activities afterwards. Her second concern is

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that the location of the Event Centre (and the casino) is against the Official Plan's section 4.1.c., which is to "promote the development of the downtown as an employment and business centre for the City". This plan was created and is maintained in good faith at considerable expense by the taxpayers in order to guide the City's planning efforts. The decision by Council to proceed with this project, which will purposefully draw major development and employment opportunities away from the downtown, shows a flagrant disrespect and disregard for the will of the citizens as stated in the Official Plan. She also stated that she is extremely concerned about the environmental impact that the developments will have on Lake Ramsey, a main source of our drinking water. Already she is tasting salt in the tap water due to questionable water management practices, poor planning and development policies regarding the watershed for the lake. Studies show that the high volumes of salt and other contaminants in the runoff from the large parking areas associated with the development will ultimately be deposited into Lake Ramsey via the ground water, which studies show flows towards the lake. By choosing this location, Council will further contribute to the demise of our lovely lake which is already in a fragile state and will jeopardize the health of our community. Her final concern is regarding the rezoning application for the casino development. Policy 1.1.1 of the Provincial Policy Statement pertains to development which contributes to "sustaining healthy, livable and safe communities." Building a casino next to an Event Centre, which will be a venue for family orientated activities and in close proximity to residential neighbourhoods, does not support our efforts to be a healthy and safe community. Gambling and its well documented negative outcomes of addiction, crime and poor life choices and practices, are certainly not conducive to encouraging our children and youth to adopt a healthy and safe lifestyle. For the sake of our well being as a community, both rezoning applications and the casino development itself should be rejected by Council, and the Event Centre incorporated into the development of our downtown according to the provisions of our Official Plan.

Recess

At 7:25 p.m. the Planning Committee recessed..

Reconvene

At 7:35 p.m. the Planning Committee reconvened.

Derek Young stated that he previously served on the Downtown Business Improvement Area board and he is a resident of the downtown. He said that the downtown previously was identified as unique high end specialty retail; however, the area is now more of a hospitality and entertainment industry. Most businesses are retail and offices that close by 5 p.m. He does not believe that the arena would have an impact on the downtown. With the proposed Art Centre, Convention Centre and library, they are more complimentary to the arts and culture that represent the downtown. The attitude on the street - the Santa Clause Parade brings 30,000 people to the downtown; however, business owners close early so that they can get out of the area prior to the parade starting. The annual Rib Fest is held downtown, which directly competes against downtown food establishments. A single purpose only arena in the downtown would compliment area businesses, but what is being proposed is the vision of a thirty acre arts and entertainment district, which would not fit in the downtown. I support this particular project. Downtown and the Kingsway Entertainment District can work together. In London they have signs pointing to the downtown area and we could do the same to bring people downtown. In Saskatoon, the Performing Arts and Convention Centre is managed by a not for profit board and is owned by the City. Staff is encouraging people to come to their event centre. Our population base can support this community development which is a very innovative and collaborative project. He is looking forward to great things for our community in the future.

Dorothy Klein stated that she does not feel the Kingsway is an appropriate location for the arena. She has been in health care since 1955 and feels that community arenas are for the community and families. Locating the arena in the Ramsey Lake Watershed is not appropriate. She stated that she lives on Bancroft Drive, in the Ramsey Lake Watershed, and knows how much soot and pollutants come off cars. With all the extra cars parked at the new arena, all of the pollutants will go directly into Ramsey Lake with no filtering. Our water supply is going to be at risk. In the First Nations, the grandmothers are the protectors of the water system. Once the drinking water is polluted, that affects your health. She would like to see the Committee do the right thing and get a third party analysis since there is a health issue. It is important to consider what is going to happen to our water system. It is not just a fear, it is real.

Kathleen Zinn stated that she was born and raised in Sudbury. People want to raise their kids here. She wants to know if the facility is going to be Green Building Certified. She would like to know if asbestos is buried at the dump. She believes that the downtown is very important for a city. The new centre will have a novelty effect which is a brief period of time where people want to see new places, so it will have higher attendance. For CHL arenas, the average length of time for the novelty period is three (3) years. Attendance will go up for those three (3) years and then go back to regular attendance. If the arena is moved to the Kingsway, prices will go up, making it expensive to go out. The proposal originally was to have two ice pads and cost considerably less. The proposal now has one ice pad and will cost one hundred million dollars. She thinks we can do a lot of things with the extra money if we renovate the old arena rather than build a new one. She does believe in change but thinks the downtown is better for this development.

Peter Ridsdill stated that he supports the Sudbury Wolves. He has spoken to people regarding the North Bay arena, and they feel it was not the right thing to renovate the arena and should have built a new one instead. Most people are saying that the proposed area is too far away for the arena. It is a good idea to build in the downtown if there is the space; however, we do not have the space and parking in our downtown. Ottawa is relocating their arena to the downtown area, but it is costing them ten million dollars to do this. He is 100 percent in favour of the Kingsway location for the new arena as well as the casino. The current downtown arena was built in 1951 and would cost too much to renovate it. There is one place in the National Hockey League where the arena is based downtown, and that is Madison Square Gardens in New York. However, that was renovated at a cost of a billion dollars. A new arena will bring entertainment into our City. The Essar Centre was built in 2007 for 25 million dollars. The Oshawa Centre cost 110 million dollars ten (10) years ago. He is surprised about how many people do not want something new. The downtown area has changed and it is a different place now.

Charles Tossell stated that he is speaking on behalf of Friends of Sudbury Transit. As transit users and full contributors to the cost of this publicly-funded "Public Service Facility", we find it unfair that the selection of a community site is poorly serviced (actually last minute serviced) by transit, has little in the way of bike lane infrastructure and no sidewalks or lighting along the Kingsway to access this facility. Section 1.6.5 of the Provincial Policy Statement states that "Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation." This site does not do this. The former arena did. It will be costly to bring the entire infrastructure needed to make this site useable. Section 1.5 of the PPS discusses public spaces, recreation, parks, trails and open space, and states, "1.5 Healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity; planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation,

including facilities, parklands, public spaces, open space areas, trails and linkages, and, 551 where practical, water-based resources.” This site does not provide equitable access for all Sudburians like the downtown arena did, as it is easily accessible by foot, bike and transit. Therefore, we do not approve of the rezoning of this land for a community centre.

Greg Oldenberg stated that he has a unique history with this City and following through with the Downtown Masterplan and the Community Improvement Program. He currently owns the Northern Brewery building. The City of Sudbury has indicated that they planned to invest in the downtown and do the right thing. Removal of the arena downtown will be hollowing out the downtown. He has memories of walking to the arena with his grandfather to see games. If we look at our own experience compared to Toronto, there is a transit hub – Union Station that brings many people to the downtown. Imagine if the Maple Leafs or Raptors decided to close their current arena in downtown and build in the Portlands area of Toronto. Effectively the walking and driving distance are equal from our transit hub. It is almost impossible to transport people to the new arena site on the Kingsway. With the transit hub we currently have, the arena should be located in the downtown. The viability of the downtown is in jeopardy if the arena is moved out of the downtown. Council is disregarding the downtown Master Plan and investment money is not being spent here.

Councillor Signoretti stated that he is not supporting the rezoning application. He presented an article regarding Peterborough City Hall and locating their arena in the downtown location. Many Ontario cities locate their arena facilities in the downtown area. The casino does not bring any money into the community; it actually takes out more than it brings in. The developer wants to develop his land with no regards to the citizens of Sudbury. The Elgin Greenway, Place des Arts and the McEwan School of Architecture are good things the City has built in the downtown area. Removing the arena will have a huge economic impact, and this is being ignored. We are not giving our thoughts to intensification and are going back to urban sprawl. We need to keep our current arena or a new arena downtown. We do not need to build this on the Kingsway and near the dump. We were promised a Motorsports park, Great Wolf Lodge and soccer dome. Developers are not speaking up because they are afraid of repercussions from the City. Business owners are not speaking up because they are in awe that this is happening. There are a lot of residents who want to speak against this and we are ignoring this. He is encouraging his colleagues not to pass this rezoning.

Councillor Kirwan stated that the emotions need to be taken off the table and we should not be discussing where the arena should be located as this was decided on June 27, 2017. The City has decided to become a partner with four (4) other businesses. We became a partner with a land developer and each partner is applying for rezoning for the facility to be built. In order to build this cluster we need to go through the process. We have applied for rezoning and staff has reviewed the applications and are recommending that they be approved. The location is not even a question at this point. There has been a lot of talk about a hockey team, we are not building a hockey arena, we are building an event centre for many activities. We have some of the finest professionals that have reviewed these applications and believe it should be approved. The consultant has even come back and advised that the Kingway is the best location.

Recess

At 8:14 p.m. the Planning Committee recessed..

Reconvene

At 8:25 p.m. the Planning Committee reconvened.

Rob Webb, Supervisor of Development Engineering, advised that the Stormwater Management Plan for the original subdivision was designed for the north/south road and the lots on both sides; but with this redesign for the casino and arena, the Stormwater Management Plan would be for the casino, arena and lots on the east side. The balance of the subdivision would have a second storm water pond to the west. This would be in the Ramsey Lake Watershed area. The Stormwater Management Plan cannot be moved to the north as it is uphill and the Ramsey Lake Watershed is a fairly small watershed. If you divert the water, less water fills the lake each year causing water depth issues. It cannot be located to the north as this would divert the water past the dump and travel to Coniston. The Nickel District Conservation Authority (NDCA) has placed restrictions to prevent the flooding of Coniston. 552

Mike Jensen, Acting Director of Water/Wastewater Services, advised that for surface water intakes, source and area vulnerability factors are given to determine an overall vulnerability score. The factor options for a Type D intake are 0.8, 0.9 or 1.0. A source vulnerability factor of 1.0 was given for Ramsey Lake since the intake is only 300 metres from shore; the water treatment plant has experienced past water quality issues related to iron and manganese from bottom sediments; and the intake was raised by 3 metres due to high magnesium levels in the thermocline. The area vulnerability factor is based on the percentage of the protection area covered by land, land cover, soil type, permeability of the land, the slope of any setbacks, the hydrological and hydrogeological conditions of any transport pathway, and the proximity to the intake (Rule 92). An area vulnerability factor for Ramsey Lake was given to each sub-watershed as each sub-watershed is relatively small and mainly consists of overland flow to the lake. The factor was primarily based on land cover and permeability of the land. Proximity to the intake was not weighted as heavily as the land cover and permeability of the land, due to the relatively long retention time in the lake. The majority of the Ramsey Lake Watershed is covered in bedrock and therefore has little infiltration capacity to attenuate contaminant runoff. Many of the tributaries into the lake are intermittent in nature and respond quickly to storm events. If it abuts to land, you will need a 250 metre setback. The sub-watersheds have been assigned a vulnerability score of 9. Where this development is proposed is in the far north-east corner and is located far away from other developments and where the Frenchman Bay sub-watershed is located. The 250 metre setback is from any water course.

David Shelsted, Project Director for the Event Centre, stated that the detailed costs of the event centre were outlined in the June 2017 report from Price Waterhouse Cooper. This report outlined the cost of lands and building development. He advised that the report was used to estimate a cost of one hundred million dollars and they are still in line for this amount. He stated that area development costs, road improvements, sanitary sewer and infrastructure costs would be shared and the cost of hydro for the site would be the applicant's responsibility.

Jason Ferrigan, Director of Planning Services, stated that the upgrades for the Levesque Street lift station were identified many years ago as part of a three (3) part project which also included development on this property.

David Shelsted, Project Director for the Event Centre, stated that the salt management operating cost covers the parking lot as well.

Jason Ferrigan, Director of Planning Services, stated that the staff report outlines that there are currently three (3) separate transit routes servicing the area on the Kingsway and they operate at approximately thirty-six percent capacity. The Transit Action Plan outlines improvements that would include consolidation of these three (3) routes into one single route that would service this area. The percentage of trips accommodated by public transit would be approximately five (5) percent so they anticipate that the number of trips would 552

grow. The five (5) percent split for public transit is consistent with journey to work trips 553 throughout the city. Shuttles would be used for peak times when there are events occurring at the centre costing between \$300,000 to \$540,000 depending on the frequency of trips.

David Shested, Project Director for the Event Centre, stated that they are looking at many options to improve energy efficiency when constructing the facility; however, they are not contemplating Leed certification.

Mike Jenson, Acting Director of Water/Wastewater, stated that the landfills have a standard operating procedure regarding the disposal of asbestos. One of them is contacting the landfill site to advise asbestos is coming and it is immediately covered over once it arrives.

Jason Ferrigan, Director of Planning Services, stated that the City has not conducted an economic study. Speakers are referencing section 19.2 (a) of the Official Plan that states Council will examine the financial impacts of all major development projects or proposals to ensure that they are financially sustainable. This does not ask for the economic impacts. The Planning staff interpret this in the financial implications section of the staff reports for these applications, and work closely with colleagues in the Financial Services department to prepare these reports. The financial implications were approved for this complex last year. We have addressed that policy through the Official Plan. As far as back as 1987 when the Secondary Plan for the old city of Sudbury was created, there was a specific policy of Council that stated when we have commercial structures in the City, we will let market forces dictate where they will locate and retail market studies are no longer required. It has been the practice of our department for many years not to require those studies as per this policy.

Joe Rocca, Traffic and Asset Management Supervisor, stated that the Traffic Impact Study considers the peak hours of traffic for the proposed development. Many residents are mentioning the Howey Drive subdivision and how there is insufficient capacity to accommodate the subdivision. For residential subdivisions, the peak hour coincides with the peak hour of our road network. The arena being proposed falls outside of the regular peak hour, so the increase of vehicle traffic on Bancroft Drive will be accommodated with the existing road network.

Ed Brunet asked what the total area of all the properties around this area is that is using the same draining pond?

Robert Webb, Supervisor Development Engineering, stated that the drainage to the pond in question takes into account the casino site, arena site, the lots along the eastern boundary and the lots across the top of the property. The remainder of the lots drain into a pond in the west. The reasoning is due to the topography of the site as there is a height of land that blocks drainage from going from the west to the east. There is a drainage outlet at the location of the proposed pond and at the location for the new pond across the Kingsway.

Mike Jensen, Acting Director of Water/Wastewater Services, stated that the Chelmsford Lagoon was previously the wastewater treatment plant for the town of Chelmsford until the new plant was built. There is the capacity to move wastewater during storm events to the Chelmsford Lagoon and back again for conventional treatment. It is not a storm water holding facility and they do not have capacity to move water from Azilda as they are two separate systems. He further stated that the draft Risk Management Plan is for the three (3) applications for the arena, casino and parking lot. Any future development will have to be considered at that time for risk.

Jason Ferrigan, Director of Planning Services, stated that the zoning by-law does not define a casino specifically. However, in the opinion of the Chief Building Official, a casino falls under the definition of a place of amusement. 554

David Shested, Project Director for the Event Centre, stated that 100 percent salt is used for salt routes unless the temperature drops below minus twelve (12) when the salt would not be effective at which point we use sand. Most cases we use 100 percent salt. Class one (1) to three (3) roads are held at a higher standard, which takes into consideration public safety and minimum maintenance standards.

Resolution to Proceed past 9:00 p.m.

Jakubo/Lapierre: THAT the meeting proceeds past the hour of 9:00 p.m.

CARRIED BY TWO-THIRDS MAJORITY

Jason Ferrigan, Director of Planning Services, stated that these hearings have had a two (2) part hearing, which is done for major applications. In the first hearing in January, residents were encouraged to express their views and they collected the feedback and used that in preparing the planning recommendations. One form of participation for a public hearing is speaking at a public meeting and the other is providing a written submission to the City. Every submission is reviewed and considered and is important for feedback. He further stated that for the lots on the north and west side of this property, which are zoned M3, the Committee could request an amendment to the recommendation so that the property owner will be required to initiate an application prior to rezoning.

Karl Tanner of Dillion Consulting, stated that they are looking for compatible uses for the lots to the north and west side of the property, and are looking for less intense uses such as offices, and are agreeable for the rezoning to require less intensive uses.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following resolution was presented:

PL2018-45 Jakubo/Lapierre: THAT the City of Greater Sudbury approves the application by 1916596 Ontario Ltd. to amend Zoning By law 2010-100Z to change the zoning classification from "M1-1", Business Industrial and "M2", Light Industrial to "M1-1(S)", Business Industrial Special to permit a recreation and community centre in the form of a public arena on those lands described as PIN 73561-0282, Part of Parts 10 & 11, Parts 12 & 13, Plan 53R-19391, Lot 9, Concession 4, Township of Neelon, as outlined in the report entitled "1916596 Ontario Ltd.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of March 28, 2018, subject to the following conditions:

1.a) That in addition to the uses permitted in the M1-1 zone, a recreation and community centre shall also be permitted;

b) That an outdoor plaza shall be permitted as an outdoor accessory use to a recreation and community centre, and that no parking shall be required for the outdoor plaza;

c) That a maximum building height of 35 m shall be permitted;

d) That a 0 metre interior side yard shall be permitted;

555

e) That the amending by-law includes an "H", Holding provision restricting the use of the subject lands to those uses which legally existed on the date the By-law applying the "H", Holding symbol. The "H", Holding symbol shall only be removed by Council upon:

i. The submittal of a Transportation Demand Management Plan to the satisfaction of the General Manager of Growth and Infrastructure.

ii. The submittal of a Risk Management Plan under Section 58 of the Clean Water Act submitted to the satisfaction of The Risk Management Official.

2. That prior to the enactment of the amending by-law the owner shall provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of the by-law.

3. That conditional approval shall lapse on April 10, 2020 unless condition #2 above has been met or an extension has been granted by Council.

4. That Site Plan Control By-law 2010-220 as amended be further amended to provide that the lands abutting Streets A and C on draft plan of subdivision, prepared by Terry DelBosco O.L.S, dated May 7, 2010, file 780-6/10002, in Lots 9 and 10, Concession 4, Township of Neelon, are subject to site plan control.

5. That the City of Greater Sudbury's delegated official be directed to amend the conditions of draft plan approval for plan of subdivision File 780-6/10002, on those described as PIN 73561-0261, PIN 73561-0258 and PIN 73561-0264, Lot 9 and 10, Concession 4, Neelon Township, as follows:

i. That a new condition 41 be added as follows:

"41. The owner shall prepare urban design guidelines for the plan of subdivision, which shall provide recommendations respecting, but not limited to, building design and massing, building materials, landscaping, parking lot design, lighting, paving, fencing and signage, to the satisfaction of the Director of Planning Services."

Councillor Jakubo presented the following amendment:

PL2018-45A1 Jakubo/Lapierre: THAT the resolution be amended to remove condition 1.e), which reads as follows:

e) That the amending by-law includes an "H", Holding provision restricting the use of the subject lands to those uses which legally existed on the date the By-law applying the "H", Holding symbol. The "H", Holding symbol shall only be removed by Council upon:

i. The submittal of a Transportation Demand Management Plan to the satisfaction of the General Manager of Growth and Infrastructure.

ii. The submittal of a Risk Management Plan under Section 58 of the Clean Water Act submitted to the satisfaction of The Risk Management Official.

YEAS: Councillor McIntosh, Lapierre, Jakubo, Landry-Altman
CARRIED

Councillor Jakubo presented the following amendment:

555

PL2018-45A2 Jakubo/Lapierre: THAT the resolution be amended to replace item 2 with the following:

2. That prior to the enactment of the amending by-law the owner shall:

- a) provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of the by-law;
- b) initiate the process and submit a SPART application to amend the Zoning By-law to change the zone category on surrounding lands from M3 Heavy Industrial to lighter industrial zones to improve compatibility with the recreation and community centre use.

YEAS: Councillor McIntosh, Lapierre, Jakubo, Landry-Altman
CARRIED

The resolution as amended was presented:

PL2018-45 Jakubo/Lapierre: THAT the City of Greater Sudbury approves the application by 1916596 Ontario Ltd. to amend Zoning By law 2010-100Z to change the zoning classification from "M1-1", Business Industrial and "M2", Light Industrial to "M1-1(S)", Business Industrial Special to permit a recreation and community centre in the form of a public arena on those lands described as PIN 73561-0282, Part of Parts 10 & 11, Parts 12 & 13, Plan 53R-19391, Lot 9, Concession 4, Township of Neelon, as outlined in the report entitled "1916596 Ontario Ltd.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of March 28, 2018, subject to the following conditions:

1.a) That in addition to the uses permitted in the M1-1 zone, a recreation and community centre shall also be permitted;

b) That an outdoor plaza shall be permitted as an outdoor accessory use to a recreation and community centre, and that no parking shall be required for the outdoor plaza;

c) That a maximum building height of 35 m shall be permitted;

d) That a 0 metre interior side yard shall be permitted;

2. That prior to the enactment of the amending by-law the owner shall:

a) provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of the by-law.

b) initiate the process and submit a SPART application to amend the Zoning By-law to change the zone category on surrounding lands from M3 Heavy Industrial to lighter industrial zones to improve compatibility with the recreation and community centre use.

3. That conditional approval shall lapse on April 10, 2020 unless condition #2 above has been met or an extension has been granted by Council.

4. That Site Plan Control By-law 2010-220 as amended be further amended to provide that the lands abutting Streets A and C on draft plan of subdivision, prepared by Terry DelBosco O.L.S, dated May 7, 2010, file 780-6/10002, in Lots 9 and 10, Concession 4, Township of Neelon, are subject to site plan control.

5. That the City of Greater Sudbury's delegated official be directed to amend the conditions of draft plan approval for plan of subdivision File 780-6/10002, on those described as PIN 556

73561-0261, PIN 73561-0258 and PIN 73561-0264, Lot 9 and 10, Concession 4, Neelon⁵⁵⁷ Township, as follows:

i. That a new condition 41 be added as follows:

“41. The owner shall prepare urban design guidelines for the plan of subdivision, which shall provide recommendations respecting, but not limited to, building design and massing, building materials, landscaping, parking lot design, lighting, paving, fencing and signage, to the satisfaction of the Director of Planning Services.”

YEAS: Councillor Lapierre, Jakubo, Landry-Altman

NAYS: Councillor McIntosh

CARRIED

Public comment was received and considered and effected Planning Committee’s decision in the following manner :

a) The addition of 2 additional conditions.

2 .. 1916596 Ontario Ltd. – Application for rezoning to permit parking lots in addition to the uses permitted in the M2, Light Industrial and M3, Heavy Industrial zones, Kingsway, Sudbury.

The Planning Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.

Report dated March 14, 2018, from the General Manager of Growth and Infrastructure regarding 1916596 Ontario Ltd. – Application for rezoning to permit parking lots in addition to the uses permitted in the M2, Light Industrial and M3, Heavy Industrial zones, Kingsway, Sudbury.

Karl Tanner of Dillion Consulting, agent for applicant, and David Shelsted, Project Director for the Event Centre, were present.

Alex Singbush, Senior Planner, outlined the report.

Jason Ferrigan, Director of Planning Services, stated that this parking application is a separate application to add a use for these lands in conjunction with the arena application. If there was an application to change the rezoning for the arena, it would not change the zoning for this application.

Karl Tanner of Dillion Consulting, stated that this site will have a cross use agreement and will be utilized during the daytime hours as parking for employees and used as parking for the event centre in the evening. He also suggested that like the previous application for the arena, they would like to have a clause so that the uses would be for less intense zoning.

John Lindsey stated that we need to consider the parking areas required for the arena and casino which, according to which planning document you read, could be anywhere from around 2, 500 to 3,500. These parking areas need to be kept clear of snow and ice to be safe underfoot and for vehicles as well. These areas will, like parking areas in a mall, need to be maintained not just a portion. For Sudbury area malls, virtually all contractors employ similar standards and methods to ensure safety and to avoid liability to themselves and to the mall itself. It is generally accepted that snow will be removed when two (2) centimetres falls. Besides plowing, a mixture of sand and five (5) percent salt is used (to keep the sand from freezing and to provide traction). For the area to be cleared at the casino and arena⁵⁵⁷

including sidewalks and driveways, approximately 575 kilograms of sand/salt mix will be 558 needed per event. There has been an average of 50 events per winter season. Over a tonne of salt in the mixture would be applied per event or over 50 tonnes per season, which would go directly into the environment and the contributing and recharge area for Lake Ramsey. In ten (10) years this would result in 500 tonnes of salt or over 100 years, 5000 tonnes of salt going into Lake Ramsey. A little salt goes a long way, a tablespoon pollutes five (5) gallons of water. We could become known as Salt Lake City of the North. Sodium, one of the two elements which make up salt, is already in the lake at almost three (3) times the limit for those on salt restricted diets. Chloride, the other element, is approaching the limit where aquatic life will be harmed. This is well documented in preliminary reports by the Lake Ramsey Sub-Watershed study, and the draft plan should soon be released, and certainly is, one of the reasons why this application should not be approved at this time. It is curious that our Conservation Authority had no issue with the application while the Lake Simcoe Conservation Authority expressed real concerns about Lake Simcoe chloride levels reaching 50 milligrams per litre (half of our current 100 milligrams per litre) and that lake's current rate of increase will exceed the chronic chloride level (120 milligrams per litre) by the year 2120. Their public report stated "while that seems a long way off, it means there is time to make changes that will protect the lake for future generations". I would hope that we could be as forward looking and considerate as those responsible for the health of Lake Simcoe. We must keep uppermost in mind the objectives of the Ramsey Lake and Watershed Community Improvement Plan, a 100 year vision prepared and accepted by the city in 1991. The study indicated "as a municipal water supply for the foreseeable future, Ramsey Lake should be carefully maintained to ensure that sufficient quantity and quality of water will be available year round" and "only those uses which are compatible with the water supply should be permitted and planned within the total watershed"; and finally "looking forward to the next 100 years, it is time to ensure that the ecological integrity of Ramsey Lake will be preserved and enhanced for future generations." This means that all future decisions affecting the watershed and lake must contribute to its health and continuing role as the environmental focus for the community.

Charles Tossell stated that he is concerned as a handicapped individual that the City exceed's the Provinces' requirements regarding the amount of handicapped spaces available.

Ed Brunet stated that it is very upsetting that the event centre is going forward. There are too many small holding ponds within the water basin that goes into Lake Ramsey. He would like the City to respect the law and keep the water table for Lake Ramsey. He is concerned about the other properties that may be developed. He feels the property should not have been developed due to the Ramsey Lake water table being so close and the lake is turning salty.

Howard Wideman stated that he is concerned about the water. There will not be enough drinking water and you will be putting polluted water into Ramsey Lake.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.

The following resolution was presented:

PL2018-46 Jakubo/Lapierre: THAT the City of Greater Sudbury approves the application by 1916596 Ontario Ltd. to amend Zoning By law 2010-100Z to change the zoning 558

classification from “M2”, Light Industrial and “M3”, Heavy Industrial to “M2(S)”, Business 559 Industrial Special and “M3(S)”, Heavy Industrial Special on those lands described as Part of PINs 73561-0261, 73561-0264 & 73561-0282, Parts 2, 3, 5, 8, 14, 15, and part of Part 10, Plan 53R-19391, Lots 9 & 10, Concession 4, Township of Neelon, as outlined in the report entitled “1916596 Ontario Ltd.”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of March 28, 2018, subject to the following conditions:

1. a) That in addition to the uses permitted in the M2 and M3 zones, a parking lot shall also be permitted;

b) That the amending by-law includes an “H”, Holding provision restricting the use of the subject lands to those uses which legally existed on the date the By-law applying the “H” Holding symbol. The “H” Holding symbol shall only be removed by Council upon:

i. The submittal of a Transportation Demand Management Plan to the satisfaction of the General Manager of Growth & Infrastructure.

ii. The submittal of Risk Management Plan under Section 58 of the Clean Water Act to the satisfaction of the Risk Management Official.

2. That prior to the enactment of the amending by-law the owner shall provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of the by-law.

3. That conditional approval shall lapse on April 10, 2020 unless condition #2 above has been met or an extension has been granted by Council.

4. That Site Plan Control By-law 2010-220 as amended be further amended to provide that the lands abutting Streets A and C on draft plan of subdivision, prepared by Terry DelBosco O.L.S, dated May 7, 2010, file 780-6/10002, in Lots 9 and 10, Concession 4, Township of Neelon, are subject to site plan control.

5. That the City of Greater Sudbury’s delegated official be directed to amend the conditions of draft plan approval for plan of subdivision File 780-6/10002, on those described as PIN 73561-0261, PIN 73561-0258 and PIN 73561-0264, Lot 9 and 10, Concession 4, Neelon Township, as follows:

i. That a new condition 41 be added as follows:

“41. The owner shall prepare urban design guidelines for the plan of subdivision, which shall provide recommendations respecting, but not limited to, building design and massing, building materials, landscaping, parking lot design, lighting, paving, fencing and signage, to the satisfaction of the Director of Planning Services.”

Councillor Jakubo presented the following amendment :

PL2018-46A1 Jakubo/Lapierre: THAT the resolution be amended to remove condition 1.b), which reads as follows:

b) That the amending by-law includes an "H", Holding provision restricting the use of the subject lands to those uses which legally existed on the date the By-Jaw applying the "H" Holding symbol. The "H" Holding symbol shall only be removed by Council upon:

i. The submittal of a Transportation Demand Management Plan to the satisfaction of the General Manager of Growth & Infrastructure.

ii. The submittal of Risk Management Plan under Section 58 of the Clean Water Act to the satisfaction of the Risk Management Official. 560

YEAS: Councillor McIntosh, Lapierre, Jakubo, Landry-Altmann

CARRIED

Councillor Jakubo presented the following amendment :

PL2018-46A2 Jakubo/Lapierre: THAT the resolution be amended to replace item 2 with the following:

2. That prior to the enactment of the amending by-law the owner shall:

a) provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of the by-law;

b) initiate the process and submit a SPART application to amend the Zoning By-law to change the zone category on surrounding lands from M3 Heavy Industrial to lighter industrial zones to improve compatibility with the recreation and community centre use.

YEAS: Councillor McIntosh, Lapierre, Jakubo, Landry-Altmann

CARRIED

The resolution as amended was presented:

Rules of Procedure

With the concurrence of the Committee, the reading of the resolution was waived.

PL2018-46 Jakubo/Lapierre: THAT the City of Greater Sudbury approves the application by 1916596 Ontario Ltd. to amend Zoning By law 2010-100Z to change the zoning classification from "M2", Light Industrial and "M3", Heavy Industrial to "M2(S)", Business Industrial Special and "M3(S)", Heavy Industrial Special on those lands described as Part of PINs 73561-0261, 73561-0264 & 73561-0282, Parts 2, 3, 5, 8, 14, 15, and part of Part 10, Plan 53R-19391, Lots 9 & 10, Concession 4, Township of Neelon, as outlined in the report entitled "1916596 Ontario Ltd.", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of March 28, 2018, subject to the following conditions:

1. a) That in addition to the uses permitted in the M2 and M3 zones, a parking lot shall also be permitted;

2. That prior to the enactment of the amending by-law the owner shall provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of the by-law.

a) provide the Development Approvals Section with a registered survey plan outlining the lands to be rezoned to enable the preparation of the by-law;

b) initiate the process and submit a SPART application to amend the Zoning By-law to change the zone category on surrounding lands from M3 Heavy Industrial to lighter industrial zones to improve compatibility with the recreation and community centre use.

3. That conditional approval shall lapse on April 10, 2020 unless condition #2 above has been met or an extension has been granted by Council.

4. That Site Plan Control By-law 2010-220 as amended be further amended to provide that the lands abutting Streets A and C on draft plan of subdivision, prepared by Terry DelBosco O.L.S, dated May 7, 2010, file 780-6/10002, in Lots 9 and 10, Concession 4, Township of Neelon, are subject to site plan control.

5. That the City of Greater Sudbury’s delegated official be directed to amend the conditions of draft plan approval for plan of subdivision File 780-6/10002, on those described as PIN 73561-0261, PIN 73561-0258 and PIN 73561-0264, Lot 9 and 10, Concession 4, Neelon Township, as follows:

i. That a new condition 41 be added as follows:

“41.The owner shall prepare urban design guidelines for the plan of subdivision, which shall provide recommendations respecting, but not limited to, building design and massing, building materials, landscaping, parking lot design, lighting, paving, fencing and signage, to the satisfaction of the Director of Planning Services.”

YEAS: Councillor Lapierre, Jakubo, Landry-Altmann

NAYS: Councillor McIntosh

CARRIED

Public comment was received and considered and effected Planning Committee’s decision in the following manner :

a) The addition of 2 additional conditions.

Addendum

.. No Addendum was presented.

Civic Petitions

.. No Civic Petitions were submitted.

Question Period and Announcements

.. No Questions were asked.

Notices of Motion

.. No Notices of Motion were presented.

Adjournment

.. THAT this meeting does now adjourn. Time: 9:46 p.m.

CARRIED

THIS IS **EXHIBIT "76"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.



Robert T. Kirwan shared a link.

Admin · March 29, 2018



As reported in the following article, the people who oppose the Kingsway Entertainment District may have brought out their "bigger guns" on Wednesday, but they ended up firing blanks. They basically proved to the entire city that there is no grounds for an appeal and if the opponents to the Kingsway project want to file an appeal then they may as well go ahead and do so. It is their money and they can accept the consequences of their actions.

I would strongly encourage Tom Fortin and Jeff McIntyre to ask for their \$60,000 back because the money they paid to lawyer Gordon Petch from southern Ontario and Rowan Faludi of UrbanMetrics to prepare a report and make presentations on their behalf was wasted. I don't blame Petch and Faludi for accepting the money and coming up empty because they really had nothing to work with. Their efforts may have meant something back on June 27, 2017, but not now. The decision was made and there is no reason to change the course.

I certainly hope that anyone listening to Mr. Petch and/or Mr. Faludi does not forget that the Fortin and the BIA hired them to prepare a report that would support their opposition to the KED. This was not an independent study, and the presentations made at the Planning Committee meeting were consistent with the fact that they were being paid to say what they said. If the city had hired them they would have come up with something completely opposite. That is what they do. They are hired to represent their clients.

I saw Faludi basically "read" from the report he produced and all he did was give reasons why he felt City Council should have chosen the downtown as the location for the arena / event centre. His presentation included absolutely nothing about the report presented by the Planning Department. And there is good reason why he didn't try to prove that the report was not consistent with legislation, because he couldn't. He could not find any fault with the report. His one purpose was to try to point out why Council should have made a different decision. And he failed to make the case.

I listened to Mr. Petch as he made a typical lawyer's pleading to the Planning Committee, threatening court action and trying to accuse the city of doing something illegal. He spoke as if he was in front of a judge and jury, trying to defend a client with preposterous statements and opinions, but he said absolutely nothing of substance and provided no objective, compelling evidence for Council to vote against the recommendations of the Planning Department. Mr. Petch alluded to the fact that in his opinion the city has done something illegal. He also said that Council should change their decision rather than have a court order make the change. This is typical lawyer talk and once again included not a single thing of substance. He does not seem to grasp the fact that the Local Planning Appeal Tribunal is not going to operate in the same manner as the OMB. He will not be able to use manipulative tactics to try to convince the adjudicator to arrive at a different decision. He has to produce evidence to demonstrate that the planning department made errors in their report. And he will not be able to come up with that evidence.

The time for emotional pleadings is over. It is time to put emotions aside and examine the recommendations from the planning staff, and now from the Planning Committee, in an objective manner. Council made a decision by a vote of 10 to 2 to authorize the construction of the arena / event centre on the Kingsway. It is time to vote accordingly on April 10, 2018 and move this project forward.

If anyone wants to appeal then they can go ahead and do so, but they are going to have a hard time finding objective, compelling evidence to prove that the planning staff have erred with their report. This is not about which decision City Council has made. It is about whether or not the placement of a municipal arena on that site is appropriate considering the existing legislation.



SUDBURY.COM

Arena, parking lot rezoning approved for Kingsway Entertainment District

18

17 Comments 1 Share

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Comment

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THIS IS **EXHIBIT "77"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.


A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

**THIS IS EXHIBIT "78" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

**THIS IS EXHIBIT "79" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

**THIS IS EXHIBIT "80" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

THIS IS **EXHIBIT "81"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

THIS IS EXHIBIT "82" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"


**THIS IS EXHIBIT "83" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

THIS IS **EXHIBIT "84"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

GORDON E. PETCH

- Barrister -

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

May 4, 2018

HAND DELIVERED

City Clerk's Office
City of Greater Sudbury
200 Brady Street, 2nd Floor
Sudbury, ON P3A 5P3

Attention: Eric Labelle

Dear Mr. Labelle,

Re: City File No. 751-6/17-27; "Kingsway Entertainment District"
And Re: Appeals: OPA 92; Zoning By-law 2018-61Z as amended by By-law 2018-70Z;
Zoning By-law 2018/63Z as amended by By-law 2018-72Z; Zoning By-law
2018-62Z as amended by By-law 2018-71Z.

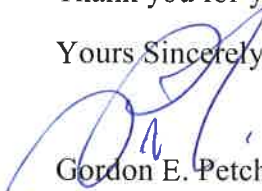
I am retained by Sudbury BIA, Tom Fortin and Dr. Christopher Duncanson-Hales. I enclose herewith their respective LPAT appeal forms and attached Notices of Appeal with regard to the above OPA and Zoning By-laws. I also enclose herewith my General Account Cheques on account of their respective appeal fees payable to the Minister of Finance as follows:

1. For the appeal of Sudbury BIA -\$1200.00
2. For the appeal of Tom Fortin - \$1200.00
3. For the Appeal of Dr. Christopher Duncanson-Hales - \$600.00.
4. USB Key enclosing all documents

Kindly provide a receipt of same.

Thank you for your co-operation.

Yours Sincerely,


Gordon E. Petch
GEP/dh
Encl.

Royal Building
277 Lakeshore Road East, Suite 211
Oakville ON L6J 1H9



Toronto Meeting Rooms
Brookfield Place, 161 Bay Street, Suite 2700
Toronto ON M5J 2S1

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www.MunicipalLawChambers.com

LOCAL PLANNING APPEAL TRIBUNAL

NOTICE OF APPEAL

May 4, 2018

THE APPELLANTS

I am retained by three clients in this matter, Sudbury Downtown Business Improvement Area (“BIA”), Tom Fortin (“Fortin”) and Dr. Christopher Duncanson-Hales (“Dr. Hales”).

The BIA and Tom Fortin oppose the relocation of the existing Downtown arena/event centre to a suburban site located on a street municipally known as the “Kingsway” located well outside the Downtown and in combination with a proposed casino because of the long term negative economic impacts on the Downtown. They also oppose the single issue of the establishment of a casino in the City. The basis for the appeals are founded on economic planning, land use planning and legal grounds described in detail hereafter.

Dr. Hales is appealing the casino approvals only, both in his personal capacity but also, with their written permission, on behalf of 36 multi-faith leaders (Schedule 1 attached) of various religious groups in Sudbury and surrounding areas on the grounds of the impacts of the casino of problem gambling and in particular for those vulnerable low income housing areas and developments (Schedule 2 attached) of the City located in close proximity to the Kingsway location. Their appeal is based on land use and legal grounds described in detail hereafter.

The following written submissions (attached) have been filed by or on behalf of the Appellants and are part of the record that the City and are referenced hereafter in support of the Grounds Of Appeal.

- Tom Fortin – “Casino Free Sudbury” January 30, 2018 and March 24, 2018.
- Gordon Petch on behalf of Sudbury BIA and Tom Fortin March 12, 2018 (including urbanMetric (Faludi) Report dated March 12, 2018) and March 22, 2018 (including urbanMetrics Report dated March 21, 2018 and WND Planning (Dragicevic) Report dated March 20, 2018).
- Dr. Hales-January 21, 2018, March 25, 2018 and April 5, 2018

THE PROPOSAL

The City of Greater Sudbury (“City”) has approved the development of a new major entertainment district known as the Kingsway Entertainment District (“Entertainment District”) in a designated and zoned industrial park located beside an operating landfill site, on an arterial street municipally known as “Kingsway” in the south east quadrant of the urban area of the City. The development is integrated and to be composed of a new casino, arena/event centre, hotel/convention centre and

related retail, restaurants and other service commercial uses. It was also promoted to include other sports facilities. The arena/event centre is proposed to be physically connected to the casino and integrated in other ways. This location is well outside the Downtown and in close proximity of low income residential housing. The best description of the proposed development can be viewed on the proponents video link - <https://www.youtube.com/watch?v=myHvTbaTbTbOA>. (USB Key attached).

There currently exists gambling slot facilities at the Sudbury Downs Racetrack in the rural area of the City governed by the Ontario Lottery and Gaming Corporation (“OLG”), which will be closed and relocated to the Kingsway site. These facilities opened in November 1999.

The current arena/event centre has existed in the Downtown of the City for decades and has been home to the Sudbury Wolves Ontario Hockey League team. It has undergone costly expansion and mechanical upgrades in recent years. It is the City’s major entertainment facility for commercial and other family/community events. It is also a major tourist draw for the City and the largest single economic draw for Downtown retail, service commercial and other entertainment businesses. The proposal is to expand the size of the new arena with increased seating and larger stage facilities to create a major Event Centre so that it can attract larger ticket entertainment and cultural events.

In order to provide sufficient parking for the Entertainment District, the city has approved the rezoning of an additional vacant parcel of Industrial designated and zoned lands solely for the purpose of providing additional lands for a “Parking Lot” for entertainment purposes.

The hotel component is a permitted use within the current industrial zoning by-law permissions as such was intended to service the industrial land uses which is proposed to become a hotel/convention centre.

The City adopted By-law 2018-60P approving official plan amendment No. 92 amending the General Industrial Designation with the use of a “Notwithstanding” clause to permit the casino. No amendments to the official plan were applied for to permit the arena/event centre, the “Parking Lot”, nor the overall development of an Entertainment District within the “General Industrial” designated lands.

The City adopted the following zoning by-laws:

1. By-law 2018-61Z as amended by By-law 2018-70Z to permit the casino; and
2. By-law 2018-63Z as amended by By-law 2018-72Z to permit the arena/event centre; and
3. By-law 2018-62Z as amended by By-law 2018-71Z to permit the parking lot.

My clients Tom Fortin and the Downtown Sudbury Business Improvement Area hereby appeal the aforesaid Official Plan Amendment and all of the said zoning by-law amendments pursuant to Sections 17(24) and 34(19) of the Planning Act respectively. Attached hereto are the required LPAT appeal forms for each of these appellants.

My client Christopher Duncan-Hales, in his personal capacity and on behalf of his said represented group, hereby appeals the aforesaid Official Plan Amendments No. 92 and Zoning By-law 2018-61Z as amended by Zoning By-law 2018-70Z pursuant to Sections 17(24) and 34(19) respectively. Attached are the LPAT appeal form for this appellant.

GROUNDS OF APPEAL

LAND USE APPROVALS

a. Casino – “A Willing Host”

O. Reg. 347/00

- i. Prior to June 1, 2012 the OLG statutory process for the approval of the Casino was governed O. Reg. 347/00 which required the holding of a municipal referendum during the municipal election in order to determine whether or not a municipality was agreeable to be a willing host for a casino. The Regulation provided the wording for the simple question:

“Do you approve a casino in our municipality?”
- ii. If the referendum failed to obtain a majority approval the new casino could not be established. That was the end of the process. Obviously, this process was intended to require the municipality to thoroughly inform the public on all the relevant social, economic and planning issues and to obtain and respect the views, with the results of the referendum being determinative.
- iii. If the referendum succeeded and the Ontario Casino Corporation (“Corporation”) wanted to proceed with the casino, it was required to prepare and file a business case with the Management Board establishing the capital cost and the financial viability of the casino in the municipality. This had to take place before the Corporation could decide that the municipality was a suitable location for the casino. Once approved, the Corporation was also required to provide a summary of the business case, provide it to the municipality and make it available to the public. This would occur prior to the municipality approving any land use applications. The obvious reason for such was the

need for the public and the municipality to review the business case and be satisfied that their financial expectations from the “partnership” in sharing gambling profits and the projected new jobs creation was sustainable.

O. Reg 81/12

- iv. Effective June 1, 2012, O. Reg 81/12 revoked O. Reg 347/00.
- v. The new Regulation required the Corporation (now OLG) to prepare the business case prior to establishing a new casino “*for the proposed site*” that establishes its financial viability. The Corporation then provides it to the Minister of Finance for approval. There is nothing in the regulation stating whether or not the business case is to be provided to the municipality or to be made public.
- vi. However, before the Corporation can proceed with the casino on the “proposed site” s. 2(2) 3 i) and 3 ii) of the Regulation requires the municipality obtain the views of the public:
 - i) *The municipal council....seeks public input into the establishment of the proposed gaming site and gives the Corporation, in writing, a description of the steps it took to do so and a summary of the public input it received, and*
 - ii) *The municipal council Passes a resolution supporting the supporting the establishment of the gaming site...and gives a copy of the resolution to the Corporation.*
- vii. What is important to note is that the Regulation no longer requires a Referendum to determine the most fundamental question – “*Do you approve of a casino in our municipality*”. The Regulation leaves the answer to this fundamental question to the planning approval process which is governed by the Planning Act.
- viii. If it is to be considered prior to the planning approval process (as was the case with the referendum), the intent of the Regulation, in my submission, is that it requires clear prior written public notice whereat all of the relevant issues will be fully investigated and considered and open for debate by the public and Council. As detailed in my letter to Council dated March 22, 2018 commencing at the bottom of page 4, this has never occurred.
- ix. If it is to be considered as part the land approval process as contemplated in the Regulation that is governed by s. 16(1) (b) the Planning Act which requires a municipality’s official plan to contain “*a description of the measures and procedures for informing and obtaining the views of the public in respect of ..proposed amendments to the official plan and proposed zoning by-laws.*”
- x. The City’s current Official Plan provides many policies for obtaining the public’s views and the importance for doing so:

- *S. 1.3.1 and 16.1- “Some of the determinants of a healthy community identified through a public consultation process include:*
 - *Citizen engagement in community decision-making processes”.*
 - Part V (p. 162)
 - *“Healthy Community determinants developed as part of an extensive public input process form the underlying foundation of the official plan.”*
 - *S. 16.2.1 “Citizen Engagement In Community Decision-Making*
 - *1. Recognize that citizen engagement is an essential component of local decision-making and continually seek ways to increase participation in civic affairs. Section 20.11 contains policies related to public participation matters.”*
- xi. These policies are similar to what we read in the Growth Plan for Northern Ontario, which I deal with hereafter, stressing the importance of transparency and citizen engagement for the public to genuinely feel part of the decision making process and to “buy in” support municipal decisions.
- xii. Section 1.1 (d) of the Planning Act reinforces this fundamental principle when dealing with planning matters:
- “to provide for planning processes that are fair by making them open, accessible, timely and efficient.”
- xii. The statutory method for selecting a site for a casino that is not already zoned for such use is governed by the provisions of the Planning Act and are well known. In the case of the subject Kingsway site a public process in accordance sections 17 and 34 are required with advance written Notice and a Statutory Public Meeting prior to which all relevant materials are made available to the public and the public are encouraged to make submissions to the Committee of Council and/or Council. The only statutory public meetings ever held dealing with the merits of a proposed location for the casino were those meetings held before the Committee on March 26 and 28, 2018 followed by the Council meeting on April 10, 2018.
- xiii. At the City Council meeting on April 10, 2018 a Councillor put the question to Catherine Matheson, the Manager of Community Development, as to when Council decided to be a “willing host” for the new casino. She responded that the decision was made in 1999 when a previous Council agreed to have gaming in the City. However that was the date when slots (and not a casino) was approved for the racetrack at Sudbury Downs, its current location. She also advised that the decision was made by the previous Council, which would be the resolutions in May and August 2012, which I deal with in my letter to Council dated March 22, 2018 at page 5, paras c) and d). The process leading to these resolutions was not one dealing with the sole question as to

whether or not the community wanted a full fledge casino in the City with all the issues discussed in a Staff Report of which the public had prior written notice.

- xiv. Therefore, the only time where this fundamental question could be properly considered with required notice and information was during the subject land approval process. However, that single fundamental question was never on the Public Notice of the statutory public meeting and never considered by Council. They simply assumed the matter had been finally determined by the previous council, and that they were bound by the decision, and therefore had no obligation to deal with it.

Submission

In my submission, the failure of City to hold a public meeting with full clear and unequivocal public notice Notice of the statutory public meeting that this fundamental question was to be considered was an error in law. In addition, the failure to preclude that fundamental question from being fully examined by Staff with transparent public input, and debated by Council at the said statutory public meetings was an error in law. For Council to assume that they were bound by the May and August 2012 Resolution of the previous council to be a willing host for the casino was an error in law. Until that sole question is put to the public with proper written notice and full disclosure and examination of all relevant facts and issues it is premature for Council to consider any of the proposed land use approvals and the appeals of the said by-laws should be granted.

Casino and Arena Location Approval Issues

I deal with this issue in my letter to Council dated March 22, 2018 at page 6-7, paras. h-m. Staff and Council take the position that the arena location was decided at the June 27, 2017 meeting. This is confirmed in the Staff Report dated March 14 and presented March 28, 2018. In my submission this was also the de-facto decision to locate the casino in this location because the “Partnership” between the developer/Gateway and the City was formed immediately thereafter and public monies spent to fund the preparation of an integrated site plan for all uses, including the casino and hotel, in the amount of \$387,000.00 of which the City paid 1/3rd. As well the City contributed staff resources on a priority basis to the integrated project. This was followed by Council approving their 2018 Budget allocating \$100M for the “Kingsway” location for the arena. The June 27, 2017 meeting was not a statutory public meeting as required by the Planning Act.

Submission

The decision to locate the casino and the arena/event centre at the Kingsway site prior to the required statutory public meeting whose fundamental statutory purpose is to determine the merits of the Official Plan Amendment and zoning by applications which would determine the merits of the proposed site. This was a clear error in law relating to both the decision for the location for the arena and the casino and requires the appeals OPA 92 and all of the said zoning by-laws be granted.

Casino – Social Issues

Granting permission for a casino to be established in a community raises obvious social and economic issues. The social problems relate to problem gambling which most frequently affects the most vulnerable members of society. There are also economic issues because the financial gains for the casino are the financial losses for the gambling public. The low income members of society are the most vulnerable to problem gambling affecting their ability to maintain employment, support their families and rise out of poverty. The Kingsway location for the casino is in close proximity to vulnerable neighbourhoods. Clearly locating the casino in this location violates the principles of the Planning Act, PPS, the City Official Plan noted hereafter.

The Greater Sudbury and District Health Unit prepared and forwarded to the City a Report dated February 14, 2013 on problem gambling and its impacts on youth, adolescents and older adults and the City's most vulnerable. The Report stated that "*A casino has the potential to worsen existing inequalities in that the introduction of gambling has a differential impact on different socio-economic levels.*" The Report asks that the take these issues into consideration when deliberating on the casino at the Kingsway location.

My client Dr. Hales filed with the City his above noted submissions on this issue prior to Council making its Decision also asking that they take them into account prior to making any Decision on the Casino applications. Other Members of the public orally made submissions expressing the same concerns.

This writer's oral submission, in testing the veracity of the City's position, questioned why the City would locate a municipally owned arena/event centre that hopes to welcome age groups and families from all sectors of the City beside a casino and indeed connect it to the casino which can only dramatically increase the potential for problem gambling.

Notwithstanding this obvious issue, the City Staff Report dated March 14, 2018 advised as follows:

"This staff report will provide additional information with respect to these themes with the exception of socio-economic matters, as the socio economic impacts of gambling fall outside of the scope of these land use planning matters."

As to this issue I review the relevant statutory and policy provisions below.

Planning Act

- i. Sections 3(5) and 3(6) of the Planning Act requires that all municipal staff, the municipal planning committee provide "comments, submissions or advice" on an official plan amendments and/or zoning by-law amendment "shall be consistent with" the policies in the 2014 Provincial Policy Statement.

Provincial Policy Statement

- ii. The following sections of the PPS provides demonstrate that land use planning includes consideration of applicable social issues:

- *“Part III: How To Read the Provincial Policy Statement*

*The Provincial Policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and **social factors** in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.”*

- *Read the Entire Provincial Policy Statement*

This section makes it clear that the PPS is to be read as a whole and is not to be “cherry picked” to attempt to restrict its relevance. In my submission it is clear that the PPS requires an assessment of the relationship between land use decisions and development patterns and relevant social issues as part of an integrated decision making process. The following provisions further support this principle.

- *“Part IV: Vision for Ontario’s Land Use Planning System*

*The long-term prosperity and **social well-being** of Ontario depends upon planning for strong, sustainable and resilient communities for all ages...”*

*“Long-term prosperity, human and environmental health and **social well-being** should take precedence over short-term considerations.”*

- *“S.1.0 Building Strong Healthy Communities*

*Ontario’s long term prosperity, environmental health and **social well-being** depend on wisely managing change and promoting efficient lands use and development patterns.”*

“S. 1.1.1 Healthy, livable and safe communities are sustained by:

*c. avoiding development and land use patterns which may cause environmental or **public health** and safety concerns.”*

- *“S. 1.2 Coordination*

*1.2.3 - Planning authorities should coordinate emergency management and **other social planning considerations** to support efficient and resilient consideration.”*

In concert with the PPS Section 16(1)(a) of the Planning Act prescribes that the “*Contents of an Official Plan shall contain....goals, objectives and policies established primarily to manage and direct physical change and the effects on the **social**, economic, built and natural environment of the municipality..*”

In compliance with the above sections of the Planning Act and the PPS the City’s current Official Plan was adopted by City Council on June 14, 2006 and finally approved by the OMB on August 20, 2010. Subsequent amendments have occurred to date. Section 20.10 of the Plan requires that it be comprehensively reviewed in five years (2015) but to date such has not occurred. The Official Plan contains many sections relating to the inter-relationship between land use planning and social issues:

- “S. 1.1-Purpose of the Official Plan

*The purpose of the Official Plan is to establish goals, objectives and policies to manage direct physical change and its effects on the **social**, economic and natural environment for the 20 year planning period.”*

- “S. 1.3 - Principle of the Plan

Based on our collective vision for the community, the following four key principles will guide future, change, growth and development of the City.”

“1.3.1 A Healthy City

*It is a Council priority for Greater Sudbury to be a **Healthy Community** offering a high quality of life to its residents.*

*The healthy community model recognizes that the **quality of life of citizens is a product of economic, social and natural environments in our City.** Some of the determinants of a healthy community identified through a public consultation process include:*

- *Citizen engagement in community decision-making process*
- *Social supports*

Many of these can be supported by land use policies contained in the Official Plan, while others are addressed by City initiatives including the City of Greater Sudbury Human Services Strategy 2015, and Coming of Age in the 21st century: An Economic Development Strategic Plan for Greater Sudbury 2015.”

It should be noted here that S. 16.2.7.5 of the Official Plan incorporates the underlined strategy above into the implementation policies of the Plan by requiring the City in its decision making process to “*Review and implement the recommendations of the City of Greater Sudbury Human Services Strategy 2015.*” This policy document speaks profoundly to the need for residents to be

fully engaged and listened to in a comprehensive rather than narrow way when considering planning and economic matters and their *social consequences* (Strategic Direction #2) and “Reducing Poverty” (Strategic Direction # 5). The following provisions of the Official Plan are also applicable:

- “S. 16.0 *Healthy Community*

*While there are a wide range of factors that contribute to a Healthy Community, an Official Plan is best suited to addressing **how land use policies can support Healthy Community Goals**. Although the focus of this section is the Healthy Community Model, it should be remembered that **Healthy Community Principles underlie the entire Plan**.*

- “*Developing Quality of Place*

*S. 17.5.1- Recognizing that quality of life is a key component of its economic development strategy, Council will strive to protect the community’s natural environment, to improve its built form, and to enhance its **social environment**.*”

- “*Implementation*

*S. 20.0 - The goals, objectives and policies of this Plan provide guidance in making decisions affecting land use and economic and **social development**, and are consistent with directives published under the Provincial Policy Statement.*

Ontario Regulation 81/12

This Regulation requires OLG to submit to the Minister of Finance for approval a business case for each site, which includes an assessment of the “**adequacy of responsible gaming features for the proposed site**”. There is no evidence that OLG has ever provided the City with a copy of same. Certainly, it has never been released to the public. Since the Regulation recognizes the importance of this issue before an approval for the Sudbury is granted, it was clearly in the public interest for the City to have undertaken such review independently.

Submission

In my submission, the position of City Staff and the Decision of Council that they had no obligation to consider the many social issues related to problem gambling and the location for the proposed casino in close proximity to low income communities most vulnerable to problem gambling and the merits of having an public arena beside and indeed connected to a casino, was contrary to the public interest and to the aforesaid provisions of the Planning Act, PPS and the City’s Official Plan and an error in law and justifies that the appeals of the said By-laws approving the casino should be granted.

Casino – Economic Issues

- i. As noted above, S. 3(5) and 3(6) of the Planning Act requires all “comments, submissions or advice” from City Staff and the Planning Committee and all Decisions of the Planning Committee and of Council “shall be consistent with” the policies of the PPS.
- ii. Section 1.1.1 of the PPS provides that:

“Healthy, liveable and safe communities are sustained by:

 - a) *Promoting efficient development and land use patterns which sustain the **financial well-being** of the Province and municipalities over the long term.*
 - e) *Promoting **cost-effective development patterns** and standards to minimum land consumption and **servicing costs**.*
- iii. As noted in S. 16(1) (a) of the Planning Act above an Official Plan is required to contain policies to “manage and direct physical change and the effects and the effects on the ...**economic**...environment of the municipality.”
- iv. In accordance with S. 16(1) S. the City’s Official Plan contains the following fundamental policy objective:

“OBJECTIVE

 - S. 19.1 – To implement the policies and programs of the Official Plan in a **financially sound manner** in conjunction with the Long-Term Financial Plan.
 - S. 19.2.1 a. - To facilitate the implementation of the policies and programs of the official plan, Council **will**:
 - a. *Examine the financial impacts of all major development projects or proposals to ensure that they are financially sustainable.*
 - b. *Have regard to the programs contained in this plan and give precedence to financing those programs which further Official Plan Programs and policies.*
 - c. *Before undertaking a program, consider alternative proposals that meet the same objective and evaluate their cost effectiveness, taking into account capital, operating and maintenance costs.*
- v. The obvious desire for some municipalities to welcome and approve a new Casino is that the Province, through OLG, provides the municipality with a portion of gambling revenues for a stipulated period of time and alleges a projected net increase in jobs for the municipality. It is a revenue sharing partnership and the quid pro quo for the

municipality supporting the initiative, including the planning approvals. As reported in the urbanMetrics Report it is estimated the City currently receives from OLG a share of the existing slots revenues from the Sudbury Downs location in the amount of approximately \$2.2m annually.

- vi. In 2012 the Province approved a “Modernization Plan” for OLG that was to privatize operations and increase net profit to the Province from \$1.7B to \$3B based on projected increased gambling revenues. This was to be accomplished in part by moving the casino/slot operations into the more densely populated urban areas to make it easier for people to attend the casino, thereby dramatically increasing gambling revenues and net profits. OLG also projected a dramatic net increase in net new gaming industry jobs and net new jobs in the hospitality, entertainment and retail sectors.
- xv. In April 2014 the Provincial Auditor General released her report advising that all of these projections were significantly overstated and unattainable.
- xvi. Ontario Regulation 81/12 requires OLG to prepare a business case for each site and obtain the approval of the Minister of Finance for such. The business case is required to:
 - “i. set out the cost of establishing the proposed gaming site.*
 - ii. demonstrate the **viability of the proposed gaming site** and the adequacy of responsible gaming features for the proposed site, and*
 - iii. sets out or demonstrates any other matter that the Corporation (OLG) considers appropriate.”*

To date, there is no evidence that the City has ever seen this business case and it certainly has never been made public. Efforts by this writer in the past in another municipality to obtain a copy of same from OLG pursuant to Freedom of Information legislation have been denied. I understand this is the same position of OLG in other municipalities.

It is obvious that the increase in gambling revenue, which Mr. Faludi projects to be between \$33-38M (from \$42M to \$75-80M) will come substantially from Sudbury residents. Mr. Faludi also points out that slot gambling is different than gambling in a casino. The City can therefore expect the disposable income of City residents to decline by \$75-80M annually going forward – if the casino meets its financial projections. This reduction in disposable income reduces the amount City residents can spend on other City goods and services – an economic issue one would think the City would want to consider before entering into the “partnership” and as part of the exercise in considering the land use approvals for the Casino.

In my letter to the City dated March 12, 2018 I provided City Staff and elected officials with a copy of the urbanMetrics report by Rowan Faludi of the same date. This was prior to the City Planning Staff being released and therefore was available for their review and when finalizing their Staff Report. Mr. Faludi, who has a long history of studying the economics of the province’s gaming industry advised that the proposed casino may not result in any significant increased

revenues to the City or any a net increase in employment and that it would not likely result in many economic and financial costs that would outweigh its benefits. Notwithstanding, there is no mention of either his report nor of these economic issues in the Staff report..

Notwithstanding this clear warning to the City, both from the Auditor General and urbanMetrics, the City has not undertaken any independent due diligence of these most fundamental economic issues. City Staff take the position that they have no obligation to consider these issues.

Finally, there is the issue of Gateway Casinos Entertainment Ltd. (“Gateway”) the selected developer and operator of the casino. Gateway is owned by Catalyst Capital Group Inc. (“Catalyst”). Numerous recent media publications which are readily available to Staff (2 of which I have attached as Schedule 2 hereto) bring into question the financial ability of Catalyst to fulfill its financial obligations to OLG to invest approximately \$700M to renovate and build new casinos by 2020. Indeed, Catalyst is attempting to now sell Gateway in order to raise capital to support its other operations. Therefore, it would be prudent for anyone wanting to partner with Gateway, including the City, to undertake its own due diligence of the company before granting it such land use approvals. If Gateway is sold there can be no assurances that the new owner would consider Sudbury sufficiently profitable to proceed.

The City has approved a \$100M budget charge in its 2018 budget to build the arena as a form of “Partnership” with Gateway. What has not been revealed to the public are the financial arrangements between Gateway and the City and what portion of the infrastructure costs that the City will pay for will benefit Gateway. What is also unclear is that if Gateway is unable to proceed either in a timely way or at all, would the City continue to choose to relocate the arena/event centre in the subject location, on its own, in this vacant industrial site, when the Downtown site with its obvious certainty and benefits for the Downtown is so readily available?

Submission

In my submission, the failure of the City to take the position that it is not obligated in any way undertake its own independent investigation and analysis of the financial viability and economic impacts of the proposed casino project is contrary to the above noted requirements of the Planning Act, PPS, GPNO and the City’s Official Plan and the appeals of the subject by-laws should be granted.

Arena-Economic Issues

PWC Reports

- i. The City retained PWC to prepare 2 reports relevant to the arena issue. The first is dated February 21, 2017. This report made the business case for a new arena with major Event facilities. Mr. Faludi reviews this report at page 16-17 in his report and notes the preference for the new arena to be established in a built up urban area rather than in a suburban undeveloped greenfield location. The second report is dated June 2017 and deal with analysing the Downtown, Kingsway and other locations. PWC established

criteria for the analysis and concluded the Downtown 3 ac. site abutting the existing Downtown arena as the preferred location. However, Council then asked PWC to restrict its analysis to only 3 criteria which tended to distort the analysis in favour of the suburban Kingsway site, which the City resolved to accept. Mr. Faludi challenged the City's restrictive criteria as flawed, and unreliable.

- ii. Mr. Faludi also pointed out that at no stage in the process was PWC or any other consultant or Staff asked to consider the economic impacts of removing the arena from the Downtown, as the first issue, and then as a separate issue, the economic/financial impacts on the Downtown of combining it with a casino in a new Entertainment District.
- iii. Therefore, Council made its decision to prefer the Kingsway site with its June 27, 2017 Resolution without any expert advice or consideration of the economic impacts of such on the Downtown.

Planning Act/PPS/Growth Plan

As noted above Sections 3(5)(a) and 3(6)(a) of the Planning Act requires City Staff and Planning Committee to provide “comments, submissions or advice” and Council to make “Decisions” that are consistent with the policies of the PPS. In addition to the economic provisions of the PPS noted above, S. 1.7 c) specifically requires that the “Long-Term Economic Prosperity” of the municipality be supported by:

“maintaining and where possible, enhancing the **vitality and viability of downtowns...**”

Sections 3(5)(b) and 3 (6)(b) of the Planning Act requires such “comments, submissions and advice” and “Decisions” to “conform with” or “not conflict with” provincial plans that are in effect.

Growth Plan For Northern Ontario

The relevant plan for my purposes is the Growth Plan For Northern Ontario (“GPNO”) which Mr. Dragicevic addresses in his letter report dated March 20, 2018. As stated in the Preamble, the GPNO is an “economic development plan, an infrastructure investment plan, a labour market plan and a land use plan.” Its purpose is to guide decisions premised on sound economic planning to provide for long term sustainable development. They direct that such can be achieved by collaboration between all levels of government and business and resident organizations. In Section 4.1 (pg. 24), the goal is stated to be best achieved with the full participation of the community and the relevant levels of government in completing plans such as “*community economic plans and participation in community planning efforts*”. These initiatives are described as “effective tools and approaches to ensure citizens and businesses’ views are reflected in their communities’ future economy and long term sustainability. Section 4.3.3 d) provides that for economic and service

hubs (such as the Downtown of Sudbury) the City should “maintain updated official plans and develop **other supporting documents** which include strategies for

encouraging a significant portion of future residential and employment development to locate in **existing downtown areas...**”

There are other economic policies in S. 4 of the Plan that would readily apply rejuvenating and encouraging development in the Downtown.

Section 2.3.10 deals with the importance of Tourism to the economies of Northern municipalities and investing in infrastructure to “improve the competitiveness of the tourism industry and enhance the visitor experience. This is a policy directly related to Sudbury’s Downtown.

Economic Development Strategic Plan and Downtown Master Plan

In accordance with these policies the City initiated two community-based studies relevant to this issue:

- i. **“A Community Economic Development Strategic Plan-From the Ground Up 2015-2025”** involving 2300 persons as stakeholders including the City’s Economic Corporations and City Economic and Tourism Staff;
- ii. **“The Downtown Sudbury Master Plan” (March 2012)**
 - b. As both Mr. Faludi and Mr. Dragicevic noted in their respective reports both these reports stressed the vital importance of the Downtown to the in all critical aspects, namely business, culture and tourism.
 - c. At page 9 (s. 4.0) of the Downtown Master Plan it provides:

“As Sudbury’s economy continues to evolve and its cultural offer develops further the Downtown will play an increasingly important role in providing the place for that continues economic and cultural growth. The success of the Downtown will be fundamental in helping the community cement its role as the economic and cultural ‘Centre of the North’.”

This report goes on to advise that the strategy for achieving this goal is to:

- Grow Employment in the Downtown
- Create Destination attractions in the Downtown
- Make the Downtown a Centre for Learning
- Make the Downtown a Centre for Living

At page 10 of the report the following strategies relevant to this matter are:

- Invest in the infrastructure necessary to support growth in the Downtown.
- Build a multi-use Recreation and Conference complex/hotel” and

- Undertake the downtown Sudbury Arena Improvements.

The Economic Development Strategy, as both Mr. Faludi and Mr. Dragicevic advise, similarly point to the importance of the need for capital investment in the continued rejuvenation of the Downtown and how significant this is to the City's future success in all respects. At page 44, under the heading "Required Action" S. 7.1.1. the Report recommends:

"Develop a multi-purpose facility (or facilities) for arts, culture, business and sport **in the Downtown**, with consideration for the following high-priority uses:

- conference facilities,
- performing arts centre,
- **Arena/Sports complex,**
- Art Gallery and
- Hotels for the Downtown as priority uses.

These projects are referred to a "Transformational Large Projects" for the Downtown.

As noted in the Faludi Report (pg.24) in November 2012 the City commenced a community initiative for large projects that would be "Transformational" for the City. On November 27, 2015 the City endorsed four major initiatives. On September 12, 2017 the City gave direction to implement to implement two of these projects in the Downtown in the location of the former arena:

- The Greater Sudbury Convention and Performance Centre, and
- New Library and expanded Art Gallery

In the March 14, 2018 Staff Report the Staff's response to the concerns for the economic impacts of the new Kingsway Entertainment District project is that such will be remedied with these two projects in the Downtown.

However, there was no analysis done by the City to determine if these proposed projects are now financially viable with the approval of the new Kingsway Entertainment District. Mr. Faludi opined that the Casino/Arena Event Centre/Hotel/Convention Center planned for the Kingsway Entertainment District would overwhelm and duplicate the functions and market for a second performing arts and hotel/convention centre in the Downtown rendering then not financially viable. This is not hard to anticipate. Yet there is no mention of this concern in the said City Staff Report.

When asked about this missing component in their Staff Report at the Committee Meeting of Council during the statutory public meeting, notwithstanding the legislative requirements above, Jason Ferrigan, the Director of Planning, advised City Council that they did not have to consider or have regard for these two plans and that they had no weight or merit because they were not adopted as amendments to the Official Plan. However, this was contrary to what Staff said in their own report at the bottom of page under the heading "Neighbourhood Consultation" Staff state:

"City Council continues to take other steps to support and encourage downtown revitalization, consistent with the opportunity-based Downtown Master Plan."

City Official Plan

Similarly, consistent with these community economic and planning initiatives for the Downtown the City's Official Plan provides as follows. In reviewing the following, note the underlined references to the aforesaid Economic Development Strategic Plan.

- Five “Vision Statements (S.1.2). The fourth relies on the said Economic Development Strategic Plan (bottom pg. 4) and the fifth provides (Top pg. 5):
 - “The City’s Economic Development strategic plan has identified five engine for growth and a number of strategic actions and initiatives to be implemented. **Greater Sudbury’s Downtown will be developed and sustained as the vibrant hub of a dynamic City** by preserving its built form, promoting arts and culture, improving linkages to neighbourhoods and amenities, integrating natural features, developing residential uses, and creating unique urban spaces through innovative design”
- Part II: Managing Growth and Change
 - “A number of historical land use issues need to be addressed, including...the strategic importance of revitalizing the Downtown...Policies to facilitate objectives set out in the City’s long term economic development strategy are also essential to this process.”
- “Employment” Section 4.1 e. “promote the development of the **Downtown** as an employment and business centre for the City.”
- “Downtown” Section 4.2.1:
 - i. “Downtown Sudbury forms the historic core of the amalgamated City, retaining its important function as a centre of retail, arts and culture, government and business services.”
 - ii. Compact and walkable, the Downtown possesses a distinct built form that sets it apart from other urban areas, **offering unique opportunities to protect, develop and sustain its role as the vibrant hub of a dynamic City.**”
 - iii. **Council will develop the Downtown as a creative district by promoting arts and culture...The development of a performing arts facility in the Downtown will be a key priority.**
- “Downtown” S. 4.2.1.1- Downtown Residential Development:

- i. “Amenities such as the ...Sudbury Arena...contribute to the appeal of the Downtown. In order to make it more attractive as a place of residence, additional amenities necessary to enhance the liveability of the Downtown will be identified.”
- “Downtown” S. 4.2.1.2- Downtown Urban Environment
 - i. “The Downtown plays a key role in defining the City’s image and quality of place, perceptions that are essential to the success of a number of City Initiatives.”
- “A Prosperous Community with employment opportunities” - S. 16.2.3
 - i. In addition to the more detailed discussion of Economic Development contained in Chapter 17.0, the following policies will apply:
 1. Having regard to the City’s Economic Development Strategic Plan in assessing Development Applications.
 2. Recognize the importance of “quality of place” in attracting new residents and investment to our community. Related to this, the image of the City is often associated with its **Downtown** and mainstreets....”
- As noted above in dealing with the Casino-Economic issues, Section 19 of the Official Plan provides direction to the City in dealing with these large projects. They also provide direction to the implementation of programs and policies in the official plan itself.
- The “Objective” (S. 19.1) of these policies is “**To implement the policies and programs of the Official Plan in a financially sound manner** in conjunction with the Long Term Financial Plan Council will:
 - a. Examine the financial impacts of all major development projects or Proposals to ensure that they are financially sustainable.
 - b. Have regard for the programs contained in this Plan and give precedence to financing those programs which further Official Plan objectives and policies.
 - c. Before undertaking a program, consider alternative proposals that meet the same objectives and evaluate their cost-effectiveness, taking into account capital, operating and maintenance costs.

Therefore, in order to comply with above policies in S. 19 and implement the policies for the Downtown identified in the “Economic Development Strategic Plan” referenced in the Official Plan required the City to measure the financial impacts of the proposed “Kingsway Entertainment District” on the on the “vitality and viability of the Downtown” (as also required by s.1.7 c of the PPS s. 1.7) and the proposed Transitional Large Projects, which the City has never undertaken.

Submission

In my submission, the advice by City Staff to City Council and Council Decision, and the position both Staff and Council took, that it did not have to consider the economic impacts of the removal of the arena from the Downtown to the Kingsway location connected to a casino in a new Entertainment District is contrary to the above noted provisions of the Planning Act, the Growth Plan for Northern Ontario, the PPS and the City Official Plan and my clients appeals of the relevant by-laws should be granted.

Employment Lands Conversion

Mr. Dragicevic deals with this issue on page 7 and 10 of his report.

All of the lands subject to the proposed Official Plan Amendment for the Casino and zoning by-law amendments for casino and the new Arena/Event Centre and the “Parking Lot” are zoned for industrial uses. Their planned purpose in combination with the existing hotel permissions is to create a new Entertainment District.

As Mr. Dragicevic advises all of the proposed amendments are intended to establish land use permissions for a new “Entertainment District”. The City Staff Report of March 14, 2018 advises, under the heading “Long Term Economic Prosperity” advises that this “Entertainment District” will “provide a venue for major entertainment events that will draw attendees from other parts of Northern Ontario to the City of Greater Sudbury”. Therefore, it should be assessed from a planning perspective as one entity and not just by its parts unrelated to each other. In Mr. Dragicevic’s opinion the proposed Kingsway Entertainment District is not an “employment use” as defined and contemplated in the PPS and cannot be approved until the City initiates and completes a “Comprehensive Review” which it has not done. Individually, a casino is not an “employment use” and requires an official plan amendment for it to be permitted in the “General Industrial” designation. Similarly, removing approximately 30 acres of industrial lands simply for a “Parking Lot” for entertainment uses means there are 30 acres less for industrial uses meaning the proposed Parking Lot is not an “employment use”.

As Mr. Faludi advises in his March 21, 2018 Report (page 2, para 3) one of the key requirements for an Employment Land Conversion study is to determine whether the proposed uses could be located elsewhere in the City. Clearly the Arena/Event Centre can be located in the Downtown and the Casino can locate at the existing gambling venue at Sudbury Downs. Obviously, this is the likely result of such a study.

Submission

In my submission, for the reasons stated above, all of the proposed Planning Act applications collectively are a “conversion” of “employment lands” and contrary to the provisions cannot be approved without “Comprehensive Review” being undertaken and approved which has not occurred. In the alternative the proposed casino use and the proposed “Parking Lot” uses individually are a “conversion” and cannot be approved without a “comprehensive review” being undertaken and approved which has not occurred. Under either scenario, the Tribunal has no jurisdiction to approve the aforesaid official plan and zoning by-law amendments and the appeals should be granted.

Official Plan Amendment for Entire Entertainment District

Consistent with Mr. Dragicevic’s reasons for analyzing all of the lands proposed for the establishment of the Kingsway Entertainment District for employment land “conversion” purposes, the entire project should be analysed for Official Plan compliance purposes. In his opinion the entire project must proceed as a single official plan amendment for the entire project and not simply for the Casino. No application for such an official plan amendment has been applied for and is not before the Tribunal.

The proposed applications are therefore contrary to the Official Plan and the appeals of the said official plan amendment for the casino and all of the aforesaid zoning by-laws should be granted.

Submission

In my submission, it is premature for the Tribunal to proceed with the approval of the proposed official plan amendment and zoning by-laws until a single official plan amendment is filed and processed for the entire project and assessed with regard to its compliance with other policies in the Official Plan, the PPS and GPNO and the relevant policies of the Downtown Master Plan and the City Long Term Economic Development Strategic Plan. To do otherwise is contrary to the City’s Official Plan, not consistent with the PPS and does not conform with and conflicts with the GPNO.

COUNCIL BIAS

I dealt with the ground for this issue in detail in my letter to Council dated March 22, 2018 at pages 4-7 and will incorporate but not repeat them here.

Submission

By the time this matter came before Committee at the Statutory Meetings held on March 26 and 28, 2018, Council had already established what staff referred to as a “Partnership” with OLG and the landowner and had made commitments and rendered rulings (noted above) that precluded it from being able to fairly listen to those opposed the both the process and the decision to approve, contrary to the intent of the Planning Act public process and the goals of the City’s own official

plan. Staff admit that Council had previously made their decision on the merits of the location for the arena/event centre (and in my submission the casino) at the June 27, 2017 Council meeting, and that such was not open for reconsideration. This was a clear error of law justifying that the appeals of all of the said by-laws be granted.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

This 4th day of May, 2018

GORDON E. PETCH

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Dr. C.J. Duncanson-Hales Representative Group

- Dr. Christopher J. Duncanson-Hales, Chair Nord500North Committee for the Commemoration of the Reformation
- Rev. David Nicol Sudbury Interfaith Dialogue
- Most Reverend Marcel Damphousse Bishop of the Roman Catholic Diocese of Sault Ste. Mariezzzz
- Rt. Rev. Anne Germond Bishop of the Anglican Diocese of Algoma
- Rt. Rev. Dr. Michael J. Pryse, Bishop of the Eastern Synod of the Evangelical Lutheran Church in Canada
- Sister Bonnie MacLellan, The General Superior for the Sisters of St. Joseph of Sault Ste Marie
- The Rev. Robert Derrenbacher, Ph.D. Church of the Ascension (Anglican)
- The Reverend Monsignor James Hutton C.S.S. St. Patrick Catholic Parish
- Mrs. Catherine Hopper Roman Catholic
- Diane Pagan St. Patrick's Catholic Church
- Rev. Diane Trollope United Church of Canada
- Rev. Bea Arnill United Church of Canada
- Sister Bonnie Chesser, Sisters of St. Joseph, St. Patrick's Roman Catholic Church, Sudbury
- Anthony Chezzi, Adult Faith Facilitator St Patrick Parish
- Dorothy Klein RN BScN, RN Emeritus, Roman Catholic
- Howard Wideman, Mennonite
- Mary Wideman, Mennonite
- Dr. Lucien Pelletier Roman Catholic Parish of St. Ignatius of Loyola, University of Sudbury
- Paul J. Allard, DLM United Church Canada
- Madeleine Paquette Roman Catholic
- Sheila Murdock parishioner Church of the Ascension, Anglican
- Fr. Peter Moher Holy Redeemer RC Parish
- Mrs. Anne Gervais Roman Catholic
- Krista Frederiksen Waters Mennonite Church
- Sister Sharon Miller Sisters of St Joseph of Sault Ste. Marie
- Sister Priscilla Solomon, Sisters of St. Joseph of Sault Ste. Marie
- Art Bast, deacon Waters Mennonite Church, Lively, ON
- Rev. David Shulist, S.J. St Ignatius Parish at the University of Sudbury
- Rev. James Ketzler Church of Christ the King - Sudbury
- Rev. Melody Duncanson-Hales, Mission and Stewardship Animator Manitou Conference, The United Church of Canada
- Dr. Albert J. Bouclin St. Jean de Brébeuf Roman Catholic Parish
- Rev. Marie Bouclin Bishop, Roman Catholic Women Priests of Canada
- Todd Manuel, Lead Pastor Glad Tidings Pentecostal Church
- Rev. Dr. Spencer Boersma First Baptist Church of Sudbury
- Rev. Jason Tripp Valleyview Community Church
- Rev. Aidan Armstrong Church of the Ascension -Anglican

SCHEDULE 2

- Finlandia Village
 - 90 unit mixed market/geared to income units
 - 82 Assisted living
 - 31 townhouses
 - 2.5 km
 - 9 minute bus
 - 31 minute walk
- 241 Second Avenue
 - 70 two-story units 3, 4 and 5 bedrooms
 - 2.9 km
 - 35 minute walk
 - 20 minute bus
- 491 Camelot Drive
 - 42 Townhouse Units
 - 2.9 Km
 - 35 minute walk
 - 24 minute Bus
 -
- 1200 Attlee Avenue,
 - 76 Townhouse Units
 - 6.7 km
 - 20 minute via bus
- 1950 Lasalle Blvd
 - 106 units
 - 5.3 km
 - 27 minutes bus
 - 10 minute car
- 1778 LaSalle Blvd
 - 40 townhouse units
 - 4.9 km
 - 60 minute walk
 - 22 minute bus
 - 9 minute car
 -

SCHEDULE 3
MEDIA REPORTS

GLOBE AND MAIL – Tuesday May 1, 2018

Odds stack up in favour of a Gateway sale as Catalyst negotiates with U.S. casinos

ANDREW WILLIS
JEFFREY JONES

Gateway Casinos Entertainment Ltd., which owner Catalyst Capital Group Inc. has been attempting to sell or take public for years, is receiving interest from a number of American acquirers, sources say.

Catalyst is trying to negotiate a sale of Gateway to U.S. casino operators that either have a foothold in the Ontario market or want to move into Canada, according to sources familiar with the company's strategy.

Potential bidders include **Hard**

Rock Cafe International Inc. and **Caesars Entertainment Corp.**, which already have stakes in casinos in Ottawa and Windsor, respectively.

At the same time, Catalyst continues to work on the sale of a stake in Gateway through an initial public offering, in case a takeover fails to materialize.

Catalyst and Gateway declined to comment Monday on their plans.

Catalyst, controlled by financier Newton Glassman, is attempting to take advantage of U.S. interest in Canadian expansion after Gateway acquired the operating rights to government-owned Ontario proper-

ties and development sites.

Catalyst acquired Gateway in 2010 and first tried to sell-down its stake in the company in 2012 through an initial public offering, which was subsequently withdrawn.

Burnaby, B.C.-based Gateway operates nine Ontario casinos and struck a deal with the Ontario Lottery and Gaming Corp. in March for three more properties.

The other major domestic gaming company is Richmond, B.C.-based Great Canadian Gaming Corp., which runs 21 casinos, including eight Ontario sites.

☞ GATEWAY, B7

Gateway: U.S. companies are interested in rolling the dice for a larger Canadian presence

☞ FROM B1

"The Canadian gaming industry and the international gaming industry has been a little surprised that most of the province [of Ontario] has gone to these two companies, given that they're not major global gaming companies," said lawyer Ilkim Hincer at Osler Hoskin & Harcourt LLP, who frequently advises casino companies.

He said that when the province began selling its casinos, "OLG wanted to create world-class gaming entertainment options for patrons, in a socially responsible way. The idea was that they would draw a lot of attention from these international gaming companies, like [Las Vegas Sands Corp.], MGM, Caesars."

U.S. companies already run casinos in Ontario, but industry experts say several of these players are interested in rolling the dice for a larger share of what's seen as a growing domestic market. Orlando-based Hard Rock acquired an Ottawa casino from OLG last May and recently announced plans for a \$318-million expansion. Las Vegas-based Caesars is one of the world's biggest casino operators, running 47 properties, including a Windsor site that first opened its doors 24 years ago.

Gateway could fetch \$1.5-billion or more in a sale, based on the prices paid for casinos in recent takeovers. Along with its 25 existing sites, the company plans to build casinos in Collingwood, Kenora and North Bay, Ont.

In a recent letter to its investors, Catalyst said

it hired investment banks Morgan Stanley and CIBC World Markets Inc. is leading a possible IPO, while Morgan is said to be simultaneously leading the search for a buyer for the company – an approach to selling that is known as a dual-track process.

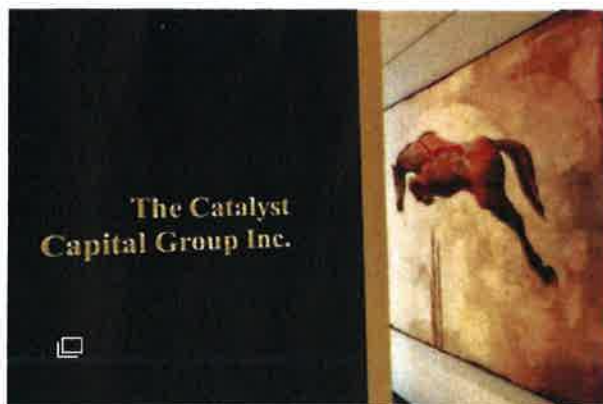
Gateway expects to spend approximately \$700-million over the next three years to renovate its existing properties and build new casinos, part of a strategy to lure more clients by building steak houses and sports bars alongside larger gambling areas.

To build new properties and bring more gamblers to existing sites, Gateway has forecast approximately \$320-million of capital spending this year, \$290-million in 2019 and \$100-million in 2020 in presentations done for investment bankers last month. Maintenance capital spending at Gateway – the budget for keeping properties looking fresh and enticing – is approximately \$30-million annually.

Gateway projects that as new casinos open, earnings before interest, taxes, depreciation and amortization (EBITDA) will increase by 88 per cent over the next four years to \$275-million in 2020, from \$146-million in 2017.

Catalyst has invested approximately \$6-billion on behalf of backers such as pension plans, and owns several businesses that are doing poorly, including Callidus Capital Corp., a lender to distressed companies. Catalyst, founded in 2002, faces pressure from some investors to cash in on what's perceived as a successful investment at Gateway.

Gateway could fetch \$1.5-billion or more in a sale, based on the prices paid for casinos in recent takeovers. Along with its 25 existing sites, the company plans to build casinos in Collingwood, Kenora and North Bay, Ont.



A sign shows the entrance to the offices of the Catalyst Capital Group Inc. in Toronto, Ontario, Canada July 6, 2017. Picture taken July 6, 2017. REUTERS/Chris Megeren

By Lawrence Delevingne and John Tilak

NEW YORK/TORONTO (Reuters) - Canadian financier Newton Glassman has long told his private equity firm's clients that his big bet on casinos would yield a financial jackpot.

Others haven't been so sure.

At the end of 2011, a year after Glassman's Catalyst Capital Group Inc took control of Gateway Casinos & Entertainment Ltd, Catalyst told investors in a report seen by Reuters that it already had more than doubled their money and that its majority stake was worth US\$475 million —

for an implied equity value of the gaming company as a whole of US\$699 million.

But Catalyst was forced to abandon a planned initial public offering of Gateway in 2012 after investors balked at the firm's valuation, according to two people familiar with the effort.

In the ensuing years, Catalyst's implied valuation of Gateway continued to climb, to more than US\$1 billion as of Sept. 30, 2017, according to investor communications, all while Glassman repeatedly told clients to expect a sale that never happened.

Now, under increasing pressure to liquidate a past-due private equity fund, Glassman is again attempting a Gateway IPO at a valuation of as high as US\$1.95 billion, according to a Feb. 28 Bloomberg report.

Under Catalyst's direction, British Columbia-based Gateway has expanded its operations and just restructured its debt. Even so, Catalyst's assessment of the impact of those moves on the company are more optimistic than those of ratings agencies Moody's and Standard & Poor's, both of which still rate Gateway debt as "junk."

Michael Lewitt, chief investment officer at hedge fund firm Third Friday Management in Boca Raton, Florida, reviewed Catalyst's valuation of Gateway and called it "extremely aggressive."

High valuations and delayed sales apply to more than just Gateway, Reuters has found, with potentially worrying implications for Catalyst's four currently active funds and their big-money investors.

Catalyst follows a "loan-to-own" strategy, acquiring the discounted debt of troubled companies, mostly in Canada and the United States, taking over the business in the case of a default or by other means, and then selling at a profit after improving operations.

Early success using that strategy with Catalyst's first fund established Glassman's reputation as a savvy investor. It also has helped Catalyst attract enough investors to make it Canada's third-largest private equity firm, with about C\$6 billion (US\$4.6 billion) in assets under management, according to data tracker Preqin.

Since Catalyst launched its second fund in 2006, however, the firm's record of double-digit annual returns has been based largely on its own assessments of improvements to its stable of distressed companies. When put to the test, at least four of Catalyst's major assets have been unable to find buyers at the firm's valuations, based on a Reuters review of Catalyst's portfolio, multiple communications from Catalyst to its clients and regulatory filings, as well as interviews with people familiar with Catalyst's operations, academics and financial analysts.

Those major assets, plus expected payouts from pending litigation, made up US\$3.3 billion – or more than two-thirds – of the overall US\$4.7 billion of unrealized value across all Catalyst funds at the end of 2016, according to an April 5, 2017, report for clients. The assets include Gateway and Callidus Capital Corp., Catalyst's publicly listed subsidiary that specializes in high-interest loans to distressed companies and that is itself a major holding of Catalyst funds.

Failure to cash out can put additional pressure on Catalyst as funds approach the end of their lifespan, typically eight or 10 years, by which time all money – principal and profits – is expected to be returned to investors. Catalyst Fund Limited Partnership II, for example, was supposed to mature in April 2014 after starting to invest in 2006. But Catalyst has extended the deadline at least three times.

The contrast between the picture Catalyst paints of its fund assets in communications with clients and

how those assets perform when a sale is attempted shows that investors may not be able to count on the returns they expect. For now, though, any harm to Catalyst's big investors is potential, rather than actual. Glassman could still repeat his early success with his current funds by managing to sell a handful of major assets at big gains.



Environment and Land Tribunals Ontario
Local Planning Appeal Tribunal

655 Bay Street, Suite 1500
 Toronto ON M5G 1E5

Telephone: 416-212-6349

Toll Free: 1-866-448-2248

Website: www.elto.gov.on.ca

Appellant Form (A1)

601

Receipt Number (LPAT Office Use Only)
--

LPAT Case Number (LPAT Office Use Only)
--

Date Stamp Appeal Received by Municipality/Approval Authority
--

To file an appeal, select one or more below *

- Appeal of Planning Act* matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances, proceed to Section 1A
- Second appeal of a *Planning Act* matter for Official Plans and amendments, Zoning By-Laws and amendments, proceed to Section 1B. NOTE: Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017*, allows appeals to the Tribunal of some *Planning Act* matters previously determined by LPAT.
- Appeals of other matters, including Development Charges, *Education Act*, *Aggregate Resources Act*, *Municipal Act* and Ontario Heritage, proceed to Section 1C

1 A. Appeal Type (Please check all applicable boxes) *

Subject of Appeal	Type of Appeal	Reference (Section)
Planning Act Matters		
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 210 days, or within 300 days if Approval Authority extended the appeal up to 90 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 210 days	22(7)
	<input type="checkbox"/> Council refuses to adopt the requested amendment	
Zoning By-law or Zoning By-law Amendment	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 150 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision within 210 days where the application is associated with an Official Plan Amendment	
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law within 60 days (Minister only)	38(4)
	<input type="checkbox"/> Appeal the passing of an extension of an Interim Control By-law within 60 days	38(4.1)

601

Subject of Appeal	Type of Appeal	Reference (Section)02
Site Plan	<input type="checkbox"/> Application for a site plan – council failed to make a decision within 30 days	41(12)
	<input type="checkbox"/> Appeal requirements imposed by the municipality or upper tier municipality	41(12.01)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	51(39)
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

2. Location Information

Address and/or Legal Description of property subject to the appeal *
 Part Parts 10 and 11, Parts 12 and 13, Plan 53R - 1391, Lot 9 Concession 4

Municipality *
 Township Neelon, Now City Greater Sudbury

Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

Note: You must notify the LPAT of any change of address or telephone number in writing. Please quote your LPAT Case/File Number(s) after they have been assigned.

Last Name *
 Fortin

First Name *
 Tom

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Email Address
 tf@ontrak.net

Daytime Telephone Number *
 705-562-0260

ext.

Alternate Telephone Number
 705-671-2652

Mailing Address

Unit Number

Street Number *
 427

Street Name *
 Arnley Street

PO Box

City/Town *
 Sudbury

Province *
 ON

Country *
 Canada

Postal Code *
 P3C 1E7 602

4. Representative Information

603

I hereby authorize the named company and/or individual(s) to represent me

Last Name

Petch

First Name

Gordon

Company Name

Professional Title

Lawyer

Email Address

gpetch@mlawc.com

Daytime Telephone Number

416-955-9530

ext.

Alternate Telephone Number

416-720-7103

Mailing Address

Unit Number

211

Street Number

277

Street Name

Lakeshore Road E.

PO Box

City/Town

Oakville

Province

ON

Country

Canada

Postal Code

L6J 1H9

Note: If you are representing the appellant and are not licensed under the *Law Society Act*, please confirm that you have written authorization, as required by the LPAT's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Subject Information

Municipal Reference Number(s) *

City File No 751-6/17-27

For appeals of Official Plans, Official Plan Amendments, Zoning Bylaws and Zoning By-law Amendments, please see information on the LPAT website [<http://elto.gov.on.ca/tribunals/lpat/lpat-process/>] detailing the requirement to set out the nature of your appeal and the reasons for your appeal based on requirement A or B, **or**, for some appeal types, both A and B:

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- Inconsistent with the Provincial Policy Statement, issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

Please explain: *

Please see Notice of Appeal Attached.

Oral/written submissions to council

If applicable, did you make your opinions regarding this matter known to council?

- Oral submissions at a public meeting of council
- Written submissions to council

Planning Act matters only

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/ were passed on or after July 1, 2016. (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

Yes No

6. Related Matters

604

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes No

7. Case Information

For *Planning Act* appeals selected in Section 1A for Subsections 17(24), 17(36), 17(40), 22(7), 34(11), 34(19), and 51(34):

Detail the nature and/or expertise of witnesses you will have available should the Tribunal Member require oral evidence at the proceeding. (For example: land use planner, architect, engineer, etc.)

Land Use Planner - Robert Dragicevic

Land Use Planner/Economist - Rowan Faludi

8. Required Fee

Total Fee Submitted * \$ 1,200

Payment Method * ► Certified cheque Money Order Lawyer's general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Gordon Petch		2018.05.04

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.



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Appellant Form (A1)

605

Receipt Number (LPAT Office Use Only)

LPAT Case Number (LPAT Office Use Only)

Date Stamp Appeal Received by Municipality/Approval Authority

To file an appeal, select one or more below *

- Appeal of Planning Act matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances, proceed to Section 1A
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- Appeals of other matters, including Development Charges, Education Act, Aggregate Resources Act, Municipal Act and Ontario Heritage, proceed to Section 1C

1 A. Appeal Type (Please check all applicable boxes) *

Subject of Appeal	Type of Appeal	Reference (Section)
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	<input type="checkbox"/> Council failed to adopt the requested amendment within 210 days	22(7)
	<input type="checkbox"/> Council refuses to adopt the requested amendment	
Zoning By-law or Zoning By-law Amendment	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 150 days	34(11)
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	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
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	<input type="checkbox"/> Appeal the passing of an extension of an Interim Control By-law within 60 days	38(4.1)

605

Subject of Appeal	Type of Appeal	Reference (Section) p06
Site Plan	<input type="checkbox"/> Application for a site plan – council failed to make a decision within 30 days	41(12)
	<input type="checkbox"/> Appeal requirements imposed by the municipality or upper tier municipality	41(12.01)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	
	<input type="checkbox"/> Appeal changed conditions	53(27)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	53(14)
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	51(39)
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

2. Location Information

Address and/or Legal Description of property subject to the appeal *
 Part Parts 10 and 11, Parts 12 and 13, Plan 53R - 1391, Lot 9 Concession 4

Municipality *
 Township Neelon, Now City Greater Sudbury

Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

Note: You must notify the LPAT of any change of address or telephone number in writing. Please quote your LPAT Case/File Number(s) after they have been assigned.

Last Name
 Duncanson - Hales

First Name
 Christopher

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
 *Note - Names of Representative Group attached - Schedule 1

Email Address
 cduncansonhales@usudbury.ca

Daytime Telephone Number *
 705-585-3082

ext.

Alternate Telephone Number

Mailing Address

Unit Number

Street Number *
 1985

Street Name *
 Wiltshire Street

PO Box

City/Town *
 Sudbury

Province *
 ON

Country *
 Canada

Postal Code *
 P3B 1Y3 606

4. Representative Information

607

I hereby authorize the named company and/or individual(s) to represent me

Last Name
Petch

First Name
Gordon

Company Name

Professional Title
Lawyer

Email Address
gpetch@mlawc.com

Daytime Telephone Number
416-955-9530

ext.

Alternate Telephone Number
416-720-7103

Mailing Address

Unit Number
211

Street Number
277

Street Name
Lakeshore Road E.

PO Box

City/Town
Oakville

Province
ON

Country
Canada

Postal Code
L6J 1H9

Note: If you are representing the appellant and are not licensed under the *Law Society Act*, please confirm that you have written authorization, as required by the LPAT's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Subject Information

Municipal Reference Number(s) *
City File No 751-6/17-27

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- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

Please explain: *

Please see Notice of Appeal Attached.

Oral/written submissions to council

If applicable, did you make your opinions regarding this matter known to council?

- Oral submissions at a public meeting of council
- Written submissions to council

Planning Act matters only

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/ were passed on or after July 1, 2016. (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

Yes No

607

6. Related Matters

608

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes No

7. Case Information

For *Planning Act* appeals selected in Section 1A for Subsections 17(24), 17(36), 17(40), 22(7), 34(11), 34(19), and 51(34):

Detail the nature and/or expertise of witnesses you will have available should the Tribunal Member require oral evidence at the proceeding. (For example: land use planner, architect, engineer, etc.)

Land Use Planner Robert Dragicevic

Mental Health Expert

8. Required Fee

Total Fee Submitted * \$ 600

Payment Method * ► Certified cheque Money Order Lawyer's general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Gordon Petch		2018.05.04

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.

Dr. C.J. Duncanson-Hales Representative Group

- Dr. Christopher J. Duncanson-Hales, Chair Nord500North Committee for the Commemoration of the Reformation
- Rev. David Nicol Sudbury Interfaith Dialogue
- Most Reverend Marcel Damphousse Bishop of the Roman Catholic Diocese of Sault Ste. Marie
- Rt. Rev. Anne Germond Bishop of the Anglican Diocese of Algoma
- Rt. Rev. Dr. Michael J. Pryse, Bishop of the Eastern Synod of the Evangelical Lutheran Church in Canada
- Sister Bonnie MacLellan, The General Superior for the Sisters of St. Joseph of Sault Ste Marie
- The Rev. Robert Derrenbacker, Ph.D. Church of the Ascension (Anglican)
- The Reverend Monsignor James Hutton C.S.S. St. Patrick Catholic Parish
- Mrs. Catherine Hopper Roman Catholic
- Diane Pagan St. Patrick's Catholic Church
- Rev. Diane Trollope United Church of Canada
- Rev. Bea Arnill United Church of Canada
- Sister Bonnie Chesser, Sisters of St. Joseph, St. Patrick's Roman Catholic Church, Sudbury
- Anthony Chezzi, Adult Faith Facilitator St Patrick Parish
- Dorothy Klein RN BScN, RN Emeritus, Roman Catholic
- Howard Wideman, Mennonite
- Mary Wideman, Mennonite
- Dr. Lucien Pelletier Roman Catholic Parish of St. Ignatius of Loyola, University of Sudbury
- Paul J. Allard, DLM United Church Canada
- Madeleine Paquette Roman Catholic
- Sheila Murdock parishioner Church of the Ascension, Anglican
- Fr. Peter Moher Holy Redeemer RC Parish
- Mrs. Anne Gervais Roman Catholic
- Krista Frederiksen Waters Mennonite Church
- Sister Sharon Miller Sisters of St Joseph of Sault Ste. Marie
- Sister Priscilla Solomon, Sisters of St. Joseph of Sault Ste. Marie
- Art Bast, deacon Waters Mennonite Church, Lively, ON
- Rev. David Shulist, S.J. St Ignatius Parish at the University of Sudbury
- Rev. James Ketzler Church of Christ the King - Sudbury
- Rev. Melody Duncanson-Hales, Mission and Stewardship Animator Manitou Conference, The United Church of Canada
- Dr. Albert J. Bouclin St. Jean de Brébeuf Roman Catholic Parish
- Rev. Marie Bouclin Bishop, Roman Catholic Women Priests of Canada
- Todd Manuel, Lead Pastor Glad Tidings Pentecostal Church
- Rev. Dr. Spencer Boersma First Baptist Church of Sudbury
- Rev. Jason Tripp Valleyview Community Church
- Rev. Aidan Armstrong Church of the Ascension -Anglican



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Appellant Form (A1)

610

Receipt Number (LPAT Office Use Only)

LPAT Case Number (LPAT Office Use Only)

Date Stamp Appeal Received by Municipality/Approval Authority

To file an appeal, select one or more below *

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1 A. Appeal Type (Please check all applicable boxes) *

Subject of Appeal	Type of Appeal	Reference (Section)
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	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
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	<input type="checkbox"/> Council failed to adopt the requested amendment within 210 days	22(7)
	<input type="checkbox"/> Council refuses to adopt the requested amendment	
Zoning By-law or Zoning By-law Amendment	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 150 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision within 210 days where the application is associated with an Official Plan Amendment	
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law within 60 days (Minister only)	38(4)
	<input type="checkbox"/> Appeal the passing of an extension of an Interim Control By-law within 60 days	38(4.1)

610

Subject of Appeal	Type of Appeal	Reference (Section) ⁶¹¹
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	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
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2. Location Information

Address and/or Legal Description of property subject to the appeal *
[Part Parts 10 and 11, Parts 12 and 13, Plan 53R - 1391, Lot 9 Concession 4](#)

Municipality *
[Township Neelon, Now City Greater Sudbury](#)

Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

Note: You must notify the LPAT of any change of address or telephone number in writing. Please quote your LPAT Case/File Number(s) after they have been assigned.

Last Name

First Name

Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)
[Sudbury Business Improvement Area](#)

Email Address
maureen@downtownsudbury.com

Daytime Telephone Number *
 705-674-5115

ext.

Alternate Telephone Number

Mailing Address

Unit Number

Street Number *
 115

Street Name *
[Larch Street](#)

PO Box

City/Town *
[Sudbury](#)

Province *
[ON](#)

Country *
[Canada](#)

Postal Code *
[P3C 1B8 611](#)

4. Representative Information

612

I hereby authorize the named company and/or individual(s) to represent me

Last Name
Petch

First Name
Gordon

Company Name

Professional Title
Lawyer

Email Address
gpetch@mlawc.com

Daytime Telephone Number
416-955-9530

ext.

Alternate Telephone Number
416-720-7103

Mailing Address

Unit Number
211

Street Number
277

Street Name
Lakeshore Road E.

PO Box

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- Inconsistent with the Provincial Policy Statement, issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

Please explain: *

Please see Notice of Appeal Attached.

Oral/written submissions to council

If applicable, did you make your opinions regarding this matter known to council?

- Oral submissions at a public meeting of council
- Written submissions to council

Planning Act matters only

Applicable only to official plans/amendments, zoning by-laws/amendments and minor variances that came into effect/ were passed on or after July 1, 2016. (Bill 73)

Is the 2-year no application restriction under section 22(2.2) or 34(10.0.0.2) or 45(1.4) applicable?

Yes No

612

6. Related Matters

613

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes No

7. Case Information

For *Planning Act* appeals selected in Section 1A for Subsections 17(24), 17(36), 17(40), 22(7), 34(11), 34(19), and 51(34):

Detail the nature and/or expertise of witnesses you will have available should the Tribunal Member require oral evidence at the proceeding. (For example: land use planner, architect, engineer, etc.)

Land Use Planner - Robert Dragicevic

Land Use Planner/Economist - Rowan Faludi

8. Required Fee

Total Fee Submitted * \$ 1,200

Payment Method * ► Certified cheque Money Order Lawyer's general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Gordon Petch		2018.05.04

Personal information or documentation requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the *Local Planning Appeal Tribunal Act*. After an appeal is filed, all information relating to this appeal may become available to the public.

BY-LAW 77-76

BEING A BY-LAW OF THE CORPORATION OF THE CITY OF
SUDBURY TO ESTABLISH A BOARD OF MANAGEMENT FOR THE
IMPROVEMENT AREA FOR THE CENTRAL BUSINESS DISTRICT
OF THE CITY OF SUDBURY

WHEREAS the Municipal Council of the Corporation of the City of Sudbury pursuant to the Municipal Act, R.S.O. 1970, c. 284, s. 361 as amended, passed By-law 76-24, "BEING A BY-LAW OF THE CORPORATION OF THE CITY OF SUDBURY TO DESIGNATE THE CENTRAL BUSINESS DISTRICT, THAT IS, THE "C-M" DISTRICT UNDER ZONING BY-LAW 62-192 OF THE CITY OF SUDBURY AS AN IMPROVEMENT AREA UNDER SECTION 361 OF THE MUNICIPAL ACT" thereby designating the Central Business District, i.e. the "C-M" District under Zoning By-law 62-192 of the City of Sudbury, as an improvement area;

AND WHEREAS as required under said Section 361 of the Municipal Act, R.S.O. 1970, c. 284 as amended, said by-law 76-24 was approved by the Ontario Municipal Board as required on January 20th, 1977 and as evidenced by an Order of the Ontario Municipal Board entered March 14th, 1977 under File No. M76193;

AND WHEREAS the Municipal Council of the Corporation of the City of Sudbury therefore now deems it desirable pursuant to said Section 361 of the Municipal Act, R.S.O. 1970, c. 284 as amended to establish by this by-law a Board of Management of the Improvement Area designated by said By-law 76-24 to which Board shall be entrusted the promotion of the said Improvement Area as a business or shopping area and also the improvement, beautification and maintenance of municipally-owned lands, buildings and structures in the said Improvement Area beyond such improvement, beautification and maintenance as provided at the expense of the Municipality at large, all

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By-law 77-76

subject to the limitations set out in this by-law;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION
OF THE CITY OF SUDBURY BE AND THE SAME HEREBY ENACTS AS FOLLOWS:

A) ESTABLISHMENT OF BOARD

1. There is hereby established for the Central Business District Improvement Area of the City of Sudbury, which Improvement Area is designated in By-law #76-24 of the Corporation of the City of Sudbury and which Improvement Area is hereinafter called, "the Area", a Board of Management to be known as the "Board of Management for the Central Business District Improvement Area for the City of Sudbury", which Board of Management is hereinafter referred to as "the Board".

B) BOARD RESONSIBILITIES

2. There is hereby entrusted to the Board, subject to the limitations hereinafter set out, the improvement, beautification and maintenance of Municipally-owned lands, buildings and structures in The Area beyond such improvement, beautification and maintenance as provided at the expense of the Municipality at large and the promotion of The Area as a business or shopping area.

C) BOARD SJZE

3. The Board shall consist of nine members appointed by resolution of Council, two of whom shall be members of the Council.

D) TERM OF OFFICE AND VACANCIES

4. Subject to Section 5 hereof and provided he continues to be qualified as provided in Section 7 hereof, each member of The Board shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him.

5. Each member of The Board shall hold office until his

successor is appointed and provided he continues to be qualified as provided in Section 7 hereof, shall be eligible for reappointment on the expiration of his term of office.

6. Where a vacancy occurs on The Board from any cause, the Council by resolution, shall appoint a person qualified as provided in Section 7 hereof, to fill the vacancy concerned, which person, provided he continues to be qualified as provided in Section 7 hereof, shall hold office for the remainder of the term for which his predecessor was appointed.

E) APPOINTMENT OF BOARD

7. Qualifications

a) As stipulated in Section 5 hereof, two members of the Board appointed by the Council shall be members of the Council and notwithstanding Section 5 hereof, a person appointed as a Council member of the Board shall only be eligible for reappointment as a Council member on the Board provided such person is still a Council member and notwithstanding Section 6 hereof, a person shall only be eligible to fill a Council member's vacancy on the Board provided that such person is and remains a Council member.

b) To be one of the seven other members on the Board other than the Council members, a person must be qualified to be elected as a member of the Council and must be assessed for business assessment in respect of land in the Area or a person must be a nominee of a Corporation assessed for business assessment in respect of land in the Area provided that such nominee is qualified to be elected as a member of the Council.

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c) In order to have the seven non-Council member positions on the Board be representative as much as possible of the entire Area, this Council hereby divides the Area into the following six sub-areas:

- i) Durham Street;
- ii) Elm Street east of Durham Street, Lisgar Street and Young Street;
- iii) Elm Street west of Durham Street;
- iv) Larch and Cedar Streets;
- v) Elgin Street, Beech Street, Fir Street, Minto Street, Shaughnessy Street, Grey Street and VanHorne Street; and
- vi) City Centre.

d) Each non-Council member of the Board shall each be designated to represent one of the above-mentioned sub-areas on the Board except for the City Centre sub-area which shall have two non-Council members on the Board designated to represent that sub-area.

e) Each non-Council member appointed to the Board shall in determining the activities to be carried on by the Board from time to time, be first and foremost concerned with the success of the Area as a whole but secondly, shall also be particularly concerned with the effect and success of the activities of the Board on the sub-area which he has been designated to represent.

8. Procedure

a) As soon as reasonably possible, after the Inaugural Meeting of a new City Council in any year, the City Clerk shall call a Public Meeting of those assessed for business

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By-law 77-76

assessment in the Area, which meeting shall be held in the Area for the purpose of permitting those assessed for business assessment in the Area to select a list of names with representation for the sub-areas set out above to be recommended to the Council as the non-Council members of the Board for the term of the new Council.

b) At least three weeks prior to the date set by the City Clerk for the above mentioned Meeting, the City Clerk shall send by prepaid mail to every person occupying or using land for the purpose of or in connection with any business in the Area who is shown in the last revised assessment roll of the Corporation of the City of Sudbury as being assessed for business assessment within the meaning of the Assessment Act of Ontario, a notice of the meeting indicating the date, time and place for the meeting, the purpose of the meeting and indicating that applications for those wishing to volunteer to serve on the Board will be accepted by the City Clerk prior to the meeting and will be presented to those in attendance at the Meeting for consideration for selection for recommendation to Council.

c) Prior to the meeting, the City Clerk shall inspect the applications received to determine that the persons submitting applications are qualified to be members of the Board and at the Meeting, the City Clerk shall present these names for consideration by the meeting for selection for recommendation to City Council. In addition, at the meeting, the City Clerk shall accept nominations from the floor, shall permit speeches of a maximum time limit as set by the City Clerk by those making applications or being nominated, shall conduct a secret ballot of those at the meeting and shall permit the use of proxies in the voting provided that the City Clerk is convinced that the proxies submitted are valid. Further, in conducting the voting

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part in the consideration of or discussion concerning such matter and shall refrain from voting on such matter.

G) OFFICERS

10. The Board shall, as soon as possible, after its members are appointed, elect a Chairman, Vice-Chairman, Secretary-Treasurer and any such other officers as it may deem necessary to properly conduct the business of the Board, all of whom shall hold office at the pleasure of the Board or for such period as the Board may prescribe.

H) QUORUM

11. The Board shall not act on any matter unless there is a quorum present and voting. A quorum shall consist of one (1) member of Council and four (4) non-Council members.

I) BOARD PROCEDURE

12. Subject to the above-noted Quorum Requirement and any other limitations and restrictions as Council may from time to time impose, the Board may:

- a) Fix the times and places for meetings of the Board and the mode of calling and conducting them and make regulations governing the conduct of its members and employees; and
- b) employ such officers and servants as it may deem necessary, determine the terms on which they are to be employed, fix their salaries and prescribe their duties.

13. The meetings of the Board shall be open to the public and no person shall be excluded therefrom except for improper conduct.

14. The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of such minutes and records to all members of the Board and to the City Clerk as soon as possible after the meeting covered thereby.

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each person occupying or using land for the purpose of or in connection with any business in the Area shall be permitted only one (1) vote in the sub-area in which such business is located except where such person occupies or uses land for the purpose of or in connection with more than one business in which case, such person shall be permitted as many votes as he has different businesses in each sub-area in which he has such businesses.

d) After the meeting, the City Clerk shall submit a letter to City Council indicating the persons selected for each sub-area for recommendation to Council for appointment to the Board.

e) Upon receipt of the letter from the City Clerk, the City Council shall, by resolution, select seven (7) non-Council members to the Board representing each of the sub-areas mentioned above. City Council is not bound to choose the names selected at the above mentioned Public Meeting. The names submitted to City Council as a result of the above-mentioned Meeting are simply recommendations to Council and not binding on Council.

f) At the same Meeting where Council selects the seven (7) non-Council members to the Board, Council by resolution shall also appoint two (2) City Council members to the Board.

F) NO INTEREST

9. No member of the Board or of Council shall have any contract with the Board. Further, where any matter being considered by the Board is one in which members have a direct pecuniary interest, then such member or members shall disclose such interest in the matter and refrain from taking

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15. The Board shall keep all minutes, books, records, papers and documents used in and pertaining to the business of the Board and all such minutes, books, records, papers and documents shall be open to the City Clerk, to the City Treasurer, to the members of Council, and to any other person or persons appointed to examine same by Council.

J) FISCAL YEAR

16. The fiscal year of the Board shall be the calendar year.

K) BANKING AND ACCOUNTING PRACTISES

17. The Board shall adopt and maintain only banking arrangements and ordinary good accounting practises that are acceptable to the City Treasurer of the Corporation of the City of Sudbury and to the City Auditor of the Corporation of the City of Sudbury and keep such books of accounts, submit such statements from time to time as the said City Treasurer and/or said City Auditor may require.

L) BOARD ACCOUNTS

18. When Council has approved the provision of money to the Board for the purposes of the Board, the City Treasurer shall upon the certificate of the Board, pay out the money provided by Council to the Board.

19. Subject to Section 17 above, the Board may handle its own accounting, i.e. accounts payable and accounts receivable or in the alternative, if it so desires, it may request the City Treasurer to pay any Board accounts payable approved by the Board provided same are directly in respect to and to the limitations of the Council-approved budget and revenues and appropriation for the Board. In addition, the Board may request the City Treasurer to keep distinct and regular accounts of the receipts of the Board including any private donations received by it.

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N) CURRENT ESTIMATES

20. The Board shall on or before March 1st of each and every year, submit to the Council, its current estimates for that year in the form prescribed by the City Treasurer. Before submitting to the Council its estimates for the current year, the Board shall call and conduct a Public Meeting in the Area of those occupying or using land for the purpose of or in connection with any business in the Area for the purpose of presenting the proposed current estimates to that meeting and obtaining the approval of that meeting to the current estimates to be finally submitted to the Council. Prior to the holding of such meeting, the Board shall cause a notice of the said meeting to be sent at least three weeks prior to the meeting by prepaid mail to every person occupying or using land for the purpose of or in connection with any business in the Area who is shown in the last revised assessment roll of the City as being assessed for business assessment within the meaning of the Assessment Act of Ontario.

21. In submitting the current estimates to the Council in the form prescribed by the City Treasurer, a certificate of the Board shall be attached to such estimates certifying that the above mentioned meeting has been held, indicating the time, place and the prior notice of such meeting and indicating the approval of such meeting to such current estimates.

N) NON-EXPENDITURE

22. The Board shall not expend any monies not included in the above mentioned current estimates approved by Council or in a reserve fund established under Section 308 of the Municipal Act, R.S.O. 1970, c. 284 as amended.

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O) NON-INDEBTEDNESS

23. The Board shall not incur any indebtedness extending beyond the current fiscal year.

P) AUDITOR

24. The City Auditor of the Corporation of the City of Sudbury shall be the Auditor of the Board and all books, documents, transactions, minutes and accounts of the Board shall at all times be open to the inspection of the Auditor.

Q) ANNUAL REPORT

25. On or before the first day of March in each and every year the Board shall submit an annual report for the preceding fiscal year to Council, which annual report shall include a complete audited and certified financial statement of the Board's affairs with Balance Sheet and Revenue and Expenditure Statement.

R) INSURANCE POLICIES

26. The Board shall deposit and keep on deposit with the Property Administrator of the Corporation of the City of Sudbury, insurance policies satisfactory in all respects to the said Property Administrator indemnifying the Corporation of the City of Sudbury against Public Liability and Property Damage in respect of the activities of the Board.

S) EFFECTIVE DATE

27. This by-law shall come into force and take effect immediately upon the final passing hereof.

READ THREE TIMES AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL THIS 26TH DAY OF APRIL, 1977.

 Mayor
 Clerk

BY-LAW 77-76

BEING A BY-LAW OF THE CORPORATION OF THE CITY OF
SUDBURY TO ESTABLISH A BOARD OF MANAGEMENT FOR THE
IMPROVEMENT AREA FOR THE CENTRAL BUSINESS DISTRICT
OF THE CITY OF SUDBURY

WHEREAS the Municipal Council of the Corporation of the City of Sudbury pursuant to the Municipal Act, R.S.O. 1970, c. 284, s. 361 as amended, passed By-law 76-24, "BEING A BY-LAW OF THE CORPORATION OF THE CITY OF SUDBURY TO DESIGNATE THE CENTRAL BUSINESS DISTRICT, THAT IS, THE "C-M" DISTRICT UNDER ZONING BY-LAW 62-192 OF THE CITY OF SUDBURY AS AN IMPROVEMENT AREA UNDER SECTION 361 OF THE MUNICIPAL ACT" thereby designating the Central Business District, i.e. the "C-M" District under Zoning By-law 62-192 of the City of Sudbury, as an improvement area;

AND WHEREAS as required under said Section 361 of the Municipal Act, R.S.O. 1970, c. 284 as amended, said by-law 76-24 was approved by the Ontario Municipal Board as required on January 20th, 1977 and as evidenced by an Order of the Ontario Municipal Board entered March 14th, 1977 under File No. M76195;

AND WHEREAS the Municipal Council of the Corporation of the City of Sudbury therefore now deems it desirable pursuant to said Section 361 of the Municipal Act, R.S.O. 1970, c. 284 as amended to establish by this by-law a Board of Management of the Improvement Area designated by said By-law 76-24 to which Board shall be entrusted the promotion of the said Improvement Area as a business or shopping area and also the improvement, beautification and maintenance of municipally-owned lands, buildings and structures in the said Improvement Area beyond such improvement, beautification and maintenance as provided at the expense of the Municipality at large, all

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subject to the limitations set out in this by-law;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION
OF THE CITY OF SUDBURY BE AND THE SAME HEREBY ENACTS AS FOLLOWS:

A) ESTABLISHMENT OF BOARD

1. There is hereby established for the Central Business District Improvement Area of the City of Sudbury, which Improvement Area is designated in By-law #76-24 of the Corporation of the City of Sudbury and which Improvement Area is hereinafter called, "the Area", a Board of Management to be known as the "Board of Management for the Central Business District Improvement Area for the City of Sudbury", which Board of Management is hereinafter referred to as "the Board".

B) BOARD RESONSIBILITIES

2. There is hereby entrusted to the Board, subject to the limitations hereinafter set out, the improvement, beautification and maintenance of Municipally-owned lands, buildings and structures in The Area beyond such improvement, beautification and maintenance as provided at the expense of the Municipality at large and the promotion of The Area as a business or shopping area.

C) BOARD SIZE

3. The Board shall consist of nine members appointed by resolution of Council, two of whom shall be members of the Council.

D) TERM OF OFFICE AND VACANCIES

4. Subject to Section 5 hereof and provided he continues to be qualified as provided in Section 7 hereof, each member of The Board shall hold office from the time of his appointment until the expiration of the term of the Council that appointed him.

5. Each member of The Board shall hold office until his

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By-law 77-76

successor is appointed and provided he continues to be qualified as provided in Section 7 hereof, shall be eligible for reappointment on the expiration of his term of office.

6. Where a vacancy occurs on The Board from any cause, the Council by resolution, shall appoint a person qualified as provided in Section 7 hereof, to fill the vacancy concerned, which person, provided he continues to be qualified as provided in Section 7 hereof, shall hold office for the remainder of the term for which his predecessor was appointed.

E) APPOINTMENT OF BOARD

7. Qualifications

a) As stipulated in Section 3 hereof, two members of the Board appointed by the Council shall be members of the Council and notwithstanding Section 5 hereof, a person appointed as a Council member of the Board shall only be eligible for reappointment as a Council member on the Board provided such person is still a Council member and notwithstanding Section 6 hereof, a person shall only be eligible to fill a Council member's vacancy on the Board provided that such person is and remains a Council member.

b) To be one of the seven other members on the Board other than the Council members, a person must be qualified to be elected as a member of the Council and must be assessed for business assessment in respect of land in the Area or a person must be a nominee of a Corporation assessed for business assessment in respect of land in the Area provided that such nominee is qualified to be elected as a member of the Council.

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c) In order to have the seven non-Council member positions on the Board be representative as much as possible of the entire Area, this Council hereby divides the Area into the following six sub-areas:

- i) Durham Street;
- ii) Elm Street east of Durham Street, Lisgar Street and Young Street;
- iii) Elm Street west of Durham Street;
- iv) Larch and Cedar Streets;
- v) Elgin Street, Beech Street, Fir Street, Minto Street, Shaughnessy Street, Grey Street and VanHorne Street; and
- vi) City Centre.

d) Each non-Council member of the Board shall each be designated to represent one of the above-mentioned sub-areas on the Board except for the City Centre sub-area which shall have two non-Council members on the Board designated to represent that sub-area.

e) Each non-Council member appointed to the Board shall in determining the activities to be carried on by the Board from time to time, be first and foremost concerned with the success of the Area as a whole but secondly, shall also be particularly concerned with the effect and success of the activities of the Board on the sub-area which he has been designated to represent.

8. Procedure

a) As soon as reasonably possible, after the Inaugural Meeting of a new City Council in any year, the City Clerk shall call a Public Meeting of those assessed for business

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assessment in the Area, which meeting shall be held in the Area for the purpose of permitting those assessed for business assessment in the Area to select a list of names with representation for the sub-areas set out above to be recommended to the Council as the non-Council members of the Board for the term of the new Council.

b) At least three weeks prior to the date set by the City Clerk for the above mentioned Meeting, the City Clerk shall send by prepaid mail to every person occupying or using land for the purpose of or in connection with any business in the Area who is shown in the last revised assessment roll of the Corporation of the City of Sudbury as being assessed for business assessment within the meaning of the Assessment Act of Ontario, a notice of the meeting indicating the date, time and place for the meeting, the purpose of the meeting and indicating that applications for those wishing to volunteer to serve on the Board will be accepted by the City Clerk prior to the meeting and will be presented to those in attendance at the Meeting for consideration for selection for recommendation to Council.

c) Prior to the meeting, the City Clerk shall inspect the applications received to determine that the persons submitting applications are qualified to be members of the Board and at the Meeting, the City Clerk shall present these names for consideration by the meeting for selection for recommendation to City Council. In addition, at the meeting, the City Clerk shall accept nominations from the floor, shall permit speeches of a maximum time limit as set by the City Clerk by those making applications or being nominated, shall conduct a secret ballot of those at the meeting and shall permit the use of proxies in the voting provided that the City Clerk is convinced that the proxies submitted are valid. Further, in conducting the voting

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part in the consideration of or discussion concerning such matter and shall refrain from voting on such matter.

G) OFFICERS

10. The Board shall, as soon as possible, after its members are appointed, elect a Chairman, Vice-Chairman, Secretary-Treasurer and any such other officers as it may deem necessary to properly conduct the business of the Board, all of whom shall hold office at the pleasure of the Board or for such period as the Board may prescribe.

H) QUORUM

11. The Board shall not act on any matter unless there is a quorum present and voting. A quorum shall consist of one (1) member of Council and four (4) non-Council members.

I) BOARD PROCEDURE

12. Subject to the above-noted Quorum Requirement and any other limitations and restrictions as Council may from time to time impose, the Board may:

- a) Fix the times and places for meetings of the Board and the mode of calling and conducting them and make regulations governing the conduct of its members and employees; and
- b) employ such officers and servants as it may deem necessary, determine the terms on which they are to be employed, fix their salaries and prescribe their duties.

13. The meetings of the Board shall be open to the public and no person shall be excluded therefrom except for improper conduct.

14. The Board shall keep proper minutes and records of every meeting of the Board and shall forward true copies of such minutes and records to all members of the Board and to the City Clerk as soon as possible after the meeting covered thereby.

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each person occupying or using land for the purpose of or in connection with any business in the Area shall be permitted only one (1) vote in the sub-area in which such business is located except where such person occupies or uses land for the purpose of or in connection with more than one business in which case, such person shall be permitted as many votes as he has different businesses in each sub-area in which he has such businesses.

d) After the meeting, the City Clerk shall submit a letter to City Council indicating the persons selected for each sub-area for recommendation to Council for appointment to the Board.

e) Upon receipt of the letter from the City Clerk, the City Council shall, by resolution, select seven (7) non-Council members to the Board representing each of the sub-areas mentioned above. City Council is not bound to choose the names selected at the above mentioned Public Meeting. The names submitted to City Council as a result of the above-mentioned Meeting are simply recommendations to Council and not binding on Council.

f) At the same Meeting where Council selects the seven (7) non-Council members to the Board, Council by resolution shall also appoint two (2) City Council members to the Board.

F) NO INTEREST

9. No member of the Board or of Council shall have any contract with the Board. Further, where any matter being considered by the Board is one in which members have a direct pecuniary interest, then such member or members shall disclose such interest in the matter and refrain from taking

Page 8.....

By-law 77=76

15. The Board shall keep all minutes, books, records, papers and documents used in and pertaining to the business of the Board and all such minutes, books, records, papers and documents shall be open to the City Clerk, to the City Treasurer, to the members of Council, and to any other person or persons appointed to examine same by Council.

J) FISCAL YEAR

16. The fiscal year of the Board shall be the calendar year.

K) BANKING AND ACCOUNTING PRACTISES

17. The Board shall adopt and maintain only banking arrangements and ordinary good accounting practises that are acceptable to the City Treasurer of the Corporation of the City of Sudbury and to the City Auditor of the Corporation of the City of Sudbury and keep such books of accounts, submit such statements from time to time as the said City Treasurer and/or said City Auditor may require.

L) BOARD ACCOUNTS

18. When Council has approved the provision of money to the Board for the purposes of the Board, the City Treasurer shall upon the certificate of the Board, pay out the money provided by Council to the Board.

19. Subject to Section 17 above, the Board may handle its own accounting, i.e. accounts payable and accounts receivable or in the alternative, if it so desires, it may request the City Treasurer to pay any Board accounts payable approved by the Board provided same are directly in respect to and to the limitations of the Council-approved budget and revenues and appropriation for the Board. In addition, the Board may request the City Treasurer to keep distinct and regular accounts of the receipts of the Board including any private donations received by it.

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By-law 77-76

N) CURRENT ESTIMATES

20. The Board shall on or before March 1st of each and every year, submit to the Council, its current estimates for that year in the form prescribed by the City Treasurer. Before submitting to the Council its estimates for the current year, the Board shall call and conduct a Public Meeting in the Area of those occupying or using land for the purpose of or in connection with any business in the Area for the purpose of presenting the proposed current estimates to that meeting and obtaining the approval of that meeting to the current estimates to be finally submitted to the Council. Prior to the holding of such meeting, the Board shall cause a notice of the said meeting to be sent at least three weeks prior to the meeting by prepaid mail to every person occupying or using land for the purpose of or in connection with any business in the Area who is shown in the last revised assessment roll of the City as being assessed for business assessment within the meaning of the Assessment Act of Ontario.

21. In submitting the current estimates to the Council in the form prescribed by the City Treasurer, a certificate of the Board shall be attached to such estimates certifying that the above mentioned meeting has been held, indicating the time, place and the prior notice of such meeting and indicating the approval of such meeting to such current estimates.

N) NON-EXPENDITURE

22. The Board shall not expend any monies not included in the above mentioned current estimates approved by Council or in a reserve fund established under Section 308 of the Municipal Act, R.S.O. 1970, c. 284 as amended.

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By-law 77-76

O) NON-INDEBTEDNESS

23. The Board shall not incur any indebtedness extending beyond the current fiscal year.

P) AUDITOR

24. The City Auditor of the Corporation of the City of Sudbury shall be the Auditor of the Board and all books, documents, transactions, minutes and accounts of the Board shall at all times be open to the inspection of the Auditor.

Q) ANNUAL REPORT

25. On or before the first day of March in each and every year the Board shall submit an annual report for the preceding fiscal year to Council, which annual report shall include a complete audited and certified financial statement of the Board's affairs with Balance Sheet and Revenue and Expenditure Statement.

R) INSURANCE POLICIES

26. The Board shall deposit and keep on deposit with the Property Administrator of the Corporation of the City of Sudbury, insurance policies satisfactory in all respects to the said Property Administrator indemnifying the Corporation of the City of Sudbury against Public Liability and Property Damage in respect of the activities of the Board.

S) EFFECTIVE DATE

27. This by-law shall come into force and take effect immediately upon the final passing hereof.

READ THREE TIMES AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL THIS 26TH DAY OF APRIL, 1977.

 Mayor
 Clerk

**THIS IS EXHIBIT "85" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

From: Doug Ford <premier@premier.gov.on.ca>
To: "brian.bigger@greatersudbury.ca" <brian.bigger@greatersudbury.ca>
CC: "McDonell, Jim (MMA)" <Jim.McDonell@ontario.ca>
Date: 8/22/2018 3:46 PM
Subject: An email from the Premier of Ontario

Thanks very much for your email about the Local Planning Appeal Tribunal process. I appreciate hearing your views and concerns.

It's an honour to be chosen to lead this province. The people of Ontario have put great trust in me, and I will make sure our government delivers and gets Ontario back on track.

I note that you've sent a copy of your email to the Honourable Steve Clark, Minister of Municipal Affairs and Housing. I've asked that Minister Clark or a ministry staff member respond to you as soon as possible. I've also sent copies of your email to the Honourable Jim Wilson, Minister of Economic Development, Job Creation and Trade, and the Honourable Monte McNaughton, Minister of Infrastructure

Thanks again for contacting me.

Doug Ford
Premier of Ontario

c: The Honourable Steve Clark
The Honourable Jim Wilson
The Honourable Monte McNaughton
Jim McDonell, MPP

Please note that this email account is not monitored. For further inquiries, kindly direct your online message through <https://correspondence.premier.gov.on.ca/en/feedback/default.aspx>.

This email contains information intended only for the use of the individual named above. If you have received this email in error, we would appreciate it if you could advise us through the Premier's website at <<https://correspondence.premier.gov.on.ca/en/feedback/default.aspx>> and destroy all copies of this message. Thank you.

Brian Bigger - Letter regarding delays in LPAT process

From: Brian Bigger
To: premier@ontario.ca; doug.fordco@pc.ola.org
Date: 7/31/2018 3:38 PM
Subject: Letter regarding delays in LPAT process
Cc: minister.mma@ontario.ca; christine.hogarth@ontario.ca; victor.fedeli@o...
Bc: Bigger, Brian; Zanette, Melissa; Mayor
Attachments: Premier Ford - LPAT Review.pdf

Mr. Premier,

Please find attached a letter regarding delays in the LPAT process on a significant development in our community.

Please let us know if you have any questions, and we look forward to setting up a meeting to discuss this issue further at your earliest convenience. Should a member of your staff be looking to connect with a member of the Mayor's staff, please contact Melissa Zanette, my Chief of Staff at 705-690-7737.

Regards,

Brian Bigger

Mayor of Greater Sudbury

705-690-6222

Brian Bigger
 Mayor / Maire
 mayor@greatersudbury.ca
 maire@grandsudbury.ca



July 31st, 2018

Premier Doug Ford
 Legislative Building
 Queen's Park
 Toronto, ON
 M7A 1A1

Re: Meeting Request on Matter of LPAT Delay in \$320 Million Infrastructure Investment

City of Greater Sudbury
 Ville du Grand Sudbury

P.O. Box 5000, Stn 'A'
 200 Brady Street
 Sudbury, ON P3A 5P3

C.P. 5000, Succ. A
 200, rue Brady
 Sudbury, ON P3A 5P3

705-674-4455 ext.2514 t
 705-673-3096 ☎

www.greatersudbury.ca
 www.grandsudbury.ca

Dear Premier Ford:

I would like to once again congratulate you on becoming Premier of Ontario and commend you and your government on all of the success you've had to date. I look forward to seeing you at the upcoming AMO Conference and discussing our shared priorities for the people of Ontario and Greater Sudbury.

One of the priorities we share is our support for a Government that is open for business and reduces regulatory burden. It is why I would like to bring to your attention and look for the opportunity to discuss a matter that is of utmost importance to citizens in the City of Greater Sudbury.

In recent months, City Council made two monumental decisions which together will realize \$220 million in municipal investment coupled with an additional \$100 million in private sector investment.

Two new districts are being created; an entertainment district outside the city core which will include a 5,800 seat event centre, a new and expanded Gateway Casino and Hotel and an arts and culture district within the city core that will include a Convention Centre, and a combined Art Gallery and Civic Library.

The projects will be transformative and will bring more visitors to Greater Sudbury, creating a positive economic impact and job growth. The convention centre alone is expected to create 174 new jobs and add \$2.3 million to the city's GDP. The Casino will add 250 new jobs in addition to the current employment at the existing Sudbury Downs site.

The Provincial Government is integral to the realization of these projects with respect to the new Local Planning Appeal Tribunal process. Simply put, our projects are experiencing delays which could jeopardize their future. The current LPAT process is impacting our ability to proceed.

While we have planned the projects considering the stated requirements for the LPAT time lines, those time lines have been missed at the earliest onset. These projects are integral in allowing Greater Sudbury to flourish, creating economic activity and jobs in our community and we need your assistance in moving these projects forward.

We would like to meet at your earliest convenience to work together in reducing the delays and uncertainty associated with the LPAT process.

For your background, below is a sequence of events to allow you to understand the process we have followed to date.

Although the City Council and the developers are in full alignment, the City received twelve appeals challenging the city's land use decision on four Planning Act approvals by Council.

These appeals were duly forwarded by the City to LPAT and the City received acknowledgement from LPAT of the receipt of all of the appeals in early June.

Under the new LPAT Rules, [26.05] the Tribunal shall within 10 days of sending out the acknowledgement of receipt of a notice of appeal, undertake a screening to make a preliminary determination of the validity of the notice of appeal, and shall thereafter advise the person who filed the notice, and the municipality of the result of this screening exercise.

The LPAT letters of validity should therefore have been received by the appellants and the municipality by the middle of June. To date they have not been received after approximately 40 days and counting. The Rules require the letters to be sent out within 10 days. The impact of not receiving these initial letters of validity places the entire hearing process at LPAT on indefinite hold.

Case Management Conferences (CMC'S) are a new mandatory feature on these LPAT appeals. These mandatory conferences are subject to a 75 day notice period and the notice period does not start to run until after the letters of validity are sent out by LPAT [Rules 26.17 and 18]. Most importantly for each day the letters of validity are delayed, the project is pushed back another 75 days for the subsequent scheduling of these mandatory CMC's.

The City was advised last week that a CMC is to be scheduled on November 6th however, this November date only applies to the Casino Ontario Planning Act (OPA) appeals. A review of the LPAT website shows only the OPA file as being open.

To date we have no reference or information on the status of any of the three zoning by-laws also under appeal with LPAT. Ideally, all of the twelve appeals now before LPAT should be scheduled together on November 6th, rather than experience the extended delay in scheduling four separate CMC's on four separate planning applications, at some point after November 6th.

There is a critical path that is necessary for public private partnership to proceed. The City's investment of \$100 million into the entertainment district is predicated upon Gateway Casinos investment of \$60 million into the new entertainment district. They are in a business relationship that compels them to open at the new site for April 1, 2020. The casino project is critical to leverage the municipal partnership and investment in all of the projects. Once the event centre is opened at its new site in the entertainment district, the additional investment of \$120 million dollars will be made by the City in the arts and culture district.

As mentioned above, we ask that we meet at your earliest convenience, along with our key partners to discuss these important issues in hopes of your intervention and of a timely resolution. We appreciate your consideration and support in this important matter.

Sincerely,



Mayor Brian Bigger

cc:Hon. Steve Clark, Minister of Municipal Affairs and Housing, Christine Hogarth, Parliamentary Assistant to the Minister, Hon. Vic Fedeli, Minister of Finance, Doug Downey, Parliamentary Assistant, France Gélinas, MPP Nickel Belt, Jamie West, MPP Sudbury, Ed Archer, CAO Greater Sudbury, Catherine Matheson, General Manager Community Development, Dario Zulich, Developer, Perry Dellelce, Developer

**THIS IS EXHIBIT "86" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Mayor on events centre: 'Sudburians want the project done'

Brian Bigger confident voters support arena/events centre and casino, and that project will survive legal challenges



Mary Keown_

[More from Mary Keown](#)

Published on: August 15, 2018 | Last Updated: August 15, 2018 12:55 AM EDT



[SHARE](#)[ADJUST](#)[COMMENT](#)[PRINT](#)

The city remains confident the appeals challenging the Kingsway Entertainment District will fall flat.

Catherine Matheson, general manager of community development, told councillors Tuesday the city is moving forward with site preparation for the proposed future site of the Kingsway Entertainment District events centre, hotel and casino. The city recently awarded a contract (they did not say to whom) worth \$8.5 million for grading and site preparation.

"Probably the end of August we'll see some alteration of the site," Matheson said. "This is necessary to get us ready for the timelines that we have, with respect to our partners – Gateway Casinos for April 1, 2020 and for the events centre in April 2021."

The city and Dario Zulich, the current landowner, said previously they were hoping to open the doors to the events centre sometime during spring 2020.

Matheson said doing work on the site while the matter is before the Local Planning Appeal Tribunal is necessary to ensure the city meets its deadlines.

"We are confident, having gone through the process with a lot of detail, examination and work, that the appeals will show the city has made a good decision with respect to land use," she said.

As Jason Ferrigan, a city planner, pointed out, the Local Planning Appeal Tribunal will examine whether the events centre conforms to the provincial policy statement, the growth plan for Northern Ontario and the city's official plan.

Mayor Brian Bigger noted that Local Planning Appeal Tribunal decisions are not "necessarily a final say on a project."

There is an opportunity for the municipality to respond, he said.

"Council strongly wanted the project to move forward; we voted 10-2 in support of it last June," Bigger said. "Sudburians want the project done; they want a new events centre. This is what we need to continue moving on with. "I'm very happy and I think council, overall, is very happy and many citizens are, that we're finally on a path to make our city better."

If the Local Planning Appeal Tribunal chooses to accept any of the 12 appeals, Ferrigan said it could provide proposed solutions for the city to consider.

"The intent of that process is to give city council the ability to address any shortcomings that may have been involved with its original decision," he said. "If there's a deficiency associated with one appeal, which deals with one aspect of the decision, then they would identify that deficiency and perhaps also identify a remedy."

Zulich said Tuesday he was pleased with the progress of the project so far.

"I'm very confident," he said. "The road to greatness has always got a little bubble on the way. Whether you're taking a space ship to the moon or you're climbing Everest or you're sailing across the Atlantic – anyone can man the ship in a calm storm, but the roads are not always flat. You've got to expect little hiccups now and then. It takes courage and leadership to stay the course when you find these little storms along the way. Council is staying the course through these waters."

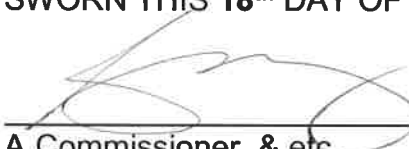
mkkeown@postmedia.com

Twitter: @marykkeown

705 674 5271 ext. 505235



**THIS IS EXHIBIT "87" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



By Email - November 26th, 2018

ATTN: Mr. Guido Mazza
 Director of Building Services
 Chief Building Official at City of Greater Sudbury
 Sudbury, Ontario, Canada

Mr. Mazza,

I am writing today to bring to your attention a section of the Ontario Planning Act regarding the site preparation work for the "Kingsway Entertainment District". Section 24 of the act deals with the spending of public money for work on projects that are under appeal for an official plan amendment. As you may be aware, I am an appellant in LPAT Case # PL1800494 concerning the proposed Official Plan Amendment No. OPA92. OPA92 proposes adding "a place of amusement in the form of a casino" to the "Kingsway Entertainment District".

Contract ENG18-37, Tender for the Kingsway Entertainment District Site Grading commits public money to public work by the city with the expectation of partial reimbursement from project participants including the developer, the casino, and possibly a hotel. Regardless of any level of reimbursement, our legal counsel believes commencement of work under this contract contravenes section 24(3) of the Ontario Planning Act and is unlawful. The relevant section of the act is shown below in its entirety.

Public works and by-laws to conform with plan

□□ (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.

Pending amendments

(2) If a council or a planning board has adopted an amendment to an official plan, the council of any municipality or the planning board of any planning area to which the plan or any part of the plan applies may, before the amendment to the official plan comes into effect, pass a by-law that does not conform with the official plan but will conform with it if the amendment comes into effect. 2006, c. 23, s. 12.

Same

(2.1) A by-law referred to in subsection (2),

(a) shall be conclusively deemed to have conformed with the official plan on and after the day the by-law was passed, if the amendment to the official plan comes into effect; and

(b) is of no force and effect, if the amendment to the official plan does not come into effect. 2006, c. 23, s. 12.

Preliminary steps that may be taken where proposed public work would not conform with official plan

(3) Despite subsections (1) and (2), the council of a municipality may take into consideration the undertaking of a public work that does not conform with the official plan and for that purpose the council may apply for any approval that may be required for the work, carry out any investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work, but nothing in this subsection authorizes the actual undertaking of any public work that does not conform with an official plan. R.S.O. 1990, c. P.13, s. 24 (3).

As you can see from the highlighted section of the act, while council may “carry out investigations”, “obtain any reports” or, “take other preliminary steps”, the act clearly prohibits the “actual undertaking of any public work” that does not conform with an official plan. ENG18-37 is a contract that commits public money for public work on “The Kingsway Entertainment District”, a major component of which is currently under appeal of an official plan amendment.

I respectfully ask that you do not authorize the work outlined in ENG18-37 until the LPAT appeal process is complete. To do so puts public money at risk and is unlawful under section 24(3) of the Ontario Planning Act.

Further, could you please advise by Thursday Nov 29th, 2018 your intention regarding the commencement of work under contract ENG18-37 in advance of a resolution to LPAT case N0.PL1800494.

Thank you for your attention. Feel free to call to discuss this issue.

Regards,

Tom Fortin

422 Arnley Street

Sudbury, Ontario P3C1E7

tf@ontrak.net CELL (705) 562-0260

Director-CasinoFreeSudbury.com , appellant to LPAT Case No. PL1800494

Cc: My Councillor for Ward 1 - Mark Signoretti

**THIS IS EXHIBIT "88" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**


A Commissioner, & etc.

City councillor targets Sudbury downtown business group



Mary Katherine Keown The Sudbury Star

Published on: May 22, 2019 | Last Updated: May 22, 2019 1:00 PM EDT



An artist's conception of what the city's Kingsway Entertainment District might look like. *CITY OF GREATER SUDBURY*

Ward 5 Coun. Robert Kirwan is fed up with the delays associated with the Kingsway Entertainment District and he wants to see some forward action.

He is so fed up with the delays to the Local Planning Appeal Tribunal, he has been calling for the disbanding of the downtown business improvement association.

“Because city council created the Sudbury BIA, appoints the board of directors, approves the annual budget and collects the dues from member businesses, city council may also be at risk of having to pay damages that are awarded against the Sudbury BIA,”

Kirwan wrote to The Star. "This leaves council no choice but to set in motion the process of repealing the bylaw that established the Sudbury BIA and effectively dissolving the organization. The downtown businesses will be free to form their own private association if they wish, but that will have to be done without any city involvement or assistance. They will also have to approach all of the downtown businesses to see if they still want to be members."



Ward 5 Coun. Robert Kirwan makes a point at a special city council meeting in 2017. *GINO DONATO/SUDBURY STAR FILE PHOTO*

Kirwan also plans to ask the province to intervene.

"I will be urging city council to officially request that the

Minister of Housing and Municipal Affairs intervene in the LPAT procedure concerning the KED," he wrote to The Star. "We need the process to be expedited so that a hearing can be scheduled and the parties can present their arguments in front of the tribunal. We need a decision on these appeals as soon as possible or we risk losing everything we have worked so hard for during these past two years."

A total of 12 appeals have been filed by Tom Fortin, Steve May, the Minnow Lake Restoration Group, the BIA and Christopher Duncanson-Hales. The LPAT deemed all appeals valid; they are currently being heard.

A large part of Kirwan's consternation relates to the fact that Fortin and the BIA filed a notice of application with the Ontario Superior Court of Justice on April 8.

"Effectively what's happened is they've put in motion the process to follow if they lose the LPAT," he said Tuesday. "The problem is, there are so many steps along the way before you actually get to make your presentation in front of the judge (in civil court), this could be years before it gets to the end. That kills any further development. There's no way a private company will invest in a project if there's a legal proceeding against it."

Fortin said in early May the city has exhibited bias throughout the whole decision-making process, vis-a-vis the KED.

"The city hasn't kept an open mind and hasn't been objective in hearing anything contrary to what they believe," he said.

For



Local businessman Tom Fortin takes part in a press conference on the release of a report on the economic impact of the Kingsway Entertainment District on March 13, 2018. *JOHN LAPPA/SUDBURY STAR*

example, Fortin said he had submitted several reports to the city, including a thorough economic and financial analysis of the KED prepared by urbanMetrics Inc. He said earlier this month he had

never gotten a response or even an acknowledgement from the city.

“Nothing was ever commented on; nothing was ever even acknowledged,” Fortin said. “We didn’t even get an acknowledgement of receipt from the city. So everything we did to try to educate them was basically ignored. That’s contrary to the Planning Act. There has to be some dialogue and open discussion throughout the planning process. It’s part of the Planning Act.”

By filing a notice of application with the Superior Court, Fortin said that will allow his team to basically bypass the LPAT and go right to court if need be.

“We’re not going to go down that road unless the LPAT doesn’t hear the willing host and bias issues,” Fortin said. “If the LPAT doesn’t hear those issues, we have the option of going to Superior Court.”

Jeff MacIntyre, a spokesperson for the BIA on matters related to the LPAT, explained why his group and Fortin have filed a claim with the Ontario Superior Court of Justice. He said it largely has to do with jurisdiction.

“Filing the notice of application was needed because we do not know yet what the jurisdiction of the LPAT will be on all matters, and this filing allows us to file our case with the proper channels, should LPAT deem a matter not under their jurisdiction,” he said. “Due to proposed changes in Bill 108 it’s impossible to know what channel will have the proper jurisdiction at this point. This is the all part of the same issue we have taken from the beginning, nothing has changed other than a possibility of a different venue hearing part of the case.”

Kirwan said he is not concerned that calling for the disbandment of the BIA sends a bad message to the city’s business community. Instead, he said the actions Fortin and the BIA have taken actually do more harm.

"This says despite the fact you can go through the LPAT and have your appeal process, if you lose the appeal now you go to court? That sends a bad message to businesses," Kirwan said. "It says it doesn't matter how much support you get from council, somebody is going to be able to file an action against you in court."

Kirwan also said Fortin and the BIA are trying to drag out the process for so long that Gateway gives up. He is concerned Gateway could decide to abandon the KED or Sudbury altogether, although the company has not made any announcements.

"This could end with Gateway leaving the city totally, and closing up Sudbury Downs too," he said. "That would be a \$2.2 million hit to our levy. This could result in a one per cent increase in taxes, in order to replace the loss. This isn't a game anymore."

Kirwan said he plans to bring up the topic of disbanding the BIA with his peers at an upcoming council meeting.

"Unless the LPAT appeals can be resolved quickly, and unless the OLG gives Gateway some bid relief to reduce its financial obligations in Sudbury until the construction is completed, Gateway may be forced to make a decision that will have serious consequences for the future of Greater Sudbury," Kirwan wrote on his Valley East Facebook page. "The legal action taken by the Sudbury BIA and Tom Fortin have added fuel to a very volatile situation and should be dealt with immediately by city council. Back in June 2017, there was so much hope for the future of the City of Greater Sudbury. I am still confident that we will prevail and all of the appeals and legal actions will be resolved in our favour. But I am concerned about the collateral damage that may occur as the fight continues."

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Sudbury

More delays possible for Sudbury's Kingsway Entertainment District



City councillor hopes to dissolve Sudbury BIA, after it filed papers against city project

[Jamie-Lee McKenzie](#) · CBC News · Posted: May 23, 2019 6:00 AM ET | Last Updated: May 23



The Sudbury BIA and Tom Fortin filed a notice of application against the city with the Ontario Superior Court of Justice in April. (Supplied/City of Greater Sudbury)

[comments](#)

The Kingsway Entertainment District could be facing more delays after two opponents of the project filed a notice of application against the City of Greater Sudbury with the Ontario Superior Court of Justice.

The notice was filed on April 8 by the Downtown Business Improvement Area, known as the Sudbury BIA and Tom Fortin, who is with Casino Free Sudbury.

City councillor Robert Kirwan says he only recently heard about the court documents, but believes this to be just another stalling tactic by the opponents of the KED.

"What it's going to do is basically ensure that even if the LPAT approves the applications for the zoning amendment and the official plan amendment then the matter is still going to be stuck in the courts and it could likely stay in the courts for years," said Kirwan.

A notice of application only means that the option of bringing this issue before the Superior Court is possible, the city has not been served any legal papers yet, but after filing the application the Sudbury BIA and Tom Fortin can serve them in the future.

- [Sudbury developer says expanded Kingsway Entertainment District pitch will result in savings](#)
- [Greater Sudbury releases KED cost sharing agreement](#)
- [Legal bills piling up while decision on Sudbury's Kingsway Entertainment District is delayed](#)

"This doesn't mean we are going to Superior Court, this means that we are keeping that option available should LPAT say this is no longer within our jurisdiction," said Jeff McIntyre, the former chair of the Sudbury BIA.

"Currently, we have several appeals before LPAT all of which were deemed to be valid, but during the process, because of the changes happening we don't know if they'll be the right venue for each of those items."

The Sudbury BIA was established through a bylaw of the City of Greater Sudbury. The city also appoints the Board of Directors, approves the annual budget and collects the dues from member businesses at about 15 per cent of the annual taxes.

'Too far'

Kirwan says he believes the BIA has gone too far in its fight against the KED, especially considering the association is a city creation.

"We don't mind the Sudbury BIA filing an appeal against the applications, but to actually take the city to court with Tom Fortin and ask the court to overturn the decisions is just going too far," he said.

"I see no other choice but to dissolve the Sudbury BIA and let them go on their own. Dissolving the BIA really basically takes them out of the court application cause they will no longer exist, it'll leave Tom Fortin by himself."

Another concern Kirwan has about the court application is that the downtown businesses that are currently part of the Sudbury BIA could be on the hook for the costs of a lengthy court battle.

"The cost of this could be enormous, could be hundreds of thousands of dollars to go through the whole process and get to a point where you're actually ready to go to court," he says.

He says he's recommending that council repeal the bylaw that created the Sudbury BIA, which would remove them from the notice of application.

**THIS IS EXHIBIT "89" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**


A Commissioner, & etc.

Sudbury column: Why the downtown BIA should be scrapped



Robert Kirwan Guest column

Published on: May 24, 2019 | Last Updated: May 24, 2019 4:32 AM EDT





The City of Greater Sudbury is facing legal action in the Superior Court of Justice that may very well force city councillors to initiate steps to disband the downtown Sudbury BIA; ask the Ministry of Housing and Municipal Affairs to intervene in the LPAT appeals regarding the Kingsway Entertainment District (or KED); and ask our lawyers to recommend an appropriate countersuit to the charges that have been filed in the court against the municipality.

On April 8, the BIA and Tom Fortin (the applicants) filed a notice of application in the Ontario Superior Court of Justice against the City of Greater Sudbury (respondent).

The applicants are asking the court to quash the four bylaws that were approved by city council to allow the amendments to the official plan and amendments to the zoning bylaws to permit the establishment of a municipal arena and a casino as part of the KED.

They are asking the court to declare the bylaws illegal, invalid and unenforceable, alleging that city council did not have the legal authority to create the bylaws. In seeking this declaration, the applicants state city council was guilty of improper fettering of discretion; improper delegation of the exercise of discretion; bias; and bad faith.

They are also stating that council did not have the jurisdiction to pass the bylaws and that there were procedural irregularities in the passage of the bylaws. The applicants are also seeking costs on a substantial indemnity basis and other relief the court deems just.

City council passed a bylaw that created the BIA. Council appoints the board of directors, which includes a member of council and approves the annual budget.

The city also authorizes the imposition of a surcharge on the annual commercial taxes of all the businesses that are part of the downtown area. The surcharge is about 15 per cent of the annual taxes and is an obligatory charge. Businesses cannot opt out, but because they are all members of the BIA, they could be at risk of having to pay any costs and/or other legal penalties that are imposed by the court if the applicants lose their case. They are also at risk of having to pay significant damages from other civil action that may be forthcoming from the private sector partners to the KED.

I cannot sit back and allow those downtown businesses to be subject to that kind of risk exposure.

Because council created the BIA, appoints the board of directors, approves the annual budget and collects dues from member businesses, council may also be at risk of having to pay damages that are awarded against the BIA.

This leaves council no choice but to set in motion the process of repealing the bylaw that established the BIA and effectively dissolving the organization. Downtown businesses will be free to form their own private association if they wish, but that will have to be done without any city involvement or assistance. They will also have to approach all of the downtown businesses to see if they still want to be members.

The 'death' of the BIA will leave Fortin as the sole applicant in this matter and city lawyers can then determine a legal course of action that will have the application removed from the Superior Court of Justice.

I will be urging council to officially request that the Minister of Housing and Municipal Affairs intervene in the LPAT procedure

concerning the KED. We need the process to be expedited so that a hearing can be scheduled and the parties can present their arguments in front of the tribunal. We need a decision on these appeals as soon as possible or we risk losing everything we have worked so hard for during these past two years.

It is unfortunate the BIA and Fortin have chosen to go down this path. They have each filed four appeals with the LPAT and their appeals are being heard through the normal process.

By starting legal action in the Superior Court of Justice against the City of Greater Sudbury, they are seeking another avenue to follow in case they lose their appeals with the LPAT. This is nothing more than a legal tactic to provide insurance so that they can drag this matter out for many years in order to delay a final resolution. They know that even if we settle the LPAT, as long as there is a court proceeding on file, we will never be able to move the projects forward.

Council runs the city. Thirteen of us were elected to sit on council and make decisions that are in the best interests of the residents of the city. If people who disagree with council decisions are going to now start resorting to the Superior Court of Justice to oppose our decisions, then we need to demonstrate that we are prepared to deal with these tactics swiftly and aggressively. It is time for city council to step up and take charge.

— Robert Kirwan is the councillor for Ward 5 in the City of Greater Sudbury.

sud.editorial@sunmedia.ca

Twitter: @SudburyStar

TRENDING IN CANADA

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**THIS IS EXHIBIT "90" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**


A Commissioner, & etc.



Mike Jakubo shared a link.

14 hrs

LPAT Update

I am truly very disappointed in the LPAT today.

The ruling was supposed to be issued by no later than June 2019. And here we are in August 2019 being told the hearing will now only be on May 5, 2020.

Honest to goodness Council, by a vote of 10-2 approved the KED in June of 2017 and the planning approvals were granted in 2018.

The very few well endowed opponents of the KED have now had over 2 years to put their cases together for their appeals.

This further push back of any decision is unjustified and unfair to hold our City hostage while we all wait.

To any reasonable person, the hearing should already be done. But the goal of the opponents has always been delay, delay, delay.

They have also pledged to spend over \$1,000,000 on legal fees to oppose the KED.

Really, if I had \$1,000,000 (credit to the Bare Naked Ladies on that one) to spend I could think of a myriad of better causes than opposing the majority of citizens of our City and a huge 10-2 Council decision.

We are trying to create an amazing place for people from all over our City to enjoy sports and other entertainment and make a sound investment that will show the confidence that our people and Council have in ourselves and our City.

When the leading event centre consultant in the country says the KED holds economic potential like he has never seen before and which no other like project in our country ever could have achieved, I'm gonna believe that guy. Thank you Ron Bidulka!

As for any comments that any of my colleagues have made I can only tell you that I tell you what I know and am able to share publicly, what others share is up to them.

For now I am going to wait and see what the City's options are for further expediting the LPAT proceedings in any way possible out of fairness to our great City!



**THIS IS EXHIBIT "91" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

ROBERT J. SWAYZE

BARRISTER & SOLICITOR

CERTIFIED BY THE LAW SOCIETY OF ONTARIO AS A SPECIALIST IN
MUNICIPAL LAW - LOCAL GOVERNMENT/LAND USE PLANNING AND DEVELOPMENT

TELE: (519) 942-0070
FAX: (519) 942-1233
E-mail: robert.swayze@sympatico.ca

20736 Mississauga Road
CALEDON, ONTARIO
L7K 1M7

OFFICE OF THE INTEGRITY COMMISSIONER

OPEN SESSION REPORT

TO: Mayor Brian Bigger and Members of Greater Sudbury City Council

FROM: Robert Swayze, Integrity Commissioner

DATE: September 3, 2019

MEETING DATE: September 24, 2019

SUBJECT: Code of Conduct Complaints against Councillor Robert Kirwan

Recommendation:

It is recommended:

That Councillor Robert Kirwan be reprimanded by Council for contravening Sections 12 and 15 of the Code of Conduct for Council and Local Boards as well as the prior Code of Ethics under the headings, "Relationships to Council Members and/or Administration" and "Fair Treatment", in that **he repeatedly abused and harassed members of the public** as found by the Integrity Commissioner.

Background:

I was appointed Integrity Commissioner for the City of Greater Sudbury by agreement effective on July 23, 2018. A Code of Ethics was then in force until the Code of Conduct for Council and Local Boards (the "Code") was adopted on February 19, 2019. It was agreed between me and the City Solicitor, that I had jurisdiction under the Code of Ethics from and after the date of my appointment until the adoption of the Code.

This report is written concerning 9 separate Code complaints received by me between January 24, 2019 and the time of writing this report, against Councillor Robert Kirwan filed by different complainants throughout the community, many of whom wish to

remain anonymous. One of the complaints was from Downtown Sudbury Business Improvement Area, (the "BIA") which is operated by a board of directors filled by volunteers representing the downtown area. The Code requires me to accept complaints from identifiable individuals only and two officers of the BIA provided their names as complainants to comply with the Code. Most of the complaints have several grounds and many overlap. I have decided that I will describe generally the substance of the 9 complaints and it is not necessary in this report and not in the public interest, to identify any of the complainants.

The Complaints:

Many of the complaints were related to the operation for profit, of a Facebook Group by Councillor Kirwan called the Valley East Facebook Page where much of its content is municipal information that the Councillor acquired through his office. He writes advertisements which are posted on the page and charges local businesses for the service. The complainants argue that he is, in effect, selling municipal information which he should provide for free as part of his function as a member of Council. I have dismissed all of the complaints filed on this ground, because the role as Councillor is a part time activity and operating a business does not offend the Code. I found that the Facebook Group was not funded by the City and that it is not a municipal operation. In my opinion, he is entitled to operate a business even if his knowledge acquired as a Councillor assists in that task.

The dispute in the community which is dominant in most of the complaints, is a controversial proposal for a casino and other development outside of the downtown, in an area called the Kingsway Entertainment District. There is ongoing planning and legal proceedings in the community related to this development. Councillor Kirwan is a strong supporter of the proposal and some of the complaints have suggested that he has received benefits from the developer which I have also dismissed for lack of evidence.

Other complaints accused Councillor Kirwan of issuing false statements and speaking on behalf of Council without authority. I extend considerable latitude to members of Council when they are arguing for positions that they hold or vigorously debating with other members of Council. I regard this as an essential part of the democratic process and dismissed several of the early complaints on this ground as well.

Complaint number 7 was from a volunteer who attended a meeting regarding the Kingsway Casino proposal and argued in favor of locating it in the downtown. Councillor Kirwan was in attendance and responded to her arguments by telling her to "grow up".

One common thread through most of the complaints is the allegation that Councillor Kirwan abuses and harasses members of the community if they disagree with him, which is contrary to the Code. Many examples of his reaction to criticism of his ideas on issues were provided.

Code of Conduct for Members of Council and Local Boards and Code of Ethics:

The Code in force since February 19, 2019, provides as follows:

“Discreditable Conduct

15 (1). Every Member shall:

- (a) treat other Members, City officers and employees, and members of the public, appropriately, and without abuse, intimidation, harassment or violence;

12 (1) Every Member shall conduct themselves with decorum in the course of their performance, or required performance, of their responsibilities as a Member, and at meetings of Council, Committees of Council or meetings of the Local Board as the case may be, and other meetings, and in the case of Members of Council, in accordance with the provisions of the City's Procedure By-law, and other By-laws of the City, where applicable.”

The prior Code of Ethics contains the following:

“Each Council member shall ensure that their behaviour prior to, during, or following a meeting or public hearing, towards other Council members, members of the administration, and representatives of the public is at all times:

- courteous, professional, fair and unbiased; . . .
- avoids sarcasm, derogatory comments, or questions or comments designed to embarrass;”

“Each member has a responsibility to ensure that all persons are: . . .

- dealt with in good faith;
- dealt with without bias and in an even-handed temper;”

Analysis:

I cannot excuse the behaviour of Councillor Kirwan towards members of the community as vigorous debate or acceptable political rhetoric. He has more than crossed the line drawn by the above provisions in the Code and the Code of Ethics. He appears too often to be unable to enter into professional debate with anyone who disagrees with him, but

rather prefers personal attacks. From the complaints I have received, I find his approach to such members of the community, many of whom volunteer their time in support of the downtown, is arrogant and peremptory.

The following are three personal attacks on residents which he made as posts to his Facebook page which I downloaded at the date of writing this report. These continuing statements were part of more than 20 such quotes contained in one of the 9 complaints:

- "What an utter waste of time to have to respond to this drivel. Surely to God this man doesn't have the audacity to think that I am going to allow a washed out dinosaur of an entitled professor like Dr. (name removed) attack my credibility from his ivory tower at Laurentian University. He clearly demonstrates all of the entitlement characteristics of a university professor who has never had to work a day in his life."
- "While it is true that everyone who knows him will agree that it is typical for (name removed) to be against everything - he was adamantly opposed to the Maley Drive project, the ferrochrome smelter, any form of tax increase, and is even being critical of the KED and/or casino project procedure - this letter is even a bit much to expect. I know that no matter what Council wants to do, (name removed) will come up with a large convoluted presentation to show how wrong we are, but he never comes up with any practical alternative solutions. He just likes shooting down Councillors. Anyway, that is who he is and what he does and he certainly has a right to do so."
- "You have got to be kidding, (name removed) You of all people should know that any candidate will have to learn to deal with this kind of nonsense. Just look at the mob activity that you and your friends on the Sudbury Politics page engage in when you start attacking my integrity like a bunch of piranha on the scent of blood. As for harrassment, you have been witness to the obsessive aggressiveness displayed by the people that have been banned from my sites. They just don't know when to quit, as evidenced today. There is only one person copping out in this exchange and that person is you. I have no idea what I ever did to you to completely discard the friendship we had as colleagues and fellow professionals. But don't for one minute try preaching to the members of this group and don't try preaching to me."

As required by the Complaint Protocol which is part of the Code, I served Councillor Kirwan with several of the complaints including the BIA complaint and requested a response. His response referred to the complainants' intent to "publicly humiliate him" and damage his reputation. He said: "I have become the public lightning rod for

complaints and everything I say is being attacked by the same group of people.” I was troubled by his further statement that “Unfortunately, I am sure that you will receive a continuous stream of complaints over the next several years as long as I am a member of City Council.” It was obvious to me that he does not intend to change his aggressive behaviour and remains unable to politely accept contrary points of view.

Decision

It is not my role as Integrity Commissioner to in any way muzzle members of Council. I will always encourage vigorous debate and representations by all members in support of their views. I believe that fervent activity by any member cannot be characterized as discreditable conduct within the meaning of the Code or the Code of Ethics.

However, I believe that Councillor Kirwan’s penchant for personal attacks against members of the community is contrary to the Code and the Code of Ethics. It constitutes discreditable conduct under the Code and unfair treatment under the Code of Ethics. In my correspondence with Councillor Kirwan, I advised him that I have come to the conclusion that his aggressive and unprofessional behaviour has become a disruptive influence in the community. He responded with a promise to “exercise more restraint in the future.” In my opinion, that is not enough. He continues to believe that a conspiracy exists among certain members of the community who he calls his enemies. His combative tactics must stop. I find that he has contravened Sections 12 and 15 of the Code of Conduct for Council and Local Boards as well as the prior Code of Ethics under the headings, “Relationships to Council Members and/or Administration” and “Fair Treatment”, in that he repeatedly abused and harassed members of the public.

Prepared by:



Robert Swayze
Integrity Commissioner

Attachment(s): none

THIS IS **EXHIBIT "92"** TO THE AFFIDAVIT
OF **THOMAS GARY FORTIN**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

This exhibit is found on the USB key attached hereto as Exhibit "1"

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM FORTIN

Applicants

-and-

CITY OF GREATER SUDBURY

Respondent

APPLICATION RECORD

Volume 4 of 6

DATE: October 22, 2019

MUNICIPAL LAW CHAMBERS

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 - 6 Sudbury Star – Health Unit Warning article, dated Feb. 21, 2013
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 - 11 Sudbury.com – Arena added to casino wish list, dated March 4, 2013
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**THIS IS EXHIBIT "93" TO THE AFFIDAVIT
OF THOMAS GARY FORTIN,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

Councillor, LU professor duke it out on social media

Jun 25, 2017 6:04 PM By: Darren MacDonald

Updated Jun 25, 2017 6:26 PM



A war of words has broken out on social media between two outspoken public figures in Sudbury. Laurentian University economics professor David Robinson and Ward 5 Coun. Robert Kirwan have been sparring over the location of the proposed arena/events centre. (File)

A war of words has broken out on social media between two outspoken public figures in Sudbury.

Laurentian University economics professor David Robinson and Ward 5 Coun. Robert Kirwan have been sparring over the location of the proposed arena/events centre.

Robinson, who has run for office in the past for the Green Party, says downtown is clearly the best choice, while Kirwan has been vocal about his support for The Kingsway.

Councillors will decide Tuesday in what is expected to be a close vote. In the meantime, Kirwan and Robinson have been taking turns in responding to one another in Facebook posts.

Robinson accused Kirwan and other city councillors in support of The Kingsway as not being able to “do basic accounting.”

“This note might seem like a personal attack,” he writes, insisting that it wasn't. “I am going to explain how one of our most prominent and committed councillors is out to lunch about the event centre.”

Kirwan griped in a post that he resents having to respond to Robinson's “drivel,” someone who demonstrates “all of the entitlement characteristics of a university professor who has never had to work a day in his life.

“Surely to God this man doesn't have the audacity to think that I am going to allow a washed up dinosaur of an entitled professor like Dr. David Robinson attack my credibility from his ivory tower at Laurentian University,” Kirwan wrote.

For his part, Robinson 'grades' Kirwan's arguments in favour of The Kingsway, point by point, and not surprisingly finds them lacking.

And he mused about why so many in the city are hostile to downtown.

“The city's soul is divided in some complex way, and the challenges that come with being of the largest city in the province with one of the smallest populations seem to have generated deep resentments, especially in the the rural/suburban parts of the city,” Robinson writes.

“Going back to Coun. Kirwan, for example, who represents a rural ward, it is not really surprising that he doesn't support the city master plan with its emphasis on rejuvenating the downtown. Nor is (it) surprising that, when he pushes those anti-core buttons, many people in his Facebook group take up the anti-downtown cry.”

Anyone who wants to follow the full discussion can find Kirwan's page [here](#) and Robinson's page [here](#). The arena report can be found [here](#).

A consultant's report headed up by Ron Bidulka of PriceWaterhouseCoopers was expected to end the debate over where the \$80 million to \$100 million centre should go, but the report's conclusions have given each side ammunition.

The report concluded both projects are viable, but gave the edge to downtown because it doesn't require a rezoning and the economic benefits are more certain.

While The Kingsway site came ahead in two of the criteria council considered most important – parking and cost – the differences in costs were small, and the report said there is enough parking downtown, although it may not be in areas the public considers convenient.

Sudbury.com will carry Tuesday's city council meeting live and will offer coverage during and after the decision.

How did this story make you feel?

[view results >](#)



Happy



Amused



Afraid



Don't Care



Sad



Frustrated



Angry

Comments (0)

Letter: Both Kingsway and downtown can prosper



Sudbury Star

[More from Sudbury Star \(https://www.thesudburystar.com/author/sudbury-star\)](https://www.thesudburystar.com/author/sudbury-star)

Published on: June 25, 2017 | Last Updated: June 25, 2017 5:14 PM EDT

I gladly accept the challenge by Prof. David Robinson to publicly debate the merits of the True North Strong site as the best location for our new arena/event centre. I do not think my position is “absurd,” as Robinson claimed in his letter to the editor of June 24.

First of all, I do not concur with Robinson’s prediction that Sudbury is slipping into long-term decline. I believe city council is in a position to turn this city around on June 27 and launch us into a transformational period of growth and prosperity.

I know Robinson does not think much about my economist skills, but I do have a bachelor’s degree in math and economics from Laurentian University and I have a masters degree in education from Central Michigan University.

The fact is, if city council selects The Kingsway site, then immediately the Gateway Casino and the owner of the Hampton Inn and Homewood Suites in the south end will collaborate with the city on the best site design for the leveraging of the three anchor components of the True North Strong Regional Entertainment District.

What will result is a sports and entertainment development that will include at least \$200 million of commercial assessment, generating \$5 million in commercial property taxes annually, plus an increase of \$3 million per year in our share of casino revenue. Our mortgage on the arena will be \$5.5 million, leaving us with a surplus of \$2.5 million per year.

Once the arena is open in 2020, the Sudbury Community Arena will be converted into a 1,200-seat live performance auditorium, the art gallery and the public library. In addition, a Hyatt-style hotel is interested in building on the parking lot at the back of the arena and that will generate another \$1 million in commercial property taxes. This would create an arts and culture cluster in the downtown that fits well with the Sudbury Theatre Centre and Place des Arts.

The result will be a generation of new revenue for the city of \$9 million per year to pay for the mortgage on the new arena, plus up to \$3.5 million to pay for the mortgage needed to fund the renovations to the current arena. This would also create hundreds of new jobs, attract countless tourists and eliminate the need to increase municipal taxes to pay for this investment.

I think this sounds like a pretty good return to me, so I am not sure what we will be debating, but I am open to the challenge, Dr. Robinson. My strategies are intended to develop the Kingsway and the downtown, not the Kingsway or the downtown.

Robert Kirwan

Ward 5 councillor

Column: Sudbury turns corner



Sudbury Star

[More from Sudbury Star \(https://www.thesudburystar.com/author/sudbury-star\)](https://www.thesudburystar.com/author/sudbury-star)

Published on: July 9, 2017 | Last Updated: July 9, 2017 7:17 PM EDT

Robert Kirwan/Guest column

June 27, 2017, will be officially remembered as the day that city council chose The Kingsway over the Downtown as the location for the new arena/event centre. But a much more significant thing happened that evening, which may be evidence that we finally broke free of the shackles of a culture that has prevented this city from achieving its true potential for decades.

The City of Greater Sudbury has missed out on so many opportunities in the past because of our tendency towards an abundance of caution when faced with a decision about a new project or venture. This culture of "risk aversion" has resulted in exhaustive analysis, which seemed to be intended to seek out any possible reason for abandoning suggested projects or procrastinating until it is too late to take action.

On June 27, 2017, we witnessed signs of a paradigm shift by city council. Councillors decided to empower staff to adopt a new "risk management" approach, which should help us discover ways we can invest in our future instead of focusing on what might go wrong. We sent a strong message to staff that we are prepared to support everything they can do to maximize the potential of the True North Strong Regional Sports & Entertainment District on The Kingsway.

And then on June 28, 2017, we solidified the foundation for this culture shift by endorsing all other large projects that are slated for the downtown area. City council overwhelmingly approved the efforts of the people behind the Synergy Centre, the art gallery/public library and Place des Arts.

We have stated loudly and clearly that we are so confident that our investment in the True North Strong project is going to provide us with such a significant return on that investment that we are going to be able to afford to help the downtown projects come to life, as well. We took the position that we can have two distinct and separate districts in this city – one dedicated to sports and entertainment and the other dedicated to music, art, culture and entertainment. Both can be successful and it can all be done without any additional burden on taxpayers.

Now, we need to allow the natural market conditions to freely nurture the True North Strong Regional Sports & Entertainment District as it evolves into the spectacular vision that has been presented by Dario Zulich and his team.

The Corporation of the City of Greater Sudbury has formed a true partnership with the Gateway Casinos and the Vrancor Group in creating the critical mass that has the potential of attracting numerous other commercial enterprises to the complex.

As a city, we must accept our role as a supporting partner leveraging the strengths of our current and future partners to help our investment grow and return millions of dollars of dividends each year in new commercial taxes and new casino revenues. The hundreds of millions of dollars of construction that are to come and the hundreds of new jobs generated on and by the development will lead to remarkable growth in so many other sectors of our city, especially in the downtown through the establishment of the Synergy Centre, the art gallery/public library and Place des Arts.

We must now focus our attention on finding other new investments in the city that will produce similar returns in the areas of affordable housing, such as:

- n removing the inequity that exists among various parts of our city with respect to the quality and accessibility of the equipment in our neighbourhood playgrounds and parks;

- n creating a more age friendly environment for our older adults and helping them receive the services they need to age in place with family and friends;

- n using surplus schools and municipal facilities to foster and develop community hubs that will address the negative social determinants of health that are impacting so many vulnerable individuals and families; and

- n becoming the kind of city where people and businesses will feel welcome and embraced.

The City of Greater Sudbury has taken the first couple of steps in the right direction. Now we need to move forward together with confidence knowing that everyone wants to achieve success. Our mission is to stop searching for reasons why projects should be rejected and instead search for ways to help them succeed. This is the culture shift that the city has been waiting for and it is now up to all of us to make things happen.

— Robert Kirwan is the city councillor for Ward 5.

sud.editorial@sunmedia.ca

....

Do you agree with Coun. Kirwan? Send your thoughts to sud.letters@sunmedia.ca

([javascript:location.href='mailto:'+String.fromCharCode\(115,117,100,46,108,101,116,116,101,114,115,64,115,117,110,109,101,100,105,97,46,99,97\)+'?'](mailto:sud.letters@sunmedia.ca))

TRENDING IN CANADA

Ω

**Ontario human rights tribunal
orders employer to pay \$120,000
in damages to worker it didn't
even hire**

Opinion: Discrimination has become a...

◀ Previous

Next ▶

Watch: Robinson, Kirwan spar over event centre location

Sep 7, 2017 12:20 PM By: Sudbury.com Staff

Updated Sep 7, 2017 4:37 PM

LIVE: David Robinson & Robert Kirwan debate on event centre location



Dr. David Robinson called Coun. Bob Kirwan a pretend economist. Coun. Kirwan called Dr. Robinson a washed up dinosaur.

The reason: The city councillor for Ward 5 backs the True North Strong event centre project on The Kingsway and thinks the numbers bear him out. The economics professor says the numbers don't show anything of the sort.

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It might seem to be too late to be talking about this, since the decision was made back in June to put the event centre on The Kingsway instead of downtown, but perhaps not. Robinson believes the project will undermine the city's economy and may go bankrupt before it's built.

Maybe not so anti-climactic after all.

Sudbury.com managing editor Mark Gentili moderates as the two men hash out their differences in a livestream debate from the news site's downtown offices at 158 Elgin Street.

Click play in the image above to watch the two men argue it out. The debate begins at 2:30 p.m. today (Sept. 7).

If you miss the livestream event, don't worry; it will be viewable on YouTube following the event.

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Events centre debate: Agree to disagree



By Mary Katherine Keown

[More from By Mary Katherine Keown \(https://www.thesudburystar.com/author/by-mary-katherine-keown\)](https://www.thesudburystar.com/author/by-mary-katherine-keown)

Published on: September 8, 2017 | Last Updated: September 8, 2017 12:06 AM EDT

It was economist and Laurentian University professor David Robinson versus Ward 5 Coun. Robert Kirwan for a full-throttle, no holds barred debate on Thursday afternoon.

Robinson began the debate by taking aim at city council. He said they squandered money on Maley Drive and have not been fiscally prudent, despite the fact there are several accountants and financial advisors on council.

"It's shown a real lack of understanding of economics and economic development," Robinson said. "Mr. Kirwan was a major advocate for moving the arena way out to the end of The Kingsway. ... His big argument was that it was going to make a lot of tax revenue for the city."

Robinson also said the proposed casino will not bring more money to Sudbury.

"They want to suck money out of the city and Robert wants to take 10 per cent of that money back for the city," Robinson said. "The model here is punching a hole in the bottom of your boat so you can get your dog a drink of water. It's a really bad strategy to call a casino development."

He also said Kirwan's logic was "full of holes."

For his part, Kirwan said he would be pushing for two extra ice pads to be added to the True North Strong centre.

"The two pads would be an extension for the conference centre," Kirwan said.

But Robinson said arenas tend to attract fewer people the further they are from the centre of a town.

Sudbury.com live-streamed the debate and then featured it on its YouTube channel.

The debate was arranged after Robinson and Kirwan sparred online. On his Valley East Facebook page, Kirwan called Robinson a washed-up dinosaur and said he has lost touch with the city because of his academic work at Laurentian University.

For his part, Robinson called Kirwan a neophyte economist, who was stepping beyond his bounds. Kirwan is actually a retired teacher.

Thursday's debate quickly got contentious.

"You've got to get out of your books," Kirwan quipped to Robinson. "If you don't shut up I will leave."

Robinson told Kirwan that was a cheap and snotty remark.

Robinson said the True North Strong centre on The Kingsway would end up becoming a white elephant.

But Kirwan did not agree.

"If you are only going to put an arena on The Kingsway, then Dr. Robinson may be right," he said. "The arena is being put on The Kingsway because it's part of a four-corporation venture. The arena beside the hotel and the casino — the three of them are going to be feeding off each other."

Kirwan also said The Kingsway would be a great place for a tournament centre, especially if the extra ice pads are included in the design.

There are several major hotels in New Sudbury along The Kingsway corridor and Kirwan said that is why the arena will make money. He has heard complaints that out-of-town visitors have little to do at night, but said the addition of the casino would provide at least a few hours distraction.

Kirwan was adamant the city "would not put a cent into that arena."

"That property is going to generate \$8 million plus per year," he said. "The arena will cost us \$5.5 million per year. We're walking out of there with a minimum surplus of \$2.5 million per year, that is going to be coupled with \$2.5 million we're going to get from a new hotel downtown. That'll give us an extra \$5 million."

Kirwan also said there would be a "critical mass" of arts spaces downtown, once the Synergy Centre, Place des Arts and the library/art gallery are completed. Those three attractions would draw people to the core, the councillor added. The money generated by the True North Strong centre could be used to pay for those projects.

But Robinson was unconvinced the city could count on \$8 million in revenue every year and said besides, that money is years away.

Robinson also said the issues raised with building downtown were a "red herring." During the consultancy, the consultants from PricewaterhouseCoopers said there would be issues with pilings and the sandy material downtown, but Robinson said often, piles can last hundreds or thousands of years.

"There's a huge amount of land down here (downtown), with lots of room for expansion in the future," Robinson added.

He then accused Kirwan of not liking the city.

Kirwan said the \$260 million casino/hotel/arena project would create hundreds of construction jobs and has the potential to bloom, just like Costco created an incubator of retail space at the corner of Barrydowne Road and The Kingsway. But Robinson argued Sudbury does not need more low-paying, low-skill jobs; the city needs to attract skilled workers.

In the end, however, Robinson wished council the best and said he hopes the True North Strong centre is a success.

"The casino has to have doors open April 1, 2020. Any further delay and they're going to put that money in another town and come back to us in six years," Kirwan said. "We can't afford any more delay in this city. We need something happening in this city. There was more risk in doing nothing. ... My argument is we have a car, and all we've done as a city is put wheels on the car. We've put tires on the car so the car can move. The tires are the arena."

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Column: Why new arena won't cost taxpayers anything



By Robert Kirwan

[More from By Robert Kirwan \(https://www.thesudburystar.com/author/by-robert-kirwan\)](https://www.thesudburystar.com/author/by-robert-kirwan)

Published on: January 27, 2018 | Last Updated: January 27, 2018 1:43 AM EST

New taxes generated by new developments will more than cover the cost of \$100-million project, councillor argues

I need to clear up some false information that continues to be thrown around by those who are mobilizing a campaign against the Kingsway Entertainment Centre.

At no time did Dario Zulich ever say that he would be "paying" for a new arena with his own money. He said that his proposal for a new arena on the True North site on the Kingsway would not cost the city anything.

And that is exactly what is going to happen and it is the reason why city council approved The Kingsway site by a vote of 10 to 2

on June 27, 2017. The arena was always going to be paid for and owned by the city.

However, the arena is not going to cost the taxpayers a cent. In fact by working with a strategic partnership with three other private sector companies, namely the developers (Zulich & Perry Dellelce), Gateway Casinos and the hotel owner, the city will be making an investment that will produce a return on the investment that makes it financially profitable.

The city was able to purchase the land for \$10. The city is able to split the cost of infrastructure with the other partners. And when it is in operation, the city will be receiving a minimum of \$3 million in new commercial taxation each year from the casino and the hotel, plus an additional \$2 million in the city share of revenues from the casino.

There are several other businesses that are poised to purchase and develop on the remaining 120 acres of land around the critical cluster, giving us an additional \$2.5 million per year in commercial taxes and as the development continues to expand that number will increase annually.

So for an investment of \$5.5 million maximum to pay the mortgage on the new arena/event centre, we will be making enough money to pay for the debt charges, plus cover any operating losses, plus have additional money left over to invest in the downtown arts and culture district.

Dario Zulich has lived up to his promise. He has arranged for the development to pay for the new arena so that it is not costing the city a cent. He never said he would pay the full cost of the arena and then watch the city reap the benefits of commercial taxation. He said that the arena would not cost the taxpayers. And that is what is going to happen.

So, when you hear anyone saying that he promised to pay for the arena on his own, please straighten them out and tell them to

stop spreading what they ought to know is false information. He said it would not cost the taxpayers any money. The entire cost is going to be paid for from new money generated from the development.

Editor's note: The city estimates the new arena/events centre will cost \$100 million to build. It will take a loan to pay for the new facility that will be paid back over 30 years at a cost of \$5.5 million a year.

— Robert Kirwan is the councillor for Ward 5.

....

Do you agree with Coun. Kriwan? sud.letters@sunmedia.ca

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Kirwan: Anyone who thinks Zulich said he'll pay for the arena is wrong

Jan 27, 2018 2:00 PM By: Community Submission

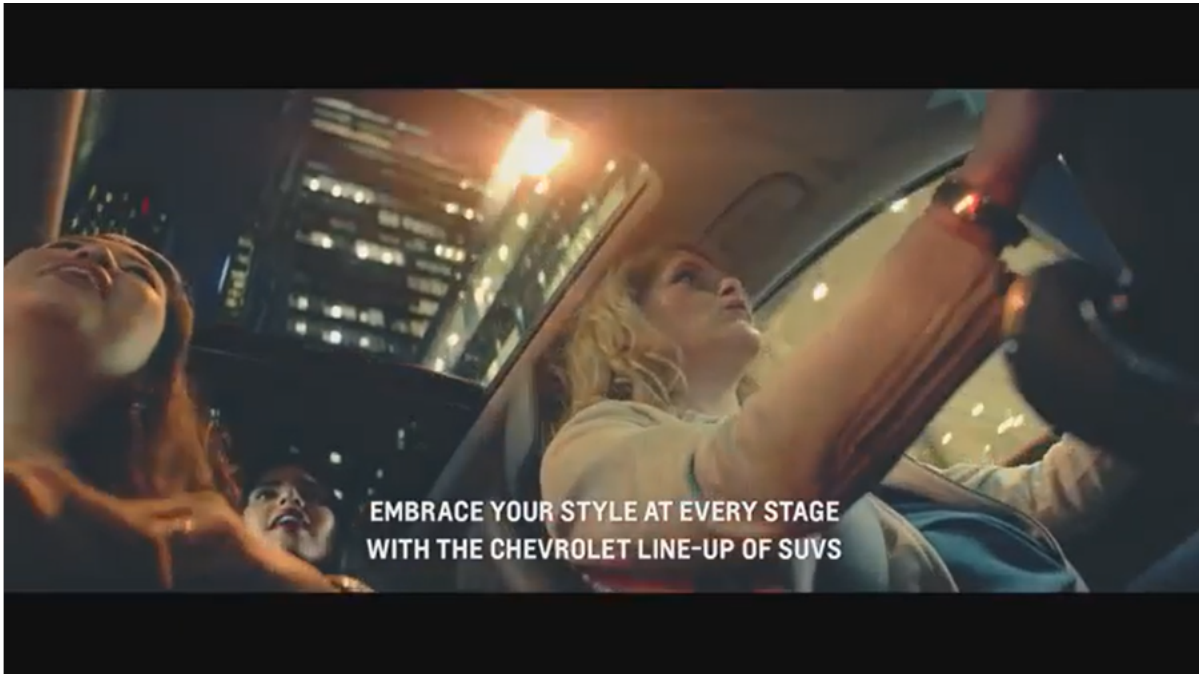


Kirwan clears the air around Kingsway entertainment complex.

I need to clear up some false information that continues to be thrown around by those who are mobilizing a campaign against the Kingsway Entertainment Centre.

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So when you hear anyone saying that he promised to pay for the arena on his own, please straighten them out and tell them to stop spreading what they ought to know is false information. He said it would not cost the taxpayers any money. The entire cost is going to be paid for from new money generated from the development.

Robert Kirwan is the Greater Sudbury city councillor for Ward 5.

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Happy



Amused



Afraid



Don't Care



Sad



Frustrated



Angry

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Kirwan defends his claim the Kingsway Entertainment District will pay for itself

Feb 1, 2018 5:00 PM By: [Matt Durnan](#)



1 / 2 Ward 5 Coun. Robert Kirwan says it's time to stop fighting about the Kingsway and start getting behind it, as it will be an integral part in helping the downtown flourish. (File)

The city needs to take advantage of making money through commercial taxation in order to support future projects like a downtown arts centre and library.

That was the message from Ward 5 Coun. Robert Kirwan during a Jan. 30 interview with Sudbury.com. In a response to an [op-ed piece the city councillor had written](#) in which he was vehement in his defence of the Kingsway Entertainment District project, arguing the development would basically pay for itself.

Sudbury.com asked the councillor if he could put some dollar figures to that claim.

Kirwan wants to see the city start to operate more like a business, and take advantage of commercial property tax dollars and keep residential property taxes down.

"This is probably the first time that I can remember that the city has done something like a business," said Kirwan. "The reason that we're doing it this way is because we're in a partnership with three private-sector companies. We're the only public-sector partner so we've got to work at the speed of business and work like business people."

According to Kirwan's numbers, the city stands to make anywhere from \$5 million to \$6 million annually in new taxation from having both a casino and hotel as part of the Kingsway Entertainment District.

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At a commercial tax rate of 2.54 per cent, the city would be collecting around \$3 million from the two buildings in taxes, plus a projected \$2 million in new shared casino revenue, on top of the roughly \$2.1 million the city receives currently from the slots facility at Sudbury Downs and expects to receive from the new casino.

Kirwan also pointed to the potential for development on the nearby 120 acres of land and says that a number of businesses are ready to set up shop, which would mean more commercial tax dollars for the city to fund downtown development.

"We can't identify anyone because nobody's committing to anything yet, they're businesses, nobody says what they're going to do or where they're going to go," said Kirwan. "But we know from talking to the developer (Dario Zulich) that there are a number of businesses that are ready to go there. The amount of development that's going to go around that is going to be huge and that's all commercial taxation."

The city will be investing \$5.5 million annually in order to mortgage a new arena. In addition to mortgage payments, a [PricewaterhouseCoopers report](#) that was presented to council on

March 7, 2017, indicated the arena will run a deficit of \$655,700 in year one and increase annually up to \$825,200 in year five.

Kirwan says the revenue from commercial taxes once all of the land has been developed will more than pay for the mortgage and operational losses, and will be in the range of \$8 million or \$9 million dollars annually.

"We're looking at the downtown, with the library and the art gallery and convention centre, and we know there's interest in a couple high-end hotels across the street and that's more commercial taxation," said Kirwan.

"The reason I'm so adamant about the Kingsway is that we need the Kingsway so we can build the downtown up. We've got to stop raising taxes. We can't just continue to raise taxes and expect to pay for it with residential property taxes."

There have been a number of outspoken groups who have taken up a stance against the Kingsway Development, as well as groups that have [spoken out against building a casino in Sudbury](#), with the former being largely made up of downtown supporters who don't want to see the arena moved out of the city's downtown.

"You're looking at all this controversy, and my God ... the arena on the Kingsway is being done for the downtown," said Kirwan.

"It's being done to build up the downtown ... the Elgin Greenway, the Place des Arts, keeping the Sudbury Theatre Centre going, that whole area where the library, art gallery and performance centre are going to be with a new upper-end hotel ... the downtown is going to flourish."

The city has put aside 0.3 per cent of the 2018 budget, which amounts to around \$700,000, plus a further \$700,000 annually ahead of the projected opening of the arena on the Kingsway to start paying for things like consultant fees, and planning for the Kingsway development. The tentative opening date for the arena is April 1, 2020, and Kirwan says that the city will start seeing tax revenue as soon as they start paying the mortgage on the arena.

"The amount of money we're going to make off the Kingsway is going to easily pay for the arena," said Kirwan. "At the end of the day, we're making money off the Kingsway, it's costing us for the arena, but we're making more money than it's costing us. We're making a profit."

The councillor says that it's time for everyone in the city to get behind the development of a new arena, regardless of their preference on location.

"You may not agree with the decision that the city made for where to put the arena, but let's look at the benefits to the city and make sure it works, instead of fighting it and trying to delay it," said Kirwan.

"Let's just get behind it ... I'm just disappointed that we can't get together and say 'let's stop fighting about the Kingsway' let's fight for the Kingsway and the downtown."

How did this story make you feel?

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Amused



Afraid



Don't Care



Sad



Frustrated



Angry

Comments (0)



About the Author: Matt Durnan

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Kirwan turns down Kingsway debate invitation

Feb 2, 2018 6:00 PM By: Sudbury.com Staff




There will be no debate between ward 1 Coun. Mark Signoretti and ward 5 Coun. Robert Kirwan on the matter of the Kingsway Entertainment District.

There will be no debate between a pair of Greater Sudbury councillors on the matter of the Kingsway Entertainment District.



Ward 1 Coun. Mark Signoretti had reached out to Sudbury.com and expressed an interest in debating Ward 5 Coun. Robert Kirwan about the development of an event centre, hotel and casino on the Kingsway.

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Signoretti's challenge came on the heels of a column Kirwan wrote in which he argued the new tax money generated by the Kingsway Entertainment District would cover the cost of borrowing to pay for the new arena/event centre.

Sudbury.com agreed to facilitate the debate and would moderate and livestream it online.

The idea was pitched to Kirwan via email but the councillor shot down the invitation, saying, "there is nothing to debate with regard to the Kingsway Entertainment District".

Kirwan indicated that the downtown arts and culture district has also been decided upon, and that there was nothing to debate on that matter either.

"Just in case some people forget, the vote on June 27, 2017 was 10 to 2 at City Council to approve the Kingsway site for the arena/event centre. I think the vote on June 28, 2017 was unanimous to approve the downtown projects and the site selection was also unanimous from what I understand," said Kirwan in an email to Sudbury.com.

"Please be clear that I am not interested in debating Councillor Signoretti over the event centre. We already had that debate on June 27, 2017."

How did this story make you feel?

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Why a casino would be good for Sudbury: supporters



Sudbury Star

[More from Sudbury Star](https://www.thesudburystar.com/author/sudbury-star) (https://www.thesudburystar.com/author/sudbury-star)

Published on: March 13, 2018 | Last Updated: March 13, 2018 9:38 PM EDT

In time, the casino will become a jewel in the crown, Ward 5 Coun. Robert Kirwan said Tuesday.

Kirwan, who has become a vocal supporter for Dario Zulich's Kingsway dreamscape, said there is more at stake than an arena or a casino.

"It's not about an arena or a casino, it's the whole package," he said. "I'm looking at that cluster — the arena, the hotel, the casino — that's what makes this viable. And then the downtown — library/art gallery, convention and performing arts centre, Place des Arts, the Elgin Greenway — that whole package combined with the Kingsway, will make this in the long-term more economically viable."

For one thing, there will be three restaurants contained within the casino and a large hotel will be breaking ground on the property.

"I guarantee it," Kirwan said. "It's part of the package; it's part of the integrated design that's been set up."

While Kirwan would not reveal which hotel chain may be interested in the Kingsway property, a couple of hospitality companies sent letters to Zulich last May indicating their interest.

The Boreal Hospitality Group said it would build a 120-room Wingate by Wyndham hotel and Intercontinental Hotels Group, which owns the Holiday Inn Express and Staybridge Suites brands, also showed interest.

Regardless of which hotel opens its doors on the Kingsway, Kirwan said it will be Sudbury's biggest.

"I know that everything is going to happen really quickly once we get all these amendments through," he said. "The sooner we get the amendments done for the Kingsway, the sooner we can start downtown. Downtown will start as soon as we move into the Kingsway arena."

Rob Mitchell, a spokesperson for Gateway casinos, the company building the facility on the Kingsway, said there are too many questions in an urbanMetrics Inc. report that detailed the detriments of the casino.

"We do think we are developing destination entertainment for the city of Sudbury," he said. "I don't think you can honestly say that anyone visits Sudbury to go to Sudbury Downs. We don't disagree with Tom Fortin in that what currently exists is not an attraction. What we plan to

build will be." Mitchell said Gateway is committed to establishing a state-of-the-art presence in Sudbury.

Despite concerns from those against the casino who say the Gateway project will not add jobs to Sudbury's landscape, Mitchell said Tuesday he disagrees.

"We'll be adding 250-plus jobs to the existing 160 that are currently there," he said. "We will also be adding jobs because this is an operation that needs to be maintained with all kinds of auxiliary jobs. We're going to run three restaurants and operate 24/7. We'll need folks to remove snow, to do grounds-keeping and all manner of things. The jobs we provide cross the spectrum."

Mitchell said beyond front of house staff who work the tables and serve customers, there will be need for skilled employees in IT, for example. Many of the jobs will be high-paying, he said.

There is also a casino scheduled for North Bay, but Mitchell does not see a problem with the two facilities being so close together. Sudbury and its easterly neighbour are only about 90 minutes from one another.

Sudbury's casino will be larger and will be adjacent to the other amenities planned for the Kingsway entertainment district.

"I don't think Casino Free Sudbury is truly representative of the feelings of the general population of Sudbury," Mitchell said. "I think this resistance comes from a very small group of people and I think it has more to do with maintaining the arena as an anchor tenant for the downtown than it has to do with casino gambling. Sudbury has had casino gambling for almost 20 years and I don't recall Mr. Fortin being opposed to it."

Kirwan is optimistic that things will work out.

"This city is ready to go ... Let's get 'er started," he said. "All the doom and gloom is all for naught. Other studies have shown when you get a casino and other things around the casino, there is economic growth and economic development. That's why you can't look at any of these things as stand-alones; they're all part of the big cluster. I'm more excited about what's going to go in the 120 acres around the arena, hotel and casino. ... There'll be all kinds of commercial development, which gives the city tax money. We're ready to roll. It'll be a very exciting five or six years in Sudbury; we just have to get started."

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Fort McMurray has become a showcase...

Column: Time to move on Kingsway



Robert Kirwan

[More from Robert Kirwan](https://www.thesudburystar.com/author/robert-kirwan) (https://www.thesudburystar.com/author/robert-kirwan)

Published on: March 25, 2018 | Last Updated: March 25, 2018 5:27 PM EDT

The three City of Greater Sudbury employees who have been under the most pressure during the past several months have been Jason Ferrigan, director of planning services; Eric Taylor, manager of development approvals; and Alex Singbush, senior planner.

Singbush will present two reports to the planning committee on March 26 and March 28 that may very well change the future of the City of Greater Sudbury.

On March 26, he will be requesting that the planning committee recommend that city council approve an “application for an official plan amendment and rezoning to permit a place of amusement in the form of a casino on what has become known as the Kingsway entertainment district.”

On March 28, he will be requesting that the planning committee recommend that city council approve “an application for rezoning

to permit a recreation and community centre in the form of a public arena on the same Kingsway entertainment district.”

The comprehensive 80-page reports each arrive at the following critical conclusion with respect to the official plan amendment and rezoning applications in that they “are considered to be consistent with the provincial policy statement, in conformity with the northern growth plan and in conformity with the relevant sections of the city of Greater Sudbury official plan. The applications represent good planning and are in the public interest. There do not appear to be any adverse impacts that will result from the approval of the applications, and they are therefore recommended for approval subject to the conditions noted in the resolution section of this report.”

The conclusions arrived at with respect to the applications cannot be taken lightly. Ferrigan, Taylor and Singbush are all members of the Canadian Institute of Planners with the designation of MCIP. They are also members of the Ontario Professional Planners Institute and carry the designation RPP. They are recognized professionals and as such are held to the highest of standards in their field. Their certification requires that they approach their responsibilities in a professional manner and their conclusions must be in accordance with the requirements of their profession. In addition, Ferrigan is the president of the Ontario Professional Planners Institute and will serve in that role until 2019.

Ferrigan presented a report to the planning committee in August 2017 that explained the changes that have taken place with the Ontario Municipal Board.

“The OMB has been replaced by the Local Planning Appeal Tribunal (LPAT). The LPAT will be similar in nature to the OMB in that it will be an independent arms-length tribunal with members appointed by the province but its decision-making approach and methods of conducting hearings will be very different than under the current practice.”

Ferrigan explained that if anyone appeals a decision of council under the new rules, that appeal will be sent in writing to the LPAT for review "based only on whether the municipal decision conforms with provincial and municipal policy and legislation." If the LPAT finds that the decision conforms with provincial and municipal policy and legislation, then the appeal will be dismissed right there.

Singbush explained these were land-use planning applications and that "the land use planning question is whether the introduction of this additional commercial land use on the subject lands is appropriate. To address this question, regard must be had to the appropriateness of the location, the appropriateness of the use in this location given the existing and planned context, whether the site is or can be serviced (active transit, public transit, vehicular traffic, water, sanitary and storm-water), whether the development meets the source water protection plan and other considerations. The evaluation of these considerations is guided by the legislative planning framework, formed primarily by the provincial policy statement, the growth plan for northern Ontario and the city's official plan."

On April 10, city council is expected to officially approve the applications as recommended by the planning department. And whereas it has been stated in the reports that socio-impacts fall outside the scope of the land-use planning matters, it is hoped that the opponents to the casino and/or the location of the event centre on the Kingsway entertainment district property will accept the fact that the decision of council cannot be appealed simply because they disagree with it or over what they claim to be the negative socio-impact of gambling. Under the new LPAT procedure, an appeal will only be allowed if it can be proven that the decision of council does not comply with the provincial policy statement, the northern growth plan and with the relevant sections of the city's official plan.

I will accept the conclusions of the president of the Ontario Professional Planners Institute and three certified members of the Canadian Institute of Planners and the Ontario Professional Planners Institute. If they say that the applications conform with the legislative planning framework, then that is good enough for me and it should be enough evidence that an appeal of the decision would be pointless. We don't need any further delay on this initiative.

The time has come for everyone in this city to work together on the development of the Kingsway entertainment district, which will start off with an integrated event centre, casino and hotel. That will pave the way for a downtown renewal that will include a new library/art gallery, a convention and performance centre, a new hotel, Place des Arts, the Elgin Greenway and a rejuvenated Sudbury Theatre Centre. We are entering a period of growth and expansion the likes of which this city has never experienced. I hope we can all get behind this transformation and achieve our full potential as the City of Greater Sudbury.

Robert Kirwan is the city council for Ward 5.

TRENDING IN CANADA

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Sudbury

Disagreement on role of Downtown BIA could lead to bitter showdown at Sudbury city hall



City staff recommends council remove controversial Downtown BIA budget item

[Benjamin Aubé](#) · CBC News · Posted: May 12, 2018 7:49 AM ET | Last Updated: May 12, 2018



The City of Greater Sudbury's finance and administration committee will hear Tuesday how staff is recommending the approval of the Downtown BIA's budget — all except for \$20,000 reserved to appeal council's decision to build a new arena on the Kingsway. (Yvon Theriault/CBC)

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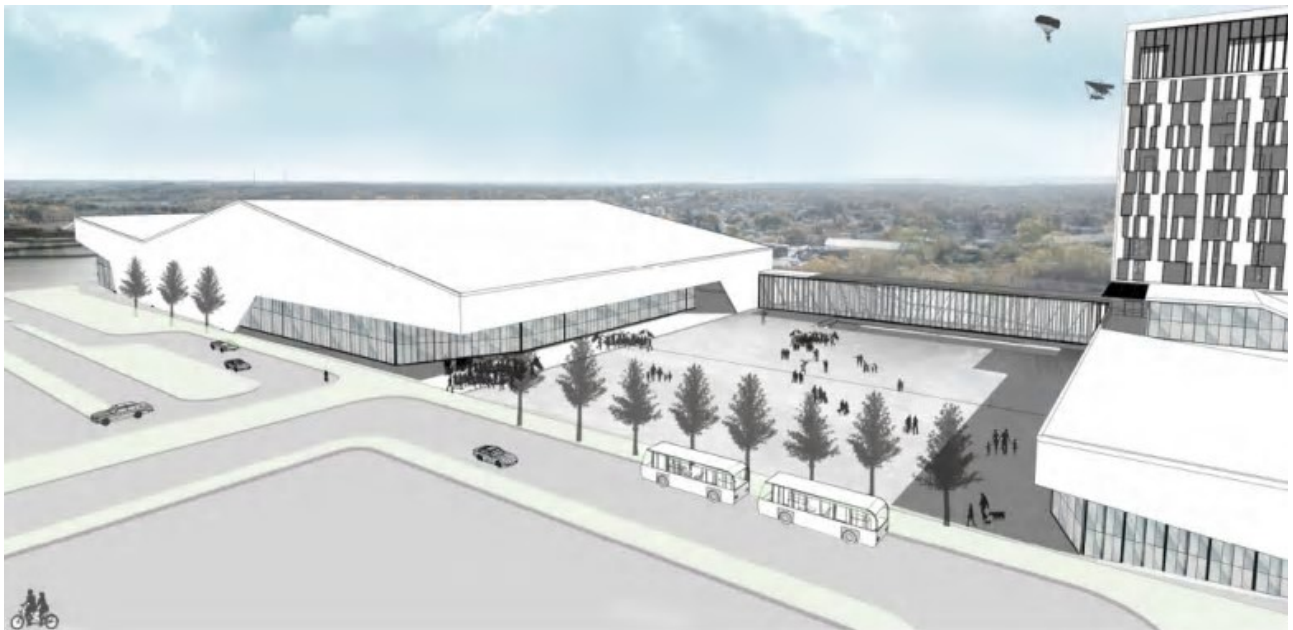
Another battle is brewing at city hall in Greater Sudbury.

The city's finance and administration committee [will hear a staff recommendation Tuesday](#) to approve the Downtown Business Improvement Area's \$534,000 budget — all except for \$20,000 reserved to appeal council's decision to build a new arena on the Kingsway.

- [Groups to appeal zoning on Kingsway arena and casino project](#)
- [SUDBURY CITY HALL Sudbury's Kingsway Entertainment District passes rezoning vote at city council](#)

The BIA is part of a larger group fighting against the rezoning of land in Sudbury's east-end suburbs, where a casino is also planned.

A staff report states that the appeal goes beyond the Downtown BIA's mandate under the Municipal Act.



The first glimpse of the plans for the Kingsway Entertainment District, which will include a municipally-built arena and a privately-built casino. (City of Greater Sudbury)

According to the law, BIAs are in place "to oversee the improvement, beautification and maintenance of municipally owned land, buildings and structures" and "to promote the area as a business or shopping area."

The law also states that city councils have final approval on BIA budgets, and can "approve it in whole or in part but may not add expenditures to it."

The Downtown BIA's budget is funded entirely by a special tax levied on downtown businesses.

Its members voted to set money aside for the appeal at their annual general meeting this past February.

Taking it a step further

Councillor Robert Kirwan agrees with city staff that the BIA is overstepping its bounds by fighting council's decision with an appeal.

"We're the ones who appointed the board, we're the ones that approved the budget, we're the ones that created the BIA. We're the ones that are ultimately responsible for [how they spend their money]," says Kirwan.



Ward 5 city councillor Robert Kirwan. (Roger Corriveau/CBC)

But Kirwan plans on taking things a step further.

He says will on put forth a motion in the coming weeks to terminate the bylaw linking the city to the BIA.

"If they want to get political, if they want to go beyond their mandate, then fine, there's no problem, just let them do it," says Kirwan. "But we have to rescind or bring that bylaw to an end so that they're their own separate entity."

'Ridiculous idea'

Downtown BIA chair Jeff MacIntyre isn't taking Kirwan's threat seriously.

"I think it's dumb," says MacIntyre. "It's a ridiculous idea and hopefully council laughs when he says it."



Jeff MacIntyre, chair of the Sudbury Downtown BIA. (Samantha Samson/CBC News)

Either way, notes MacIntyre, the appeal has already been filed with the province's Local Planning Appeal Tribunal (LPAT).

He adds the Downtown BIA has every right to join the appeal.

- [Consultants' report says casino, arena on Kingsway comes with negative economic consequences](#)
- [Sudbury manager says 'The Junction' works on many levels to describe future downtown site](#)

"I would be surprised if council actually voted in favour of [staff's recommendation on the BIA budget]," says MacIntyre. "We brought this to our AGM, we had unanimous consent to do this, it's the downtown members' money. If we have a disagreement [with council], there's a process, and this is the process."

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'I'm the easy target': City councillor responds to another disparaging sign

Jun 4, 2018 2:00 PM By: Sudbury.com Staff

Updated Jun 5, 2018 4:21 PM



Ward 5 Coun. Robert Kirwan's detractors have taken to the streets to air their grievances with the councillor, hanging a large sign in the Silver Hills area, overlooking the Kingsway. (Photo: Nick Liard)

Ward 5 Coun. Robert Kirwan has been in the eye of the storm when it comes to debate surrounding the Kingsway Entertainment District.

The councillor was one of, if not the most, vocal supporter of building an arena and entertainment complex on the Kingsway, and he has come under fire for it online, during council meetings, and even in a [one on one debate with Sudbury Green Party candidate David Robinson](#).

His detractors have now taken to the streets to air their grievances with Kirwan, hanging a large sign in the Silver Hills area, overlooking the Kingsway.

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The sign simply reads, "KiRWaN = WaNK!R".

Kirwan says he's not fazed by his critics, but says it does bother him that people are so opposed to council trying to move things forward with large projects.

"For whatever reason I guess I've become the face of the Kingsway, seems like I'm the easy target for it, but that doesn't bother me," said Kirwan.

"I guess I get a little bit upset that we've got so much that this council has finally decided to do instead of passing things off and yet it's being so strongly opposed. There's going to be a lot of collateral damage because of the delay."

Greater Sudbury Police say that they didn't receive any calls in relation to the sign being hung on the Kingsway, and apart from Kirwan, no city staff have responded to the act.

"Obviously they're trying to use some kind of tactic to discredit everything that the Kingsway stands for, but I guess that's what you get for sitting on council," said Kirwan.

The Ward 5 councillor announced in May that [he will be running for reelection](#) in this October's municipal election.

With files from Nick Liard, 92.7 Rock/KiSS 105.3.

'Kirwanker' signs not harrassment unless complaint made, police say

Jun 18, 2018 10:15 AM By: [Darren MacDonald](#)



1 / 5 Those signs that keep popping up around the city critical of Ward 5 Coun. Bob Kirwan — often referring to the polarizing elected official as "Kirwanker" — aren't harrassment unless he were to complain and likely don't constitute mischief, Greater Sudbury Police say. (Sudbury.com photo)

Those signs that keep popping up around the city critical of Ward 5 Coun. Bob Kirwan — often referring to the polarizing elected official as "Kirwanker" — aren't harrassment unless he were to complain and likely don't constitute mischief, Greater Sudbury Police say.

The signs, or more accurately, banners, have popped up in various locations around the city since early May. The messages on the banners have varied. One called for his impeachment (which is impossible since you can't impeach a politician in Ontario), others were variations on the "wanker" theme, including "WanKirwan," "Kirwan = Wank!r" and "Kirwanker." A little more elaborate than simply spray-painting words on a bed sheet, some thought obviously went into the design of the banners.

But while they may be annoying, they aren't likely criminal.

Greater Sudbury Police spokesperson Kaitlyn Dunn said they have had reports about the signs, but only from the media.

"There hasn't been a report to police from a complainant," Dunn said. "I don't believe it would be considered mischief because they're not defacing property."

If Kirwan complained, she said police would look into the matter to determine if anything criminal was going on.

"It would be investigated as harassment," she said. "We would try, obviously, to gather any video footage that would be in the area to identify a potential suspect or who has been putting them up. But not until it's reported to police by a complainant."

Kirwan himself isn't bothered by them. In fact, he finds it somewhat amusing. And he said he has no plans to call police. If anything, the signs are getting supporters of the Kingsway – and of him – more fired up.

"These signs are annoying, but you know what? It's almost becoming comical," he said. "It's a great conversation starter. I've only seen three of them, I don't know if there's more out there."

"When I got into this position, I knew what I was getting into. I've never in my life been the kind of person not to speak up if I felt it was necessary. When you do that, you leave yourself open to people who don't agree with you."

Despite being a bit annoying, Kirwan said he's not losing any sleep over the stenciled protest signs. He has a good idea of who is behind it: people upset with the Kingsway Entertainment District, and his vocal support of the project.

The plan would see the downtown arena moved to the Kingsway, alongside a new casino. The old arena site is to become the home of a new library, art gallery and performing arts centre. A dozen appeals have been launched with the Local Planning Appeals Tribunal in an attempt to stop the Kingsway plan.

Kirwan has battled opponents on social media, especially on his Valley East Facebook page, where he has banned people he say go too far in making rude comments. Apparently some have found another way to annoy him, he said.

"I don't think it's doing me any harm for those signs to be out there," Kirwan said. "I think, if anything, it's alienating the masses who feel it's coming from downtown (arena supporters,) the people who are in opposition to the Kingsway. I don't think it's helping the opposition.

"Frankly, I'm more excited about our plans for downtown than I am for the Kingsway."

Plus, the Ward 5 councillor joked, his fellow city councillors are a little jealous about all the free attention Kirwan is getting.

"(The signs) are giving me an awful lot of exposure," Kirwan said. "The joke from my (council) colleagues is that we passed a bylaw saying no election signs. They say, 'Hey Kirwan, are you putting those up yourself?'"

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Happy



Amused



Afraid



Don't Care



Sad



Frustrated



Angry

Comments (3)

Kirwan: Anti-Kingsway candidates using Trump/Ford style tactics

Aug 1, 2018 9:00 PM By: Guest Columns



Bob Kirwan says he senses some "Trumford" style politics seeping into this municipal election. (File)

I certainly hope that the strategies used by Donald Trump in the United States and Doug Ford in Ontario do not influence any of the 54 people who are vying for positions on the Greater Sudbury City Council as mayor and/or council in the municipal election on Oct. 22.

Unfortunately, I can already detect some evidence of "Trumford" politics being used by some of the candidates.

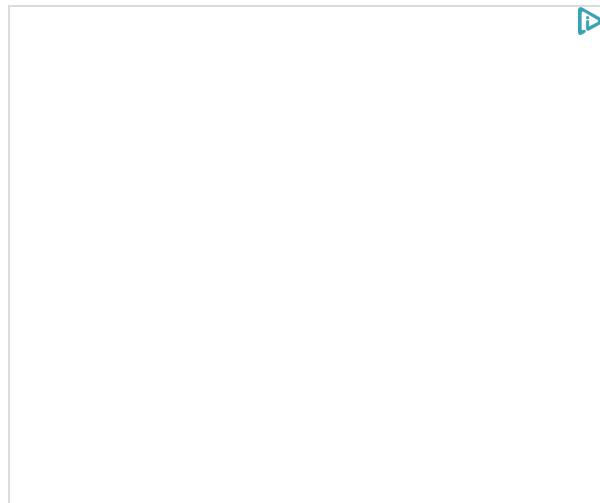
We all knew that there was going to be a great deal of opposition to the incumbent mayor and councillors by the anti-casino and the anti-Kingsway groups.

Right from the time the decision was made to select the Kingsway as the site for the new arena/event centre on June 27, 2017, lobby groups vowed to do everything in their power to

stop the Kingsway Entertainment District (KED) and delay everything until they could elect a new council to overturn the decision.

And so, it is not surprising to see that many of the 10 candidates who are running against Mayor Brian Bigger and many of the candidates for ward councillor positions have made it perfectly clear that they are against either the arena/event centre being built on the Kingsway or they are against the Gateway Casino being built as part of the Kingsway Entertainment District.

If they can stop either project, they feel they can stop the KED. So this election may be more of a referendum on the KED than anything else.



What is disturbing to me is that a number of candidates are already resorting to the kind of “Trumford” campaigning . They are making false or misleading statements that are intended to undermine the credibility of the current mayor and city council.

This focus on attacking their opponents instead of presenting their own merits is exactly what Donald Trump and Doug Ford did during their campaigns, and remarkably, they both were elected as president of the U.S. and premier of Ontario respectively.

I that some of the municipal candidates may try the same tactic of running down opponents in an attempt to hide their own lack of experience or qualifications from voters.

The general public tends to focus on the negative rather than the positive, and so people may be convinced to vote “against” a person who is constantly run down rather than “for” another candidate who is doing the attacking. The aggressor generally wins in that case.

Some of the local candidates are using any media forum they can to spread fake news and manipulate the truth. Voters are understandably finding it increasingly difficult to distinguish between what is true and what is fake news.

Some candidates are counting on this confusion to stimulate a level of distrust among voters which will erode public confidence in the incumbents.

This may then result in successfully electing an unofficial “slate” of candidates who will then be able to reverse the decisions for the KED and the downtown developments that have been made by the current council.

The candidates hope that by continually making outrageous insinuations that have no compelling, objective basis, eventually people will believe them and build up enough anger to vote “against” the incumbent mayor and councillors.

With less than two-and-half months to go before voters start sending in their online ballots, I sincerely hope that candidates voluntarily stop this “Trumford” style of campaigning.

The City of Greater Sudbury is the largest city by population north of Canada’s Wonderland. Residents deserve a campaign which will enable them to engage in discussions about all of the issues in order to make informed choices about who they feel is most qualified to lead us into the next four years.

Residents do not need to be subjected to a campaign filled with false and misleading statements that will leave everyone totally confused and bewildered. They do not need to be put through a campaign filled with personal attacks. This is an important election as we continue to move forward with the transformational projects that have been initiated. Let’s hope we will soon see an end to the “Trumford” style of campaigning.

However, if this does continue, I remain committed to doing whatever I can to make sure that local residents are provided with the fact-based truth.

This style of campaigning may have worked for Trump and it may have worked for Ford, but it is not going to work in the Greater Sudbury municipal election if I have anything to do with it.

Bob Kirwan

Column: Watch for fake news during Sudbury election campaign



Robert Kirwan Guest column

Published on: August 2, 2018 | Last Updated: August 2, 2018 3:56 AM EDT



Ward 5 councillor Robert Kirwan makes a point at a special city council meeting in Sudbury, Ont. on Tuesday June 27, 2017. City council voted on the location of a new arena. Gino Donato/Sudbury Star/Postmedia Network

I certainly hope the strategies used by Donald Trump in the United States and Doug Ford in Ontario do not influence any of the 54 people who are vying for positions on the Greater Sudbury city council. Unfortunately, I can already detect some evidence of 'Trumford' politics being used by some of the candidates.

We all knew there was going to be a great deal of opposition to the incumbent mayor and councillors by the anti-casino and anti-Kingsway groups. Right from the time the decision was made to

select the Kingsway as the site for the new events centre on June 27, 2017, lobby groups vowed to do everything in their power to stop the Kingsway Entertainment District and delay everything until they could elect a new council to overturn the decision.

And so, it is not surprising to see that many of the 10 candidates who are running against Mayor Brian Bigger and many of the candidates for ward councillor positions have made it perfectly clear they are against either the events centre being built on the Kingsway or they are against the Gateway casino being built as part of the Kingsway Entertainment District.

If they can stop either project, they feel they can stop the KED. So this election may be more of a referendum on the KED than anything else.

What is disturbing to me is that a number of candidates are already resorting to a kind of Trumford campaigning. They are making false or misleading statements that are intended to undermine the credibility of the current mayor and council. This focus on attacking their opponents instead of presenting their own merits is exactly what Donald Trump and Doug Ford did during their campaigns, and remarkably, they both were elected as president of the USA and premier of Ontario respectively.

I fear that some of the municipal candidates may try the same tactic of running down opponents in an attempt to hide their own lack of experience or qualifications from voters. The general public tends to focus on the negative rather than the positive, and so people may be convinced to vote against a person who is constantly run down rather than for another candidate who is doing the attacking. The aggressor generally wins in that case.

Some of the local candidates are using any media forum they can to spread fake news and manipulate the truth. Voters are understandably finding it increasingly difficult to distinguish between what is true and what is fake news. Some candidates are

counting on this confusion to stimulate a level of distrust among voters, which will erode public confidence in the incumbents. This may then result in successfully electing an unofficial slate of candidates who will then be able to reverse the decisions for the KED and the downtown developments that have been made by the current council. The candidates hope that by continually making outrageous insinuations that have no compelling, objective basis, eventually people will believe them and build up enough anger to vote against the incumbent mayor and councillors.

With less than 2.5 months to go before voters start sending in their online ballots, I sincerely hope that candidates voluntarily stop this Trumford-style of campaigning. The City of Greater Sudbury is the largest city by population north of Canada's Wonderland. Residents deserve a campaign that will enable them to engage in discussions about all of the issues in order to make informed choices about who they feel is most qualified to lead us into the next four years.

Residents do not need to be subjected to a campaign filled with false and misleading statements that will leave everyone totally confused and bewildered. They do not need to be put through a campaign filled with personal attacks. This is an important election as we continue to move forward with the transformational projects that have been initiated. Let's hope we will soon see an end to the Trumford-style of campaigning.

However, if this does continue, I remain committed to doing whatever I can to make sure that local residents are provided with fact-based truth. This style of campaigning may have worked for Trump and it may have worked for Ford, but it is not going to work in the Greater Sudbury municipal election if I have anything to do with it.

The municipal election takes place Oct. 22.

— Robert Kirwan is the current councillor for Ward 5. He is running again.

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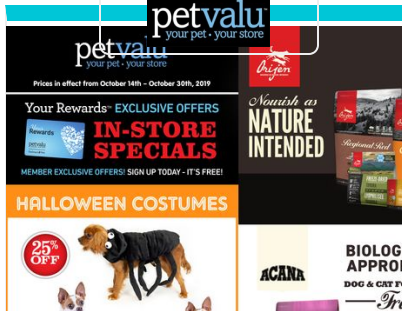
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Column: Sudbury arena project proceeding as planned



Robert Kirwan Guest column

Published on: August 15, 2018 | Last Updated: August 15, 2018 1:20 AM EDT



Ward 5 councillor Robert Kirwan makes a point at a special city council meeting in Sudbury, Ont. on Tuesday June 27, 2017. City council voted on the location of a new arena. Gino Donato/Sudbury Star/Postmedia Network

A number of candidates for mayoral and ward councillor positions have accused the current mayor, and therefore indirectly city councillors, of a lack of leadership. Some are even making demands that council cease all activity associated with the Kingsway Entertainment District pending the final outcome of the appeals that are now going through the Local Planning Appeal Tribunal process.

I would like to clarify the decision to proceed with the site preparation during any appeal process was made back on June 27, 2017, and the fact that this council has decided to continue to follow our original plan is indeed an example of the kind of leadership the majority of residents of this city expect from their elected representatives.

Citizens do not want a city council that is going to flip flop all over the place because of a little bit of controversy. They appreciate a council that is going to maintain the course unless there is some significant material change in circumstances that comes up that would have resulted in a different decision being made in the first place. And at this time there has been no such material change.

On June 27, 2017, council voted by a margin of 10-2 to select the Kingsway as the preferred location to construct the events centre. We also voted to construct the events centre in a manner that was described in the report that was presented at the same time.

Among other things, that report contained a provision that addressed the factors influencing the timing of the RFP for the design and build. Staff anticipated even before the resolution was voted on, that if the Kingsway site was selected there would most likely be an appeal to “the (Local Planning Appeal Tribunal). Staff indicated that the appeal process could take at least 12 months.

City council therefore approved the timing of the RFP to be issued before the (Local Planning Appeal Tribunal) appeal issues were resolved so that once the design/build team was selected, the site would be at or near ready for construction. The RFP is scheduled to be issued some time during the next month or two.

On Aug. 22, 2017, council passed a motion giving Catherine Matheson, the general manager of community development, the “delegated authority to negotiate, execute and subsequently amend or extend any agreements, including agreements for cost-

sharing, professional and consulting services and non-competitive purchases” among other things.

So, in accordance with all of the above, Matheson, acting as the delegated authority for the city, has entered into cost-sharing agreements with the other partners in the Kingsway Entertainment District – namely Gateway Casino, the hotel owner and the land owners – to complete site preparation over the winter months. The city will be issuing the design/build RFP in the near future so that once the (Local Planning Appeal Tribunal) process is completed, all parties, including the city, will be in a position to secure building permits and begin construction. This will enable all parts of the entertainment district, namely the arena, the casino and the hotel to be in a good position to all open in 2020 at the same time.

So, despite what some candidates may want the public to believe, city council is in fact demonstrating good, effective and responsible leadership on this front. We made a decision in June 2017; we delegated authority in August 2017; and the plan is being carried out as approved.

We knew that appeals were going to be filed even before we made the decision on the location and we planned for the appeal process in determining the timing of the project. We have also demonstrated that the city is quite capable of working collaboratively with private sector partners in order to develop a major project like the Kingsway Entertainment District.

As councillor of Ward 5, I am completely confident that city councillors were well aware of what we approved back in the summer of 2017 and I have faith that we will continue to show the kind of leadership that will take the City of Greater Sudbury through the most important transformation we have ever experienced in the history of this city. The people, especially candidates, who are critical of the leadership of the mayor and council are demonstrating their own lack of knowledge of the

Kirwan: Time for anti-KED activists to get over it

Aug 28, 2018 1:47 PM By: Sudbury.com Staff



In a statement released Wednesday, Ward 5 Coun. Bob Kirwan said the legal challenges launched to stop the Kingsway Entertainment District should be withdrawn.

The man who loves to raise the hackles of people fighting the Kingsway Entertainment District is at it again.

In a statement released Wednesday, Ward 5 Coun. Bob Kirwan said the legal challenges launched to stop the project are being heard by the new Local Planning Appeals Tribunal, and, unlike the OMB, are mandated to give more weight to local decisions.

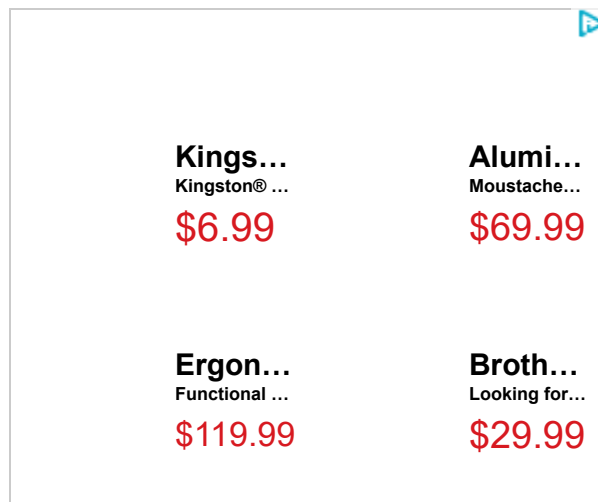
So while there may be some changes, Kirwan says the appeals will not stop the project.

“There is really nothing left to fight over,” he writes. “The LPAT is not the same process as that used by the OMB. The decisions made by city council to accept the applications to amend the Official Plan and rezone the property will eventually be accepted under the LPAT.”

He called on those appealing the decision to withdraw their appeals so people hoping to get one of the new 250 unionized jobs at the casino can have hope.

“Why should the people in this city who are counting so much on those jobs have to suffer longer than necessary?” Kirwan said. “A large number of my constituents in Ward 5 are looking forward to the hundreds of jobs that will be created once the KED is fully developed with a new arena/event centre, a new casino and a new hotel.

“Unfortunately, this hope is being shattered by all of the political posturing and legal wrangling that is going on over the applications for the Official Plan amendment and the rezoning which would allow the KED to move forward into the construction phase. These people who are depending on the new jobs are devastated that they may have to wait an additional year or more longer because of the appeals that have been made to LPAT.”



He also criticized residents who are attacking city councillors for voting in favour of the KED, while promoting a slate of anti-Kingsway candidates.

“There is nothing to be gained by trying to elect enough people who are anti-arena or anti-casino to council in the hopes of overturning the decision,” Kirwan said. “That just won’t happen. The majority of residents are in favour of what council has done.

“Councillor Signoretti has even scraped the bottom of the barrel by accusing staff, members of the public, and some council members of a clandestine conspiracy to ‘fool everyone’ and manipulate the decisions of council. This has to stop.”

Full text of Kirwan's statement:

A large number of my constituents in Ward 5 are looking forward to the hundreds of jobs that will be created once the KED is fully developed with a new arena/event centre, a new casino and a new hotel. They have been living week to week with part time and/or precarious employment which is preventing them from escaping a world of poverty. They finally have some hope for a better future for their family.

Unfortunately, this hope is being shattered by all of the political posturing and legal wrangling that is going on over the applications for the official plan amendment and the rezoning which would allow the KED to move forward into the construction phase. These people who are depending on the new jobs are devastated that they may have to wait an additional year or more longer because of the appeals that have been made to LPAT.

We have been fighting over the arena location for almost two years. The decision made by city council through a vote of 10-2 put in motion the steps that have brought us to the point we are at today. The site preparation is starting and all we need to do is get through the LPAT process to begin construction.

There is really nothing left to fight over. The LPAT is not the same process as that used by the OMB. The decisions made by city council to accept the applications to amend the Official Plan and rezone the property will eventually be accepted under the LPAT.

I say that it is time for the five appellants to withdraw the 12 appeals they have filed and let this city move forward into the greatest transition period that this city has ever experienced. Why should the people in this city who are counting so much on those jobs have to suffer longer than necessary?

The Greater Sudbury Chamber of Commerce, with their 2018 municipal election platform, entitled Supporting Growth Through Economic Development has called on candidates for Mayor and Council to support the development on the Kingsway as well as the Downtown Arts & Culture District which will include a new library, art gallery, convention & performance centre, Place des Arts, the Elgin Greenway, the Tom Davies Square Courtyard renewal, and a renewed Sudbury Theatre Centre as well as other planned improvements to the downtown. They represent over 900 businesses.

The city has formed a very effective collaborative partnership with three private sector parties to leverage their respective strengths to create what will be the most spectacular facilities of its kind in Ontario. The Kingsway Entertainment District will be one of the

showcase attractions in the province and will generate dozens of additional commercial establishments around it over the coming years. It is a project that is going to be valued at over \$200 million.

City council voted overwhelmingly by a 10 to 2 margin to approve the location of the arena on the Kingsway so that the KED could become a reality. Council has given staff resounding support all through the process and is also committed to the downtown developments with equal fervor.

There is nothing to be gained by going through weeks more of continued political posturing on the part of candidates trying to discredit current Councillors for making the decision to approve the applications for the KED. There is nothing to be gained by trying to elect enough people who are anti-arena or anti-casino to council in the hopes of overturning the decision. That just won't happen. The majority of residents are in favour of what council has done.

Councillor Signoretti has even scraped the bottom of the barrel by accusing staff, members of the public, and some council members of a clandestine conspiracy to "fool everyone" and manipulate the decisions of Council. This has to stop.

So, on behalf of the constituents of Ward 5 and of the rest of the city who are waiting anxiously for the hundreds of new jobs that will open up over the next five years as the KED and the downtown developments are completed, I would ask the appellants to do the right thing and withdraw their appeals. All they will end up doing is delaying the progress that this city has waited so long for, and keep the people who can really use the jobs trapped in a world of poverty that much longer.

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Mark Signoretti - City Council Candidate

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Robert Kirwan - City Council Candidate

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Drop appeals and let Sudbury's new arena proceed: Kirwan

New jobs and development are at stake, he says



Robert Kirwan Guest column

Published on: August 29, 2018 | Last Updated: August 29, 2018 1:55 PM EDT



City of Greater Sudbury image The first phase of the Kingsway Entertainment District is an arena/event Centre owned by the City of Greater Sudbury, a casino owned and operated by Gateway Casinos and Entertainment, an adjoining hotel complex and associated restaurants.

A large number of my constituents in Ward 5 are looking forward to the hundreds of jobs that will be created once the Kingsway Entertainment District is fully developed with a new events centre, a new casino and a new hotel. They have been living week to week with part-time and/or precarious employment, which is preventing them from escaping a world of poverty. They finally have some hope for a better future for their family.

Unfortunately, this hope is being shattered by all of the political posturing and legal wrangling that is going on over the applications for the official plan amendment and the rezoning, which would allow the KED to move forward into the construction phase. These people who are depending on the new jobs are devastated that they may have to wait an additional year or more because of the appeals that have been made to the Local Planning Appeal Tribunal.

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There is really nothing left to fight over. The Local Planning Appeal Tribunal is not the same process that was used by the Ontario Municipal Board. The decisions made by city council to accept the applications to amend the official plan and rezone the property will eventually be accepted under the Local Planning Appeal Tribunal.

I say it is time for the five appellants to withdraw the 12 appeals they have filed and let this city move forward into the greatest transition period this city has ever experienced. Why should the people in this city who are counting so much on those jobs have to suffer longer than necessary?

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Ward 1 Coun. Mark Signoretti has even scraped the bottom of the barrel by accusing staff, members of the public and some council members of a clandestine conspiracy to "fool everyone" and manipulate the decisions of council. This has to stop.

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— *Robert Kirwan is the current councillor for Ward 5, who is running to keep his seat.*

TRENDING IN CANADA

Sudbury casino appeal 'flawed' — Kirwan



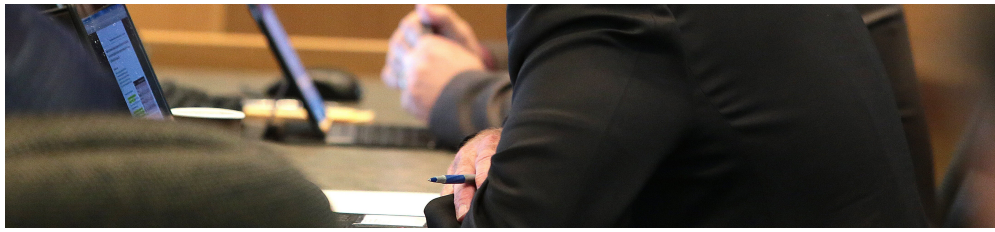
Robert Kirwan Guest column

Published on: August 31, 2018 | Last Updated: August 31, 2018 1:19 AM EDT



Photo illustration IAN KUCERAK / POSTMEDIA





Ward 5 Coun. Robert Kirwan makes a point at a special city council meeting in Sudbury, Ont. on Tuesday June 27, 2017. City council voted on the location of a new arena. Gino Donato/Sudbury Star/Postmedia Network

Mr. Gordon Petch, the lawyer representing 10 of the 12 appeals in opposition to the applications for an official plan amendment and rezoning of the property that will form the Kingsway Entertainment District, may be doing his best to represent his clients, but his arguments have some serious flaws that should not have much success with the Local Planning Appeal Tribunal.

We all know the main goal of the appellants is to delay the eventual construction of the KED, so I am still recommending the appeals be voluntarily withdrawn so that city council can proceed with plans to develop the Kingsway and downtown projects in a timely manner.

Let me address a number of concerns with what has been reported in an article published in the Aug. 30 edition of The Sudbury Star.

On May 12, 2012, city council unanimously carried a resolution worded as follows: "Therefore be it resolved that the City of Greater Sudbury will continue to support gaming as approved by council and will continue to be a willing host for gaming as it evolves."

The above resolution indicates three very important things that, not surprisingly, Mr. Petch fails to mention in his appeal record.

First is the recognition that the City of Greater Sudbury will "continue to support" gaming. In other words, the support of

gaming in the city had already been established and council was merely affirming the continuation of this support, which had already been given.

Second is the condition that the level of support would be “as approved by council”, which makes sense since council is the ultimate representative voice of the residents of the city. So, this resolution clearly indicates that it is city council, acting on behalf of the citizens of the city, that is going to be responsible for determining how to verify the support for gaming. There is no need for a referendum any more than there would be a need for the appellants Mr. Petch is representing to also testify that he is correctly expressing their feelings. Mr. Petch knows this already.

Third is that the City of Greater Sudbury “will continue to be a willing host for gaming as it evolves,” which means that city council not only affirmed support for gaming, but that this support would continue as gaming evolves. City council understood that there were more changes to come to gaming in the future and so this declaration of support was not only for the existing situation, but for the future evolution of gaming.

Mr. Petch then claims, according to The Sudbury Star, that “council said it would support expanded gaming if the city received a hotel, a multi-use centre, a performing arts centre or an OHL-ready arena, at no cost to the city.”

This is perhaps the most glaring hole in Mr. Petch’s argument. The actual resolution that was approved unanimously by city council on Aug. 14, 2012, does not state that the casino proponent would pay for a hotel, a multi-use centre, a performing arts centre or an OHL-ready arena, but only that it would “maximize economic opportunities by working with local groups to develop ancillary and complementary amenities as part of their proposals.” There is no place in the resolution that indicates that all of those amenities listed by Mr. Petch would come at “no cost to the city.”

The final straw that breaks the back of any argument Mr. Petch has put forward, and in my mind destroys the credibility of the entire appeal record, is that all of the principles mentioned in the resolution of Aug. 14, 2012, were in response to a request from the OLG for host municipalities to provide the OLG with a better understanding of " their expectations of the modernization process to inform the development of the request for proposal process and to share with potential bidders."

So what was passed on Aug. 14, 2012, was merely a list of our expectations in order for the OLG to develop their RFP and to share with potential bidders. It was never a binding condition that would be imposed upon the successful bidder. It was to become something that was going to be part of the RFP so that the proponents could draft their responses accordingly.

As this election campaign continues, it is becoming clear there is a concerted effort on the part of many candidates to focus on the events centre and/or the casino in an attempt to discredit the current mayor and councilors for moving forward with these projects. The ultimate goal is to delay everything in the hope that a new council will succumb to the intense lobbying and somehow change the direction set by council over the past year.

The 2018 election is quickly becoming the unofficial referendum that Mr. Petch is demanding. When the Local Planning Appeal Tribunal case management conference is held on Nov. 6, the results of that 'referendum' will be known and at that time, when the citizens of this city elect on Oct. 22 a council that is strongly in support of the projects on the Kingsway and in the downtown, I sincerely hope the appellants will consider withdrawing their appeals and allow us to experience the greatest transformation this city has ever experienced.

— Robert Kirwan is the city's Ward 5 councillor who is running to keep his seat.

Councillor explains change of heart on casino for Sudbury



Mary Katherine Keown The Sudbury Star

Published on: September 5, 2018 | Last Updated: September 5, 2018 12:48 AM EDT





Ward 5 Coun. Robert Kirwan is being accused of flip-flopping on the casino.

In June 2016, Kirwan took to Facebook to let his constituents and followers know that a casino would not be a good thing for the Nickel City.

The “city of Greater Sudbury may lose over \$80 million of economic activity with a new casino,” Kirwan wrote. “As it stands now, about \$20 million per year is taken out of the slots at Sudbury Downs each year. If one assumes that for every dollar spent locally it generates up to \$4 of economic spin-off activity, then that means that the slots are currently taking \$80 million per year of economic activity out of our local market. These are dollars that would have been spent locally if not being spent at the slots. So when the casino is built in Greater Sudbury, it will take even more money out of the local economy. We will have a nice beautiful casino, but our economy is definitely going to suffer.”

But now Kirwan is clarifying this statement. He says that originally, he thought the casino would remain at Sudbury Downs, which would mean it would be used mostly by residents of the city.

“The patrons for the slots at Sudbury Downs were mostly from the city of Greater Sudbury and as long as it was in that location we couldn’t expect much more,” Kirwan said Tuesday. “By staying there it very well could be more of a drain on the economy than it was returning. Obviously, conditions have changed in two years.”

When BC-based Gateway Casinos was awarded the northern gaming bundle, Kirwan says the economic potential grew.

“They expressed great interest in moving away from Sudbury Downs and forming a collaborative partnership with the City of Greater Sudbury to develop a facility that would be similar in concept to Orillia’s Casino Rama, with the goal of becoming the regional attraction for northeastern Ontario,” he wrote. “A \$60 million investment in a new casino that was going to include three or four restaurants, alongside a new \$100 million events centre and a 200-room hotel would give us the same dynamic as Rama and we would even have an event centre that is larger.”

The “icing on the cake” was that Gateway chose the Kingsway as its preferred location, which meant the city could also move forward with its plans to create an arts and culture cluster downtown.

“That would give us the Kingsway Entertainment District plus a new library, a new art gallery, a new convention and performance centre, a new downtown hotel, Place des Arts, a renovated Tom Davies Square courtyard, the Elgin Greenway, the Brady green stair connection and a revitalized Sudbury Theatre Centre. All of this is happening over the next five years,” Kirwan said. “The critical factor in all of this taking place was the inclusion of Gateway Casinos as part of the Kingsway Entertainment District. If Gateway Casinos had decided to go anywhere else, I can pretty well say that none of the above would be taking place. Gateway was the key to this all happening.”

This blossoming was inconceivable two years ago, Kirwan says.

“So, when we look at the fact the casino and the hotel alone are going to generate enough new revenue to pay for our new arena; and when you look at the fact the total infusion of construction dollars for both developments is going to come close to \$500 million; and you look at the fact there will be hundreds of new jobs in construction plus hundreds of new permanent jobs from the new facilities; plus the fact that within five years the city of Greater Sudbury is going to rise to our full potential — as not only the largest city in northern Ontario, but the city with the best future —

the evidence is clear the conditions are much different than they were back in June 2016," Kirwan said. "And I will say that no one — and I repeat no one — could have imagined all of this could be happening two years ago."

By locating on the Kingsway, Kirwan says the casino will be in close proximity to most of the city's hotels, as well as one of its largest shopping districts. The bypass to Highway 69 and Regent Street is also nearby the proposed site, which means hotels in the South End will also be minutes away from the new casino.

"We are going to increase our hotel room total to about 2,400 over the next five years," Kirwan said. "That means we have at least 1,800 rooms booked on average every single day of the year. That would give us about 2,500 to 3,000 out of town guests staying in hotels who are just minutes away from the casino, but also minutes away from the events centre and Festival Square. They are minutes away from our downtown arts and culture centre. ... On any given day we have about another 5,000 people visiting and staying with family and friends from out of town. They will now have some place to bring their friends when they are in our city."

Kirwan said he believes the bulk of casino patrons will be visitors from out of town.

He also says the city's new facilities will attract an increased number of conferences and conventions, which will further boost the local economy. Essentially, the casino is a game-changer, Kirwan says.

"I have no problem saying that if all of the above would have been known on June 16, 2016, I would written a much different post on Facebook and it would very likely resemble the one I have just written," Kirwan explained. "I am proud of the position I held on June 16, 2016, and I am equally proud of the position I hold onto now because the financial return to the city from what is

transpiring as a result of Gateway Casinos being part of the KED has completely changed the game.”

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Council race: I'm not flip-flopping on casinos, Kirwan says

Sep 5, 2018 11:00 AM By: Sudbury.com Staff

Updated Sep 5, 2018 11:19 AM



(File)

Ward 5 incumbent Robert Kirwan has found himself having to explain why he's seemingly changed his mind on the impact casinos have on host communities.

The post in 2016 was based on a story published by the North Bay Nugget, which argued that casinos suck money of communities and put little back.

In a Valley East Facebook post, the Ward 5 councillor wrote:

"About \$20 million per year is taken out of the Slots at Sudbury Downs each year. If one assumes that for every dollar spent locally it generates up to \$4 of economic sping off activity, then that means the Slots are currently taking \$80 million per year of economic activity out of our local market. These are dollars that would have been spent locally if not being spent at the slots. So when the casino is built in Greater Sudbury, it will take even more

money out of the local economy. We will have a nice beautiful casino, but our economy is definitely going to suffer ...”

A member of the Greater Sudbury Politics Facebook group dug up the old post and shared it on the page, eliciting a great deal of response and criticism. Kirwan is a favourite topic of discussion by members of the group.

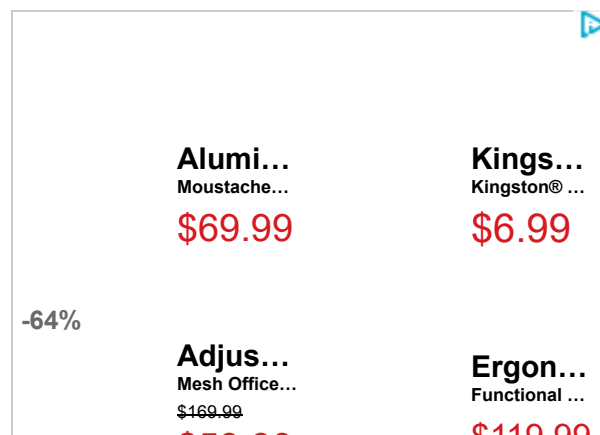
But the councillor himself is now saying the quote is being taken out of context as the opinion he said he shared was very specific to Sudbury Downs, and should not be broadly applied to his stance regarding a casino on the Kingsway.

At the time, OLG’s work on the new Northern Gaming Bundle was just getting underway and the Kingsway Entertainment District (KED) project was in its infancy, and was known as the True North Strong Centre. A casino was not listed as part of that project at the time. [Read the 2016 report here.](#)

“At that time it was anticipated that the modernized casino might remain at Sudbury Downs, and I postulated that if it remained at Sudbury Downs it would continue to be a casino largely used by local residents,” Kirwan said in a statement to media. “The patrons for the Slots at Sudbury Downs were mostly from the City of Greater Sudbury and as long as it was in that location, we couldn't expect much more.

“By staying there it very well could be more of a drain on the economy than it was returning. Obviously conditions have changed in two years.”

When Gateway Casinos indicated it was interested in developing something more akin to Casino Rama in Orillia and was looking to work with the city on developing something like that, Kirwan said the project became about building a regional attraction – a far different entity with much different local impact, Kirwan said.



“A \$60-million investment in a new casino that was going to include three or four restaurants, alongside a new \$100-million arena/event centre and a 200-room hotel would give us the same dynamic as Rama and we would even have an event centre that is larger,” Kirwan wrote.

“The evidence is clear that the conditions are much different than they were back in June 2016. And I will say that no one – and I repeat no one – could have imagined all of this could be happening two years ago.”

If the KED comes to fruition and operates as planned, Kirwan said, it won't be local residents supporting the casino, but visitors attracted to the city by the myriad shows and attractions the KED will encompass.

“Rather than local residents being the main supporters of the casino, as it was in the past, the bulk of the supporters will be from out of town,” he said. “And we don't even have to try to market to tourists. They are already in our city for a variety of different reasons. We have at least 7,500 people in our city every day of the year from out of town who will be looking for exciting places to visit while they are here.

“We now have places where they can spend their money. I have no problem saying that if all of the above would have been known on June 16, 2016, I would have written a much different post on Facebook and it would very likely resemble the one I have just written.”

[Learn more about Kirwan on his Valley East Today web portal.](#)

The full text of his statement to media is below:

A few people have made reference to a post I put up in my Valley East facebook group back on June 16, 2016 when the OLG indicated that Sudbury would be part of a gaming bundle that was going to be awarded to a managing company to be named at some time in the future.

At that time it was anticipated that the modernized casino might remain at Sudbury Downs and I postulated that if it remained at Sudbury Downs it would continue to be a casino largely used by local residents. The patrons for the Slots at Sudbury Downs were mostly from the

City of Greater Sudbury and as long as it was in that location we couldn't expect much more. By staying there it very well could be more of a drain on the economy than it was returning. Obviously conditions have changed in two years.

When Gateway Casinos was awarded the bundle, I met with representatives of the company and they expressed great interest in moving away from Sudbury Downs and forming a collaborative partnership with the City of Greater Sudbury to develop a facility that would be similar in concept to Orillia's Casino Rama with the goal of becoming the regional attraction for Northeastern Ontario.

A \$60 million investment in a new casino that was going to include 3 or 4 restaurants, alongside a new \$100 million arena / event centre and a 200 room hotel would give us the same dynamic as Rama and we would even have an event centre that is larger.

The icing on the cake was that by locating the arena on the Kingsway with the casino and the hotel, we would then be able to also develop the Arts & Culture District downtown. That would give us the Kingsway Entertainment District plus a new library, a new art gallery, a new convention and performance centre, a new downtown hotel, Place des Arts, a renovated Tom Davies Square Courtyard, the Elgin Greenway, the Brady Green Stair connection, and a revitalized Sudbury Theatre Centre. All of this is happening over the next five years.

The critical factor in all of this taking place was the inclusion of Gateway Casino as part of the Kingsway Entertainment Centre. If Gateway Casino had decided to go anywhere else, I can pretty well say that none of the above would be taking place. Gateway was the key to this all happening.

So, when we look at the fact that the casino and the hotel alone are going to generate enough new revenue to pay for our new arena; and when you look at the fact that the total infusion of construction dollars for both developments is going to come close to \$500 million; and you look at the fact that there will be hundreds of new jobs in construction plus hundreds of new permanent jobs from the new facilities; plus the fact that within five years the City of Greater Sudbury is going to rise to our full potential as not only the largest city in Northern Ontario, but the city with the best future, the evidence is clear that the conditions are much different than they were back in June 2016. And I will say that no one - and I repeat no one, could have imagined all of this could be happening two years ago.

But the biggest change is that being located on the Kingsway, Gateway Casino is now in close proximity to most of the hotels in Greater Sudbury. There are many hotels along the Kingsway leading right downtown. Anyone staying in a hotel downtown or along the Kingsway is just minutes away from the Casino. And when you take the by-pass to Regent Street, you get to the hotels that are along Regent. So those hotels are also a short distance away from the Casino now.

We are going to increase our hotel room total to about 2400 over the next five years. That means we have at least 1800 rooms booked on average every single day of the year. That would give us about 2500 to 3000 out of town guests staying in hotels who are just minutes away from the casino, but also minutes away from the arena / event centre and Festival Square. They are minutes away from our downtown arts and culture centre. When they ask, "What are we going to do tonight?" there are going to be all sorts of choices now, but before there was nothing because the last place they would think of going would be to the casino at Sudbury Downs.

On any given day we have about another 5000 people visiting and staying with family and friends from out of town. They will now have some place to bring their friends when they are in our city.

And so, rather than local residents being the main supporters of the casino, as it was in the past, the bulk of the supporters will be from out of town. And we don't even have to try to market to tourists. They are already in our city for a variety of different reasons. We have at least 7500 people in our city every day of the year from out of town who will be looking for exciting places to visit while they are here. We now have places where they can spend their money.

Another spin off is that with our increased hotel capacity and our new convention and event centre space, we are going to be able to accommodate more conferences in Sudbury, which will further boost our economy.

In conclusion, while my critics, and it seems as if this election campaign they are going to be coming out of the woodwork in droves, may want to attack me for changing my mind, I just want to assure all of my constituents that it has always, always, always been my philosophy that when I make up my mind on something and make a decision, I will hold onto that decision unless there is a material change in circumstances that is so significant that had it

had been known at the time the original decision was made, the original decision would have been different.

I have no problem saying that if all of the above would have been known on June 16, 2016, I would have written a much different post on Facebook and it would very likely resemble the one I have just written. I am proud of the position I held on June 16, 2016 and I am equally proud of the position I hold onto now because the financial return to the city from what is transpiring as a result of Gateway Casino being part of the KED has completely changed the game.

No member of City Council should be so entrenched in a decision that he / she would be unwilling to change his/her mind if presented with facts or evidence that were not known at the time the decision was made and which is such a material change in circumstances it could have affected the original decision. I am not going to be that kind of Councillor and so I actually feel that by changing my mind from June 16, 2016, I have demonstrated that I am not afraid of making the best decision, even if it means changing my original position.

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Council race: Kirwan says he's seeking re-election to ensure 'transformational' projects are completed

Sep 23, 2018 4:00 PM By: Sudbury.com Staff



Ward 5 incumbent Robert Kirwan. (File)

Ward 5 incumbent Robert Kirwan – a champion of the Kingsway Entertainment District Project (KED) – said as a lifelong resident of the city, he can remember opposition to various projects, just like people are now opposing the KED.

That includes landmarks such as Science North, the Bell Park boardwalk, the Howard Armstrong Recreation Centre and the big box development on The Kingsway.

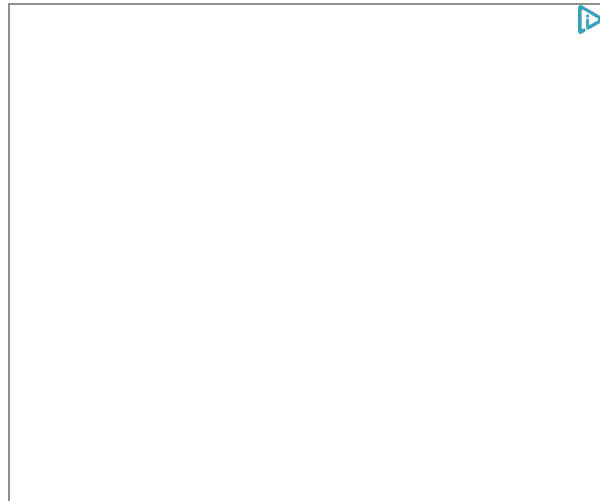
“I often find myself wondering why it is always so difficult for some people to get behind the development of such progressive projects that clearly have the potential to change the face of our city,” Kirwan said.

He said he wants to be re-elected as Ward 5 councillor to make sure “transformational projects” such as the KED and the arts centre planned for the current Sudbury Arena location are completed.

“I think about how citizens like Dario Zulich need my support so that they know the cause they are fighting for is worth the pain and aggravation,” he said.

“And I know that life will be better for all residents of the City of Greater Sudbury because I am one of those councillors who refused to give up. I want my grandchildren to be proud of their grandfather.”

The full text of Kirwan's column is below:



Until I became Councillor of Ward 5 I never fully appreciated just how difficult it is to champion a transformational project such as the Kingsway Entertainment District.

And I am sure once we get through the appeals and the obsessive attacks from people who oppose the KED, I will have to go through the same thing all over again to get the Downtown Arts & Culture District through similar challenges and obstruction.

As a life-long resident of Greater Sudbury I can recall the public outcry when we were going through the development of a single-site hospital that is now Health Sciences North.

There was a lot of pushback when we built Science North, the Bell Park Boardwalk and the Northern Ontario School of Medicine. And who can forget some of the opposition to the establishment of Costco on The Kingsway.

Now look at how much has developed around Costco on a hill that people said was nothing more than a big, useless pile of rock.

On a personal note, anyone living in Valley East at the time will certainly recall the community-wide battle that raged on when it was decided to build the Howard Armstrong Recreation Centre.

But look at that Regional Park now. And I imagine there is going to be another big battle as we proceed towards the construction of a twin pad multi-purpose arena on that site in the next few years.

I often find myself wondering why it is always so difficult for some people to get behind the development of such progressive projects that clearly have the potential to change the face of our city.

After going through this exercise to push through the KED for the past couple of years, I can appreciate the passion and dedication of people like Dario Zulich who still persevere and fight on in the face of opposition.

He must get his strength from knowing that there are others like myself who believe in his dream and vision for the future and who will stand beside him to fight the battles that need to be fought.

That is what gives me the courage to do what I can to make sure that our transformational projects are successful. I know there are many, many people who support what we are doing with the KED. They depend on us to continue to fight through the challenges and opposition. We need to do it for them.

I must confess that it is not fun to be the victim of so much hatred and bitterness from people who oppose what I am doing to help move these projects forward. Some are so filled with rage that they have taken to displaying my name on degrading signs around town; Facebook groups are dedicated to generating hatred against me by ridiculing everything I do or say; I am forced to engage in public battles with high-profile people in the community; and there are some candidates for mayor or council who continually spread false and misleading information about our motives behind the projects in order to try to undermine my credibility in order to gain support for their opposition of the KED and/or the casino. All of this is tiring and discouraging at times.

But at the end of each day, what keeps me going is the knowledge that what I am doing is in the best interests of the future for the City of Greater Sudbury. I get inner strength knowing that years from now people will look at the Kingsway Entertainment District and the development that is going to spring up around the core cluster and talk about how the KED caused this growth, just like they say COSTCO caused the growth around it.

I also know that the same will be said once the Downtown Arts & Culture District is completed in the downtown core. My grandchildren will be able to proudly declare that their grandfather had a lot to do with making all this happen. They are the ones who need me to continue on. I am doing this for them and their friends.

So when people want to know why I want to be reelected to sit as councillor of Ward 5, I think about how important it is to the future of my constituents and my grandchildren that I do what I can to make sure these transformational projects are completed as planned.

I think about how citizens like Dario Zulich need my support so that they know the cause they are fighting for is worth the pain and aggravation.

And I know that life will be better for all residents of the City of Greater Sudbury because I am one of those councillors who refused to give up. I want my grandchildren to be proud of their grandfather.

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Council race: It's time for voters to go all in on the KED

Sep 30, 2018 2:00 PM By: Sudbury.com Staff



Robert Kirwan says it's the people opposed to the Kingsway Entertainment District who are making it the No. 1 issue of the municipal election. (File)

Ward 5 incumbent Robert Kirwan says it's the people opposed to the Kingsway Entertainment District who are making it the No. 1 issue of the municipal election.

Kirwan said council and mayoral candidates are running specifically to try and kill the project, should they get elected.

"In fact, there are 10 candidates running against Mayor Brian Bigger, and at the mayoral debate at Laurentian University on Thursday it became evident that not a single one of Bigger's opponents actually supports the KED unconditionally," Kirwan says. "Each of them, if elected, would push for some action such as delaying the site preparation which would effectively stop the development and put it all at risk."

“Many of the ward council candidates are of the same mindset. This is all they know. That is why you don’t hear much about other issues from them, if anything. They are running on one issue – to kill the KED.”

As a voter, you have a really big decision to make this October, he said. If you're in favour of the KED, then vote for a candidate who will continue to work in your favour. If you're opposed to it, then put your check beside a candidate who will work to stop the project.

“We either keep the KED going as planned, or we kill it. That is what is at hand during the election period which runs from October 15 to 22,” he said.

Following is the full release from Kirwan:

Why is the KED the No. 1 issue in the municipal election this year? This is the question that many residents of Greater Sudbury are asking.

I agree that there are so many other important issues facing our city. I have been writing about most of them over the past four years. But it seems as if most of the media is consumed with candidate positions on the KED, or the funding, or the LPAT appeals, or the opposition to the casino, etc.

Whenever a candidate comes up with something else, the ideas being put forward are so far removed from reality that they could never happen, or they are simply too vague, like citing lack of leadership, taxes are too high, fix the roads, we need affordable housing, etc., without offering any real solutions.

If you want to know why this is the No. 1 issue, you just need to go back to June 27, 2017 when the decision was made by City Council to select the Kingsway site as the location for our new arena/event centre.

Council was convinced that a collaborative partnership was possible between the City, Gateway Casinos and a hotel ownership group. That made the arena part of something much larger than we could imagine in the downtown, so the Kingsway site was selected and the plan was implemented that has brought us to where we are today.

But immediately after that meeting last June, a group of downtown supporters vowed that they would do everything they could to stop the arena from going on The Kingsway. It has been a bitter battle ever since.

The opponents and at least one or two councillors have taken every opportunity to harass staff about the progress and the decisions that have been made. They have filed appeals to the LPAT. They have attacked the casino, as well as the arena/event centre knowing that they just need to kill one to kill the project.

And they have attempted to discredit Dario Zulich, Gateway Casinos, Catherine Matheson, and myself in order to advance their mission. Their ultimate goal is to change enough people on city council after the election so that they can pass a motion to reverse the decision to build on the Kingsway and bring the arena downtown. We knew this was their plan from the beginning. We knew this was going to happen.

And so here we are. Many of the candidates running against incumbents are against the casino or the arena and they are attempting to lure votes with false and misleading statements claiming that the current city council is going to saddle them with high tax increases, has no concern for the taxpayers, and needs to be replaced.

In fact, there are 10 candidates running against Mayor Brian Bigger, and at the mayoral debate at Laurentian University on Thursday it became evident that not a single one of Bigger's opponents actually supports the KED unconditionally. Each of them, if elected, would push for some action such as delaying the site preparation which would effectively stop the development and put it all at risk.

Many of the ward council candidates are of the same mindset. This is all they know. That is why you don't hear much about other issues from them, if anything. They are running on one issue – to kill the KED.

And so, as a voter, you have a serious decision to make. If you are in favour of the KED going ahead as has been planned and approved by the current city council, then vote for a candidate who is also unconditionally in favour of supporting the KED.

If you are against the arena or the casino, then vote for one of the other candidates who is in favour of opposing or stopping the KED. When the voting is done you will be able to predict

the ultimate fate of the KED by the people who are elected to sit around the Council Chamber beginning in December.

All of the other issues will be dealt with effectively by whatever kind of council is in place. Our professional staff has everything in control and they will bring along reports and recommendations that will help councillors address those issues and concerns.

But we need to get the KED confirmed by the voters in order for the new City Council to go forward with the knowledge that they were elected to bring it home. We either keep the KED going as planned, or we kill it. That is what is at hand during the election period which runs from October 15 to 22.

That is why I am calling this election a Referendum on the KED. The results will tell us exactly how our residents feel and then the elected council can act accordingly.

So let's put it all on the line. To use an expression from poker, it is time to go "all in" and count the votes.

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Council race: Temper tantrums from opponents won't stop KED, says Kirwan

Oct 2, 2018 7:00 PM By: Sudbury.com Staff



The city is divided over the Kingsway Entertainment District and the other large projects, like the Arts Junction? Poppycock, says Ward 5 incumbent Robert Kirwan.

The city is divided over the Kingsway Entertainment District and the other large projects, like the Arts Junction? Poppycock, says Ward 5 incumbent Robert Kirwan.

“Those claims are absolutely ridiculous and demonstrate just how desperate the opponents to the arena and/or the casino are becoming,” he said in a news release. “The voting for the municipal election is almost upon us and when the final tally is taken, I am certain that it will be clear that the residents of this city have never been as solidly behind the direction of a city council as they are today.”

Kirwan insists “there has never been so much excitement about the future of this city.”

In his typical style of discourse, Kirwan chalks up the opposition to a small, but loud group of “special interest political activists” throwing “temper tantrums” to get their way.



“They can run down the mayor and councillors all they want. They can spread false and misleading statements all they want. The vast majority of the general public is not buying it. They elected their mayor and councillors to make change happen and that is precisely what we have done. The majority of our constituents agree with what we have done and they will demonstrate that support in a couple of weeks when the voting begins.”

Read the full text of Kirwan’s release below.

Despite the fact that some mayoral candidates are trying desperately to convince voters that they actually do support the Kingsway Entertainment District, they can’t escape the fact that with the exception of Mayor Brian Bigger and a couple of candidates who are not considered serious contenders, they have all clearly stated that they do not support various aspects of the direction that was approved by city council on and since June 27, 2017.

They have all made it unmistakably evident that if they were in a position of influence they would propose changes to what council has already approved. Those changes would inevitably delay the development long enough that the KED would be at serious risk. And for the life of me, I have seen too many of these transformational projects stopped because a small number of people objected and forced councils of the past to reconsider. That is not going to happen this time!

We are also starting to hear from some candidates who insist that the KED has divided the community and poisoned relationships at Tom Davies Square. Those claims are absolutely

ridiculous and demonstrate just how desperate the opponents to the arena and/or the casino are becoming. The voting for the municipal election is almost upon us and when the final tally is taken, I am certain that it will be clear that the residents of this city have never been as solidly behind the direction of a city council as they are today.

In fact, from what I am hearing, this city is definitely not divided nor are the relationships at TD Square poisoned. There has never been so much excitement about the future of this city. I am feeling this among staff as well as the general public. Citizens are glad that we have a city council that is not going to settle for second best just to appease a small group of very loud special interest political activists who feel they are entitled to get their own way with council. They are not happy but their very public temper tantrums are not going to work this time. They can run down the mayor and councillors all they want. They can spread false and misleading statements all they want. The vast majority of the general public is not buying it. They elected their mayor and councillors to make change happen and that is precisely what we have done. The majority of our constituents agree with what we have done and they will demonstrate that support in a couple of weeks when the voting begins.

It is now up to the residents of the City of Greater Sudbury to vote in record numbers so that they can once again elect representatives who are committed to completing the projects that the current council has started. It is time to give a clear mandate to a mayor and council which is going to finish the KED with an integrated facility that houses the arena / event centre owned by the city, a casino owned by Gateway Casinos, and a hotel owned by a private ownership group.

It is time to elect a council that is then going to continue to develop the Downtown Arts & Culture District, which will feature a new library, a new art gallery, a new convention and performance centre, a new Place des Arts, the Elgin Greenway, the Brady Green Stairway, a renovated Tom Davies Square courtyard, Memorial Park, a renewed Sudbury Theatre Centre, the School of Architecture and numerous small boutiques in the downtown.

As I said, I have never seen the city so united behind a project that has the scope of all that is listed above. They are not going to elect a new council that is going to allow a small group of dissidents to put a stop to the KED and risk a once in a generation opportunity.

They trust that the current council has done their due diligence. They trust the financial plan

that was approved by council last December which included a minimal tax increase. They trust the project will stimulate commercial assessment growth to fully cover the debt financing and operational costs moving forward.

The residents of this city elected a council to make the important decisions. They elected a strong enough council to be able to hold their ground against special interest and political activist groups that would try to undermine our authority and our decisions.

I can't wait for the election to be over to prove just how united this city really is. Then it will be up to the new council to "get it done"!

I only hope that once the election is over everyone can accept the will of the voters and we can all work together to maximize the potential of these projects. Our future depends on all of us moving forward together in unity.

Learn more about Kirwan's candidacy by visiting [his page on Sudbury.com](#).

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Column: Reflections on Sudbury's big projects



Robert Kirwan Guest column

Published on: October 13, 2018 | Last Updated: October 13, 2018 1:39 PM EDT



Members of the gallery, including Dario Zulich listen as Tom Fortin, of Casino Free Sudbury, makes a presentation at the planning committee meeting in Sudbury, Ont. on Monday March 26, 2018. The committee was meeting to discuss a rezoning amendment to permit a casino to be built on the Kingsway.

GINO DONATO/SUDBURY STAR/POSTMEDIA NETWORK

Until I became councillor of Ward 5, I never fully appreciated just how difficult it is to champion a transformational project such as the Kingsway Entertainment District. And I am sure once we get through the appeals and the obsessive attacks from people who oppose the KED, I will have to go through the same thing all over again to get the downtown arts and culture district through similar challenges and obstruction.

As a life-long resident of Greater Sudbury, I can recall the public outcry when we were going through the development of a single-site hospital that is now Health Sciences North. There was a lot of push back when we built Science North, the Bell Park boardwalk and the Northern Ontario School of Medicine. And who can forget some of the opposition to the establishment of Costco on the Kingsway. Now look at how much has developed around Costco on a hill that people said was nothing more than a big, useless pile of rock.

On a personal note, anyone living in Valley East at the time will certainly recall the community-wide battle that raged on when it was decided to build the Howard Armstrong Recreation Centre. But look at that regional park now. And I imagine there is going to be another big battle as we proceed towards the construction of a twin pad multi-purpose arena on that site in the next few years.

I often find myself wondering why it is always so difficult for some people to get behind the development of such progressive projects that clearly have the potential to change the face of our city. After going through this exercise to push through the KED for the past couple of years, I can appreciate the passion and dedication of people like Dario Zulich who still persevere and fight on in the face of opposition. He must get his strength from knowing that there are others like myself who believe in his dream and vision for the future and who will stand beside him to fight the battles that need to be fought.

That is what gives me the courage to do what I can to make sure that our transformational projects are successful. I know there are many, many people who support what we are doing with the KED. They depend on us to continue to fight through the challenges and opposition. We need to do it for them.

I must confess that it is not fun to be the victim of so much hatred and bitterness from people who oppose what I am doing to help move these projects forward. Some are so filled with rage they

have taken to displaying my name on degrading signs around town; Facebook groups are dedicated to generating hatred against me by ridiculing everything I do or say; I am forced to engage in public battles with high profile people in the community; and there are some candidates for mayor or council who continually spread false and misleading information about our motives behind the projects in order to try to undermine my credibility in order to gain support for their opposition of the KED and/or the casino. All of this is tiring and discouraging at times.

But at the end of each day, what keeps me going is the knowledge that what I am doing is in the best interests of the future for the city of Greater Sudbury. I get inner strength knowing that years from now people will look at the KED and the development that is going to spring up around the core cluster and talk about how the KED caused this growth, just like they say Costco caused the growth around it. I also know the same will be said once the arts and culture district is completed in the downtown core. My grandchildren will be able to proudly declare their grandfather had a lot to do with making all this happen. They are the ones who need me to continue on. I am doing this for them and their friends.

So, when people want to know why I want to be re-elected to sit as councillor of Ward 5, I think about how important it is to the future of my constituents and my grandchildren that I do what I can to make sure these transformational projects are completed as planned. I think about how citizens like Dario Zulich need my support so that they know the cause they are fighting for is worth the pain and aggravation. And I know that life will be better for all residents of the city because I am one of those councillors who refused to give up. I want my grandchildren to be proud of their grandfather.

Robert Kirwan is a Ward 5 candidate and current councillor for the ward.

Council race: Vote for a council that will continue to push city forward says Kirwan

Oct 16, 2018 6:00 PM By: Sudbury.com Staff



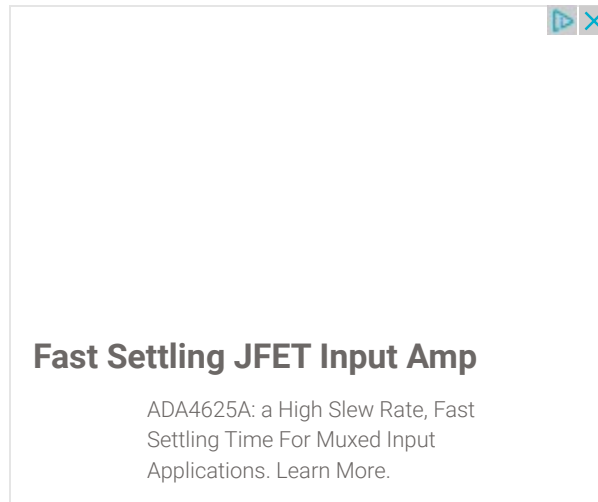
Ward 5 incumbent Robert Kirwan is asking his constituents to give him the opportunity to see through the projects that have been approved during his term on council.

Ward 5 incumbent Robert Kirwan is asking his constituents to give him the opportunity to see through the projects that have been approved during his term on council.

"The Kingsway Entertainment District and the Downtown Arts & Culture District with Place des Arts and the Sudbury Theatre Centre, are the kind of transformational projects that are going to "change the game" for the City of Greater Sudbury," said Kirwan in an news release.

"We all know that the world is changing around us. And we are all painfully aware that the City of Greater Sudbury has fallen behind the pace of change. We find ourselves at the point where we must invest in these major projects without delay and in order to make this happen we have changed our approach."

Full text of Kirwan's news release can be found below:



One of the main reasons I am asking my constituents to give me the opportunity to remain as Councillor of Ward 5 for the next four years, is so I can continue to work on helping the "transformational projects" we have set in motion get off the ground and build the kind of momentum we need to achieve our vision for the future of this great city.

The Kingsway Entertainment District and the Downtown Arts & Culture District with Place des Arts and the Sudbury Theatre Centre, are the kind of transformational projects that are going to "change the game" for the City of Greater Sudbury.

We all know that the world is changing around us. And we are all painfully aware that the City of Greater Sudbury has fallen behind the pace of change. We find ourselves at the point where we must invest in these major projects without delay and in order to make this happen we have changed our approach.

This new approach has resulted in the establishment of an effective collaborative partnership with three private sector companies to develop one of the most spectacular facilities of its kind in Ontario. The Kingsway Entertainment District is going to be an awesome complex that will elevate us to a whole new level as a city.

But that is only part of the package. In addition to the KED, we are laying the groundwork on a number of fronts with other partners to develop the downtown into a second massive cluster of arts and culture establishments. This second project will give us the kind of outcome which, combined with the KED will produce the transformation that will completely change the future of the City of Greater Sudbury.

I am so proud to have been part of a City Council which has spent the past four years establishing and implementing a well-planned strategic direction for this city. Now time is of the essence. The City of Greater Sudbury is well positioned to seize this opportunity and the current City Councillors and senior management are definitely committed to making our vision come alive.

We also recognize that in order for transformational projects to be successful, it not only requires the vision and leadership of City Council to begin with, but it also requires excellent strategic planning and execution administered by leaders who embrace a change management style in order to bring the vision to life. It also requires the solid support of the residents of this city and we are confident that we do have that support.

It will now be up to the residents of the City of Greater Sudbury to vote for a mayor and council who will continue to embrace this vision and ensure that the transformational projects maintain their momentum and bring about the change that this city needs in order to keep pace with the ever-changing world around us.

More from Robert Kirwan can be found on his [Sudbury.com election page](#).

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Kirwan makes one final pitch for KED in Sudbury



Special to The Sudbury Star

Published on: October 20, 2018 | Last Updated: October 20, 2018 1:48 AM EDT



Ward 5 Coun. Robert Kirwan makes a point at a special city council meeting in 2017. *GINO DONATO/SUDBURY STAR FILE PHOTO*

Robert Kirwan, Ward 5 candidate

One of the main reasons I am asking my constituents to give me the opportunity to remain as councillor of Ward 5 for the next four years is so I can continue to work on helping the transformational projects we have set in motion to get off the ground and build the kind of momentum we need to achieve our vision for the future of this great city.

The Kingsway Entertainment District and the downtown arts and culture district with Place des Arts and the Sudbury Theatre Centre are the kind of transformational projects that are going to “change the game” for the City of Greater Sudbury.

We all know the world is changing around us. And we are all painfully aware the city has fallen behind the pace of change. We find ourselves at the point where we must invest in these major projects without delay and in order to make this happen we have changed our approach.

This new approach has resulted in the establishment of an effective collaborative partnership with three private sector companies to develop one of the most spectacular facilities of its kind in Ontario. The KED is going to be an awesome complex that will elevate us to a whole new level as a city.

But that is only part of the package. In addition to the KED, we are laying the groundwork on a number of fronts with other partners to develop the downtown into a second massive cluster of arts and culture establishments. This second project will give us the kind of outcome that, combined with the KED, will produce the transformation that will completely change the future of the city.

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requires the solid support of the residents of this city and we are confident that we do have that support.

It will now be up to the residents of the city of Greater Sudbury to vote for a mayor and council who will continue to embrace this vision and ensure the transformational projects maintain their momentum and bring about the change this city needs in order to keep pace with the ever-changing world around us.

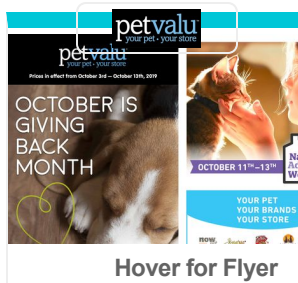
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Council race: Time to vote for mayor and councillors supporting KED, says Kirwan

Oct 20, 2018 5:00 PM By: Sudbury.com Staff



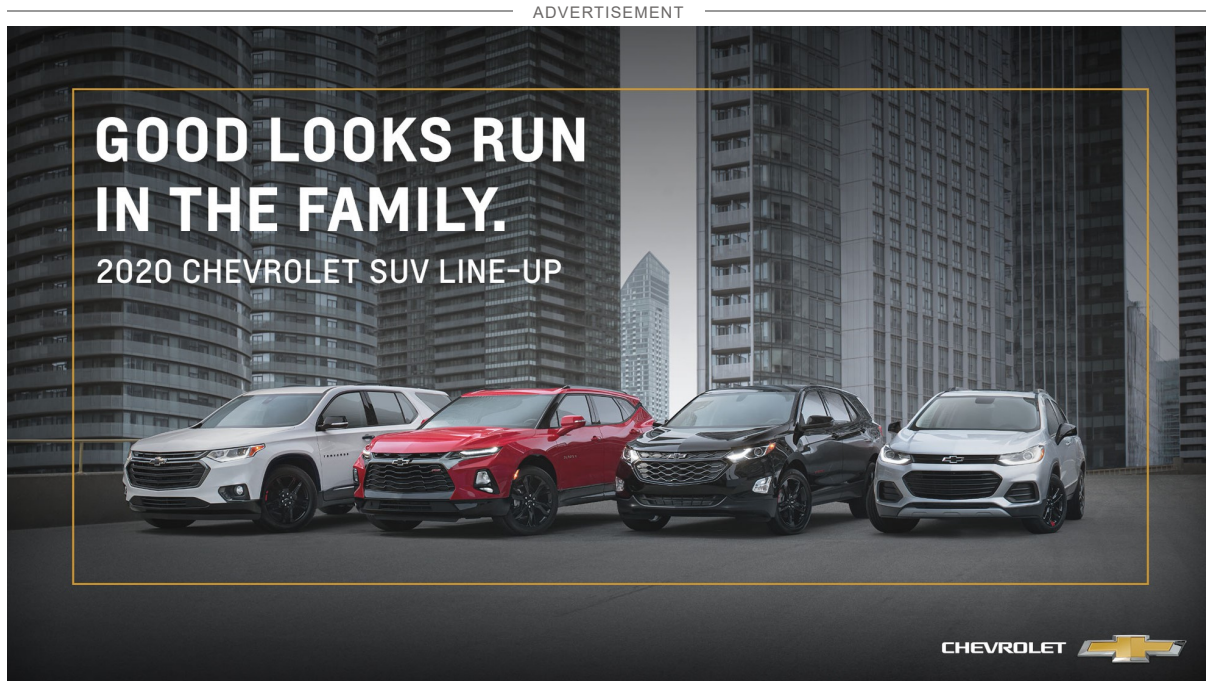
Ward 5 candidate Robert Kirwan is asking Sudburians to vote for the incumbent mayor and ward councillors who have been equally resolute in their commitment to the Kingsway Entertainment District.

Ward 5 candidate Robert Kirwan is asking Sudburians to vote for the incumbent mayor and ward councillors who have been equally resolute in their commitment to the Kingsway Entertainment District.

Kirwan said he is proud of the tenacity shown by his fellow councillors in choosing the Kingsway location.

“We did not put things off like so many other councils in the past,” he said in a release. “And we have not settled for a compromise just to keep the peace. We have remained steadfast in our resolve that the decision we made was the best decision for the future of the City of Greater Sudbury and we are not going to settle for anything less. I call that leadership.”

Full news release below:



Sudbury.com has announced that it cannot endorse any of the mayoral candidates running against incumbent Brian Bigger.

Instead, Sudbury.com is suggesting that voters vote for the candidate who “most closely aligns with their own position.” And judging from the general feedback from the community, which indicates that the majority of residents do support the KED, this position can only mean that indirectly, Sudbury.com is accepting that incumbent Mayor Brian Bigger is the logical choice to continue as mayor of the City of Greater Sudbury for the next four years.

The main reason given for not supporting candidates Dan Melanson, Patricia Mills or Cody Cacciotti is that none of those individuals have stated that moving forward with the KED will harm Greater Sudbury’s economy and harm the downtown core of the city.

The reason they won’t agree with Sudbury.com is because they know full well that going ahead with the KED means a new downtown arts and culture district that will include a new library, a new art gallery, a new performance and convention centre with a hotel, the completion of the Elgin Greenway, Place des Arts, a renovated Tom Davies Square courtyard, the Brady Green Stairs project, and a renewal of the Sudbury Theatre Centre.

The reason none of the frontrunners opposing Brian Bigger are not going to say that going ahead with the KED will cause harm to the downtown is because they, like most of the people in this city, can see that the development that is going to go forward downtown once the KED is finished will greatly benefit the downtown and the entire City of Greater Sudbury.

On June 27, 2017, city council gave full consideration to the consultant's report from Price Waterhouse Coopers. Their report said that both the downtown and Kingsway locations were considered viable and basically equal.

The downtown had a slight advantage, but only because the consultant could not include the possibility of the casino and hotel being built because those two entities were not guaranteed. That was why the downtown location became the preferred location.

However, the consultant did say, in his report, that the Kingsway would provide the greatest long-term economic benefit to the city if the supplementary amenities such as a casino and a hotel were to be built alongside the arena/event centre. And so, this city council decided to accept the written commitments that we saw from Gateway casino and a hotel ownership group and we took what I consider to be a very safe risk. And just look at how things are turning out.

In fact, the KED has turned out to be the location that the consultant concluded would provide the greatest long term economic benefit to the city since we are building an integrated facility that will include the arena / event centre, a Gateway Casino and the largest hotel in Greater Sudbury. We made the right decision. I think it is time for Sudbury.com and the rest of the opponents to the KED to acknowledge this.

Sudbury.com has refused to accept that the development we have approved for the downtown will provide far greater economic benefit to the downtown than a new arena alone could ever provide. And on top of this, none of the arts and culture facilities mentioned above would be built anywhere near the downtown if the arena was located downtown.

Sudbury.com does make one point that I am very proud of. The editor recognizes that this city council did finally make a decision. We did not put things off like so many other councils in the past. And we have not settled for a compromise just to keep the peace. We have remained steadfast in our resolve that the decision we made was the best decision for the

future of the City of Greater Sudbury and we are not going to settle for anything less. I call that leadership.

Now, all that is left is for voters in the City of Greater Sudbury to vote for the only mayoral candidate who is solidly behind both the KED and the downtown developments, and also to re-elect all of the incumbent ward councillors who have been equally resolute in their commitment to the KED.

Please vote to put back the only team that will move this city forward!

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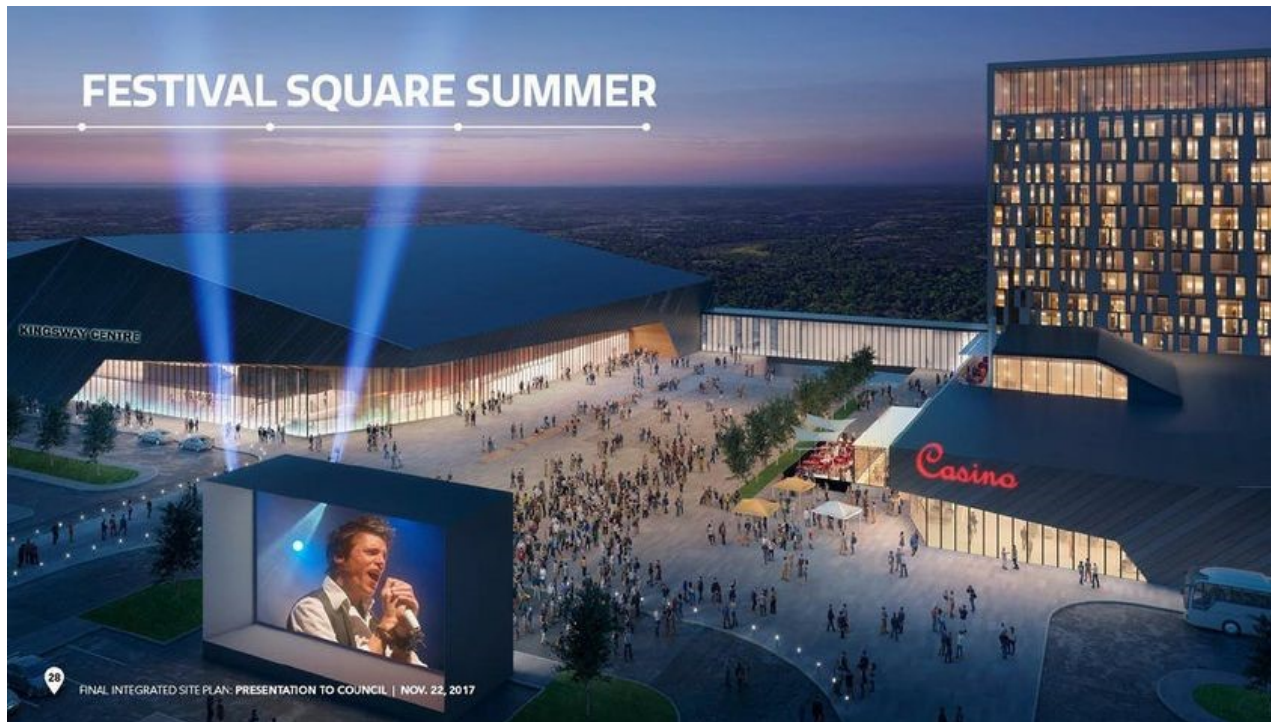
KED appeal process inspires confidence



Sudbury Star Staff

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Published on: November 12, 2018 | Last Updated: November 12, 2018 12:50 AM EST



An artist's conception of what the city's Kingsway Entertainment Centre might look like. *CITY OF GREATER SUDBURY*

Robert Kirwan, Guest column

I would like to offer some personal observations about the Local Planning Appeal Tribunal's case management conference, which I attended as an interested observer on Nov. 6 at Tom Davies Square.

First let me say that my previous professional experiences have allowed me the opportunity to witness a number of similar legal proceedings involving grievance arbitration and Superior Court of Justice motions. Lawyers from both sides tend to do a lot of verbal stick-handling, in a veiled attempt to gain some sort of advantage

or leverage over their adversary, while making it sound as if they are more willing to co-operate with the judicial process than the other party.

Usually, many matters end up being deferred to a later date without much ever being resolved. If you have ever been involved in court proceedings you know it takes forever to move issues to a point where an actual decision will be made by the court.

Normally, one of the parties is interested in advancing the matter quickly while the other side is content to drag things out, wearing away their opponent so that some sort of compromise will be made in an effort to avoid letting the judge decide on the outcome.

Most observers at the case management conference will admit the lawyers representing the downtown Business Improvement Area, Tom Fortin and Christopher Duncanson-Hales, seemed determined to raise as many issues as possible, clearly trying to create confusion and doubt about the legality of the new LPAT process.

Despite the attempts by Gordon Petch to convolute the whole process through question after question about procedural and jurisdictional issues, the LPAT member who is leading the tribunal, Chris Conti, reminded everyone on several occasions the new process was designed to move matters forward as expeditiously as possible. He made it clear that he was not going to let this case get bogged down with unnecessary delays.

Conti pointed out at the beginning that, with the new LPAT legislation, the grounds for appeal are very limited and that all evidence must demonstrate non-compliance with one or more provisions of the provincial policy statement, the Official Plan and the Northern Ontario Growth Plan. He made it perfectly clear the LPAT tribunal has been created to review council's decision. It is not a chance for the parties to have a second chance to present

their case and seek a new decision or to introduce new evidence. All submissions that will be considered by the LPAT must consist of information that was available to council at the time the decision was made. If the LPAT finds the decision was not in compliance with the legislation, then the matter will be sent back to council for a new decision. He wanted to lay out for everyone just what the LPAT was going to consider.

Conti was finally able to get the parties to agree the city will provide motions on six areas where there seems to be a question of whether the LPAT has jurisdiction to rule. Petch agreed to submit motions demanding documents that relate back to 2012 when a decision was made by a former city council to support a modernized and expanded gaming operation in Sudbury and to seek a ruling on a response he wanted to make to a synopsis that has been presented by the city.

Further, the parties agreed all of the motions must be submitted in writing within two weeks of the case management conference so that the other party can respond. They agreed the LPAT tribunal will rule on those written motions and render their decision. The parties agreed to abide by the decisions of the LPAT. The decisions on the motions are expected to be handed down before the end of the year.

Another important thing Conti did was order the city and the appellants to provide a complete and final listing of all the outstanding issues. They must agree on the content of that list prior to sending it to Conti. That list will then form the foundation for moving forward with a second case management conference early in 2019. There will be no new issues added to the list after that. The second case management conference will then be scheduled to simply establish the ground rules for the oral hearing, which is expected to be scheduled shortly thereafter.

Conti also identified eight witnesses who will be called by the LPAT during the oral hearing. A ruling by the divisional court on another

appeal in Toronto will determine if the parties will be allowed to cross-examine the witnesses. Once that ruling is handed down, Conti will schedule the next case management conference and/or the hearing. I do expect that in accordance with the principles of natural justice, all parties will be able to cross-examine the witnesses after the LPAT has had a chance to question them.

Conti also stated the actual hearing — when it is scheduled — will be an oral hearing so that each party will be given 75 minutes to present their case on the outstanding issues. The nice thing about forcing the parties to list the outstanding issues is that with only 75 minutes to present their oral arguments, the parties are going to have to narrow down their respective lists or they won't have time to present their full case. This means they are going to have to select the issues they feel are the most likely to support their case to present at the hearing, rather than being able to bring up dozens of fringe issues they have included in their written documents.

At this point, it is hard to say whether or not the June 2019 deadline for a decision will be met, but based on the way Conti was able to effectively get the adversarial lawyers to agree to a final list of outstanding issues and agree to the jurisdictional motions being submitted in writing, I am confident he is going to be able to meet the deadline. Conti clearly established he is in control of the process moving forward and that he is not going to allow the lawyers to drag the case out.

Conti was not impressed with the fact the lawyers for both sides were not communicating with each other in advance of the case management conference. He made it clear that he doesn't want to waste any more time because the lawyers fail to communicate. He wants them to resolve some of the issues on their own. That is why the parties will be submitting motions and a list of final issues within two weeks. They have agreed to communicate after the

case management conference in a manner that Conti expected would have been done prior to his arrival in Sudbury.

What impressed me the most is that Conti is being very careful to make sure there will be no grounds for an appeal to the Superior Court of Justice once the LPAT makes their ruling. He is following the principles of natural justice and the rule of law in everything he does. He also has a court recorder taking down all of the notes so that there will be a transcript available in case Petch decides he will appeal any adverse decision that will be handed down by the LPAT. The transcript will clearly demonstrate there have been no errors in law, which would form grounds for an appeal.

So when the CMC adjourned on Tuesday, I think Conti and the LPAT tribunal went away feeling pretty good about what they had accomplished. They achieved all of the objectives of the case management conference and are moving the process along as rapidly as anyone could have anticipated. After witnessing the LPAT tribunal in action, I am more confident than ever in the new appeal process and feel it is a much better system than the former Ontario Municipal Board.

Robert Kirwan is the city's Ward 5 councillor.

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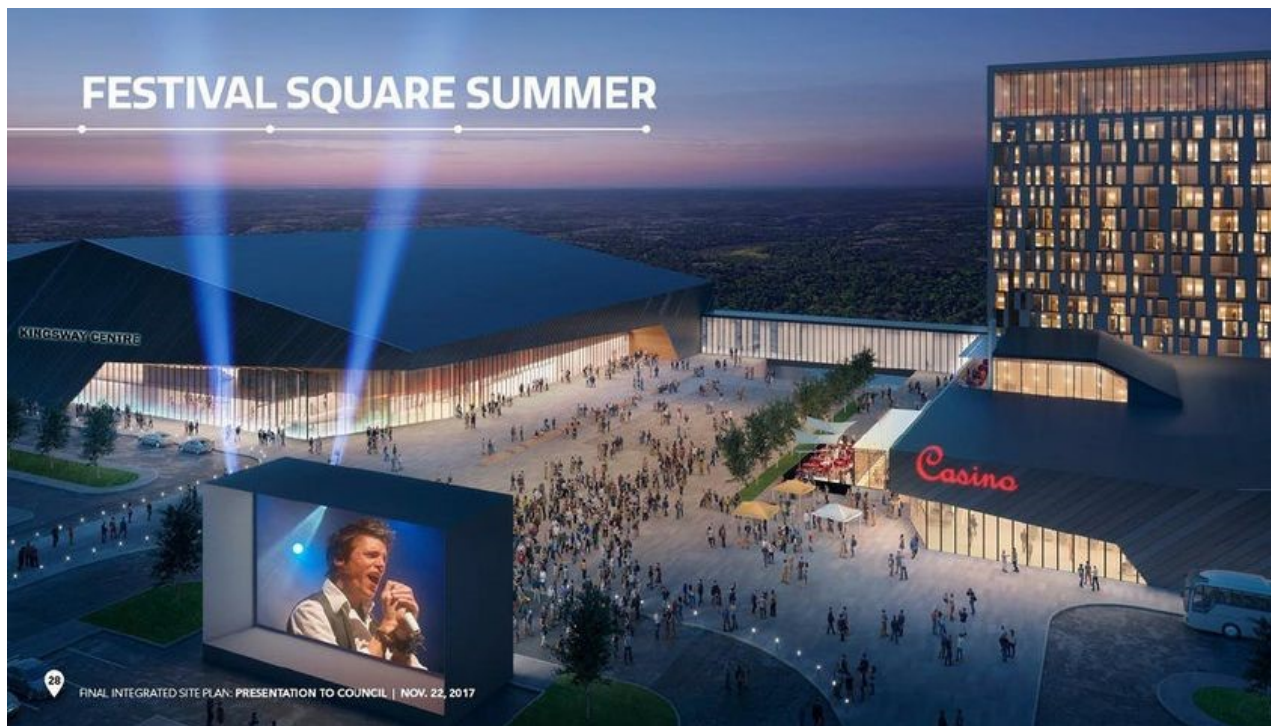
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City councillor targets Sudbury downtown business group



Mary Katherine Keown The Sudbury Star

Published on: May 22, 2019 | Last Updated: May 22, 2019 1:00 PM EDT



An artist's conception of what the city's Kingsway Entertainment District might look like. *CITY OF GREATER SUDBURY*

Ward 5 Coun. Robert Kirwan is fed up with the delays associated with the Kingsway Entertainment District and he wants to see some forward action.

He is so fed up with the delays to the Local Planning Appeal Tribunal, he has been calling for the disbanding of the downtown business improvement association.

“Because city council created the Sudbury BIA, appoints the board of directors, approves the annual budget and collects the dues from member businesses, city council may also be at risk of having to pay damages that are awarded against the Sudbury BIA,”

Kirwan wrote to The Star. "This leaves council no choice but to set in motion the process of repealing the bylaw that established the Sudbury BIA and effectively dissolving the organization. The downtown businesses will be free to form their own private association if they wish, but that will have to be done without any city involvement or assistance. They will also have to approach all of the downtown businesses to see if they still want to be members."



Ward 5 Coun. Robert Kirwan makes a point at a special city council meeting in 2017. *GINO DONATO/SUDBURY STAR FILE PHOTO*

Kirwan also plans to ask the province to intervene.

"I will be urging city council to officially request that the

Minister of Housing and Municipal Affairs intervene in the LPAT procedure concerning the KED," he wrote to The Star. "We need the process to be expedited so that a hearing can be scheduled and the parties can present their arguments in front of the tribunal. We need a decision on these appeals as soon as possible or we risk losing everything we have worked so hard for during these past two years."

A total of 12 appeals have been filed by Tom Fortin, Steve May, the Minnow Lake Restoration Group, the BIA and Christopher Duncanson-Hales. The LPAT deemed all appeals valid; they are currently being heard.

A large part of Kirwan's consternation relates to the fact that Fortin and the BIA filed a notice of application with the Ontario Superior Court of Justice on April 8.

"Effectively what's happened is they've put in motion the process to follow if they lose the LPAT," he said Tuesday. "The problem is, there are so many steps along the way before you actually get to make your presentation in front of the judge (in civil court), this could be years before it gets to the end. That kills any further development. There's no way a private company will invest in a project if there's a legal proceeding against it."

Fortin said in early May the city has exhibited bias throughout the whole decision-making process, vis-a-vis the KED.

"The city hasn't kept an open mind and hasn't been objective in hearing anything contrary to what they believe," he said.

For



Local businessman Tom Fortin takes part in a press conference on the release of a report on the economic impact of the Kingsway Entertainment District on March 13, 2018. *JOHN LAPPA/SUDBURY STAR*

example, Fortin said he had submitted several reports to the city, including a thorough economic and financial analysis of the KED prepared by urbanMetrics Inc. He said earlier this month he had

never gotten a response or even an acknowledgement from the city.

“Nothing was ever commented on; nothing was ever even acknowledged,” Fortin said. “We didn’t even get an acknowledgement of receipt from the city. So everything we did to try to educate them was basically ignored. That’s contrary to the Planning Act. There has to be some dialogue and open discussion throughout the planning process. It’s part of the Planning Act.”

By filing a notice of application with the Superior Court, Fortin said that will allow his team to basically bypass the LPAT and go right to court if need be.

“We’re not going to go down that road unless the LPAT doesn’t hear the willing host and bias issues,” Fortin said. “If the LPAT doesn’t hear those issues, we have the option of going to Superior Court.”

Jeff MacIntyre, a spokesperson for the BIA on matters related to the LPAT, explained why his group and Fortin have filed a claim with the Ontario Superior Court of Justice. He said it largely has to do with jurisdiction.

“Filing the notice of application was needed because we do not know yet what the jurisdiction of the LPAT will be on all matters, and this filing allows us to file our case with the proper channels, should LPAT deem a matter not under their jurisdiction,” he said. “Due to proposed changes in Bill 108 it’s impossible to know what channel will have the proper jurisdiction at this point. This is the all part of the same issue we have taken from the beginning, nothing has changed other than a possibility of a different venue hearing part of the case.”

Kirwan said he is not concerned that calling for the disbandment of the BIA sends a bad message to the city’s business community. Instead, he said the actions Fortin and the BIA have taken actually do more harm.

"This says despite the fact you can go through the LPAT and have your appeal process, if you lose the appeal now you go to court? That sends a bad message to businesses," Kirwan said. "It says it doesn't matter how much support you get from council, somebody is going to be able to file an action against you in court."

Kirwan also said Fortin and the BIA are trying to drag out the process for so long that Gateway gives up. He is concerned Gateway could decide to abandon the KED or Sudbury altogether, although the company has not made any announcements.

"This could end with Gateway leaving the city totally, and closing up Sudbury Downs too," he said. "That would be a \$2.2 million hit to our levy. This could result in a one per cent increase in taxes, in order to replace the loss. This isn't a game anymore."

Kirwan said he plans to bring up the topic of disbanding the BIA with his peers at an upcoming council meeting.

"Unless the LPAT appeals can be resolved quickly, and unless the OLG gives Gateway some bid relief to reduce its financial obligations in Sudbury until the construction is completed, Gateway may be forced to make a decision that will have serious consequences for the future of Greater Sudbury," Kirwan wrote on his Valley East Facebook page. "The legal action taken by the Sudbury BIA and Tom Fortin have added fuel to a very volatile situation and should be dealt with immediately by city council. Back in June 2017, there was so much hope for the future of the City of Greater Sudbury. I am still confident that we will prevail and all of the appeals and legal actions will be resolved in our favour. But I am concerned about the collateral damage that may occur as the fight continues."

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Sudbury column: Why the downtown BIA should be scrapped



Robert Kirwan Guest column

Published on: May 24, 2019 | Last Updated: May 24, 2019 4:32 AM EDT





The City of Greater Sudbury is facing legal action in the Superior Court of Justice that may very well force city councillors to initiate steps to disband the downtown Sudbury BIA; ask the Ministry of Housing and Municipal Affairs to intervene in the LPAT appeals regarding the Kingsway Entertainment District (or KED); and ask our lawyers to recommend an appropriate countersuit to the charges that have been filed in the court against the municipality.

On April 8, the BIA and Tom Fortin (the applicants) filed a notice of application in the Ontario Superior Court of Justice against the City of Greater Sudbury (respondent).

The applicants are asking the court to quash the four bylaws that were approved by city council to allow the amendments to the official plan and amendments to the zoning bylaws to permit the establishment of a municipal arena and a casino as part of the KED.

They are asking the court to declare the bylaws illegal, invalid and unenforceable, alleging that city council did not have the legal authority to create the bylaws. In seeking this declaration, the applicants state city council was guilty of improper fettering of discretion; improper delegation of the exercise of discretion; bias; and bad faith.

They are also stating that council did not have the jurisdiction to pass the bylaws and that there were procedural irregularities in the passage of the bylaws. The applicants are also seeking costs on a substantial indemnity basis and other relief the court deems just.

City council passed a bylaw that created the BIA. Council appoints the board of directors, which includes a member of council and approves the annual budget.

The city also authorizes the imposition of a surcharge on the annual commercial taxes of all the businesses that are part of the downtown area. The surcharge is about 15 per cent of the annual taxes and is an obligatory charge. Businesses cannot opt out, but because they are all members of the BIA, they could be at risk of having to pay any costs and/or other legal penalties that are imposed by the court if the applicants lose their case. They are also at risk of having to pay significant damages from other civil action that may be forthcoming from the private sector partners to the KED.

I cannot sit back and allow those downtown businesses to be subject to that kind of risk exposure.

Because council created the BIA, appoints the board of directors, approves the annual budget and collects dues from member businesses, council may also be at risk of having to pay damages that are awarded against the BIA.

This leaves council no choice but to set in motion the process of repealing the bylaw that established the BIA and effectively dissolving the organization. Downtown businesses will be free to form their own private association if they wish, but that will have to be done without any city involvement or assistance. They will also have to approach all of the downtown businesses to see if they still want to be members.

The 'death' of the BIA will leave Fortin as the sole applicant in this matter and city lawyers can then determine a legal course of action that will have the application removed from the Superior Court of Justice.

I will be urging council to officially request that the Minister of Housing and Municipal Affairs intervene in the LPAT procedure

concerning the KED. We need the process to be expedited so that a hearing can be scheduled and the parties can present their arguments in front of the tribunal. We need a decision on these appeals as soon as possible or we risk losing everything we have worked so hard for during these past two years.

It is unfortunate the BIA and Fortin have chosen to go down this path. They have each filed four appeals with the LPAT and their appeals are being heard through the normal process.

By starting legal action in the Superior Court of Justice against the City of Greater Sudbury, they are seeking another avenue to follow in case they lose their appeals with the LPAT. This is nothing more than a legal tactic to provide insurance so that they can drag this matter out for many years in order to delay a final resolution. They know that even if we settle the LPAT, as long as there is a court proceeding on file, we will never be able to move the projects forward.

Council runs the city. Thirteen of us were elected to sit on council and make decisions that are in the best interests of the residents of the city. If people who disagree with council decisions are going to now start resorting to the Superior Court of Justice to oppose our decisions, then we need to demonstrate that we are prepared to deal with these tactics swiftly and aggressively. It is time for city council to step up and take charge.

— Robert Kirwan is the councillor for Ward 5 in the City of Greater Sudbury.

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TRENDING IN CANADA

Ω

Tempers flare as Ward 5 councillor tries to rope premier into KED battle

May 29, 2019 9:01 AM By: [Darren MacDonald](#)



Ward 5 Coun. Robert Kirwan. (Supplied)

Tempers flared at city council Tuesday night as frustration at the lengthy legal battle over the Kingsway Entertainment District emerged yet again.

Councillors were debating a motion to move the new art gallery and library to a site on Shaughnessy Street, a move necessary if staff is to apply for funding from upper levels of government. The original plan was to build the facilities where Sudbury Arena is located on Elgin Street. But with the legal fight delaying building a new arena on The Kingsway, a new location was needed to proceed.

Ward 5 Coun. Bob Kirwan introduced a motion to have Mayor Brian Bigger ask Premier Doug Ford to do what he can to bring the LPAT process to a conclusion.

Kirwan said the downtown BIA and casino opponent Tom Fortin have served notice they will appeal to a higher court if they lose the LPAT fight, something that could delay the project for years.

"They want to fight the fight again in superior court," Kirwan said. "This is an important project for Sudbury."

Despite public support and backing by city council, the groups could delay the project long enough that Gateway Casinos and other KED developers could walk away. That's why the city has to do everything it can to move the process along, Kirwan said.

And Ward 7 Coun. Mike Jakubo said KED opponents have made it clear they will spend as much as \$1 million fighting the project, causing more frustration in the public.

"We are seeing backflips through flaming hoops being thrown at us," Jakubo said, because of a "small segment of the community" that have deep pockets.

"That's fully within their rights," he said, just as it's within council's right to ask the premier where he can help. "If we don't ask, we'll never know."

But Ward 1 Coun. Mark Signoretti, the most vocal opponent of the KED on council, said he was trying to control his anger, but he was "sick and tired" of having these sorts of motions to circumvent the legal process. If the project falls apart, he said, so be it.

"That's not our problem," Signoretti said.

And Ward 10 Coun. Fern Cormier said council has supported the project, and the legal process now has to play out. The province has made recent announcements aimed at unclogging the backlog of planning appeals, so efforts are being made to get things back on track.

And in any event, Cormier said asking the premier to intervene in a judicial process is just improper.

"I'm opposed to asking for political interference," he said, "This seems to be a nuclear option that is absolutely unnecessary."

And Mayor Brian Bigger agreed, saying he wasn't comfortable with what the motion was asking him to do. He's determined to get the KED built and staff resources are being used to defend their case at the LPAT.

"But we need to respect the process," Bigger said.

Kirwan continued to push, saying he would be more comfortable supporting a new site for the art gallery and library if an end to the KED battle was in sight. When the downtown projects were approved, he said they were a package deal with the new arena. If it fails, residents don't want to see the big projects move forward anywhere.

"If the Kingsway ends up with nothing on that site ... then I don't think the will of the public is to do anything downtown."

The motion eventually failed by a vote of 7-5, with Bigger abstaining. Technically, that's counted as a no vote, making the final tally 8-5.

The vote to relocate the library and art gallery also passed easily, with only Ward 2 Coun. Michael Vagnini and Ward 11 Coun. Bill Leduc voting against.

Councillors did receive an update from Ian Wood, who's the interim GM in charge of the big projects. Wood said a spokesperson from the LPAT told them this week a second case management conference will be scheduled soon.

"We don't have any dates, but it is positive news the process seems to be restarting," Wood said.

How did this story make you feel?

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Happy



Amused



Afraid



Don't Care



Sad



Frustrated



Angry

Comments (25)

Kirwan's 'misleading the public' BIA says in lodging formal complaint against councillor who wants them disbanded

May 30, 2019 9:22 AM By: [Darren MacDonald](#)



Ward 5 Coun. Bob Kirwan. (Supplied)

The battle between the Downtown Sudbury BIA and Ward 5 Coun. Bob Kirwan is heating up again, with the BIA lodging a formal complaint with Bob Swayze, the city's integrity commissioner.

The move comes after Kirwan called for disbanding the group, which is taking part in legal action to try and stop the Kingsway Entertainment District.

In a May 20 opinion piece, Kirwan said the final straw was news the BIA and casino opponent Tom Fortin filed a notice of application to take the city to Superior Court to try and stop the KED, in light of the uncertainty surrounding the planning appeal to the Local Planning Appeals Tribunal, which has been on hold since November 2018.

If the court action proceeds, Kirwan argued it could mean BIA members as well as the city could be liable for any damage awards should they lose the case.

“They are also at risk of having to pay significant damages from other civil action that may be forthcoming from the private sector partners to the KED,” he wrote. “I cannot sit back and allow those downtown businesses to be subject to that kind of risk exposure.

“This leaves council no choice but to set in motion the process of repealing the bylaw that established the Sudbury BIA and effectively dissolving the organization. The downtown businesses will be free to form their own private association if they wish, but that will have to be done without any city involvement or assistance. They will also have to approach all of the downtown businesses to see if they still want to be members.”

He accused the BIA of filing the notice as a backup plan in case they lose the LPAT fight, to ensure the legal battle continues until the project falls apart.

“If people who disagree with council decisions are going to now start resorting to the Superior Court of Justice to oppose our decisions, then we need to demonstrate that we are prepared to deal with these tactics swiftly and aggressively.”

In the complaint to the integrity commissioner, signed by BIA c-chairs Brian Mcullagh and Kendra McIssac, the group accuses Kirwan of attempting to intimidate “the BIA into forfeiting its right to legally defend its interests.

“He is presenting to the public and to fellow councillors the option of a quid-pro-quo: Either the BIA falls in line with his position and drops its planning appeals and potential legal action or he will urge the council to terminate the BIA.”

The BIA denied the notice to Superior Court was part of a plan to extend the legal battle as long as possible.

“(The notice) is required because LPAT’s rules at this point are untested, and because the province is overhauling the process with Bill 108 and appellants, the city and LPAT do not know what will be in the jurisdiction of LPAT by the time this case is heard,” the complaint to the integrity commissioner said. “None of the issues being appealed have changed, and all of the issues listed in the Notice of Application are also listed in the original LPAT appeal, all of which have already been deemed valid by the current LPAT process.”

The group also said Kirwan's Valley East Facebook page "often generates streams of hateful comments toward Downtown Sudbury, up to and including calls for boycotts of Downtown Sudbury and its members. Coun. Kirwan has made no attempt to moderate or mitigate these hateful posts.

"It is our contention that Coun. Kirwan has knowingly and wilfully been misleading the public regarding the basic facts of this project and the challenges it faces; has knowingly and wilfully defamed the appellants, including Downtown Sudbury and named individuals; and has knowingly and wilfully spread discord across the city in a co-ordinated attempt to deter members of the community from pursuing lawful recourse against a decision of city council; and he has done all of these things in contravention of the City of Greater Sudbury's Code of Conduct."

If Swayze, who began his role as commissioner in January, decides to investigate the complaint, he would come to Sudbury to meet with the parties before rendering a decision. If he finds Kirwan has broken the code of conduct, the maximum penalty he can recommend is suspending Kirwan for 90 days – and city council would have to vote whether to enforce any penalty he recommends.

The battle with the Sudbury BIA is part of a recent trend in Ontario in which business improvement area organizations take city councils to court. After appealing to the OMB (which the LPAT replaced) to try and force Peterborough council to build a casino downtown, local politicians reached a deal in which the BIA received \$150,000 a year for 20 years in exchange for dropping the legal action.

Then [Peterborough passed new rules](#) reducing the size of the BIA, restricting what they can spend money on and making it much harder for the group to take the city to court.

More recently, [Windsor Mayor Drew Dilkens said last week](#) that BIAs in that city were breaking the Municipal Act by filing an LPAT appeal to oppose the site councillors picked for a new megahospital.

On Tuesday, Windsor council delayed approving BIA budgets after threatening to reduce them by the amount they are spending on the LPAT appeal.

The BIA's [complaint to the integrity commissioner can be found here](#) and their [notice to Superior Court can be found here](#).

Here's full text of Bob Kirwan's May 20 column.

Decisive Action Called For By City Council

The City of Greater Sudbury is facing legal action in the Superior Court of Justice that may very well force City Councillors to initiate steps to disband the Downtown Sudbury BIA, ask the Ministry of Housing and Municipal Affairs to intervene in the LPAT appeals regarding the Kingsway Entertainment District, and ask our lawyers to recommend an appropriate counter suit to the charges that have been filed in the court against the City of Greater Sudbury.

On April 8, 2019, the Sudbury Business Improvement Area and Tom Fortin (Applicants) filed a Notice of Application in the Ontario Superior Court of Justice against the City of Greater Sudbury (Respondent).

The Applicants are asking the court to quash the four By-Laws that were approved by City Council to allow the amendments to the Official Plan and amendments to the zoning By-laws to permit the establishment of a municipal arena and a casino as part of the Kingsway Entertainment District (KED).

They are asking the court to declare that the By-laws are illegal, invalid and unenforceable, alleging that City Council did not have the legal authority to create the By-laws. In seeking this declaration, the Applicants state that City Council was guilty of improper fettering of discretion; improper delegation of the exercise of discretion; bias; and bad faith. They are also stating that City Council did not have the jurisdiction to pass the By-laws and that there were procedural irregularities in the passage of the By-laws.

The Applicants are also seeking costs on a substantial indemnity basis and other relief that the court deems just.

The Sudbury BIA was created through a By-law passed by City Council. City Council appoints the Board of Directors, which includes a member of Council. We also approves the annual budget.

The City also authorizes the imposition of a surcharge on the annual commercial taxes of all of the businesses that are part of the Downtown area. The surcharge is about 15% of the annual taxes and is an obligatory charge. Businesses cannot opt out, but because they are all

members of the Sudbury BIA, they could be at risk of having to pay any costs and/or other legal penalties that are imposed by the court if the Applicants lose their case.

They are also at risk of having to pay significant damages from other civil action that may be forthcoming from the private sector partners to the KED. I cannot sit back and allow those downtown businesses to be subject to that kind of risk exposure.

Because City Council created the Sudbury BIA, appoints the Board of Directors, approves the annual budget, and collects the dues from member businesses, City Council may also be at risk of having to pay damages that are awarded against the Sudbury BIA. This leaves Council no choice but to set in motion the process of repealing the By-law that established the Sudbury BIA and effectively dissolving the organization. The downtown businesses will be free to form their own private association if they wish, but that will have to be done without any City involvement or assistance. They will also have to approach all of the downtown businesses to see if they still want to be members.

The "death" of the Sudbury BIA will leave Tom Fortin as the sole Applicant in this matter and city lawyers can then determine a legal course of action that will have the application removed from the Superior Court of Justice.

I will be urging City Council to officially request that the Minister of Housing and Municipal Affairs intervene in the LPAT procedure concerning the KED. We need the process to be expedited so that a hearing can be scheduled and the parties can present their arguments in front of the tribunal. We need a decision on these appeals as soon as possible or we risk losing everything we have worked so hard for during these past two years.

It is unfortunate that The Sudbury BIA and Tom Fortin have chosen to go down this path. They have each filed four appeals with LPAT and their appeals are being heard through the normal process. By starting legal action in the Superior Court of Justice against the City of Greater Sudbury, they are seeking another avenue to follow in case they lose their appeals with LPAT. This is nothing more than a legal tactic to provide insurance that they can drag this matter out for many years in order to delay a final resolution. They know that even if we settle LPAT, as long as there is a court proceeding on file, we will never be able to move the projects forward.

The City of Greater Sudbury is being run by City Council. Thirteen of us were elected to sit on City Council and make decisions that are in the best interests of the residents of the City of

Greater Sudbury. If people who disagree with Council decisions are going to now start resorting to the Superior Court of Justice to oppose our decisions, then we need to demonstrate that we are prepared to deal with these tactics swiftly and aggressively. It is time for City Council to step up and take charge.

Bob Kirwan. Councillor, Ward 5

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Happy



Amused



Afraid



Don't Care



Sad



Frustrated



Angry

Comments (32)



About the Author: Darren MacDonald

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Sudbury

Sudbury City Council concerned about LPAT, delays to Kingsway Entertainment District



Councillor Robert Kirwan's motion to have Ontario Premier speed up appeals process, was defeated

[Jamie-Lee McKenzie](#) · CBC News · Posted: May 29, 2019 5:58 AM ET | Last Updated: May 29



Sudbury's City Council debated a motion that requested help from Premier Doug Ford to reduce delays in the Local Planning Appeal Tribunal. (Jamie-Lee McKenzie/CBC)

[comments](#)

There was a lively debate Tuesday night at Sudbury City Council, over a motion to expedite the Local Planning Appeals Tribunal (LPAT) for the Kingsway Entertainment District (KED).

City councillor Robert Kirwan brought the motion forward, which requested that mayor Brian Bigger "request assistance from the Premier of Ontario to reduce or avoid additional delays regarding the adjudication of the Kingsway Entertainment District appeals before the LPAT."

Kirwan, who has been in support of the KED since the beginning, says the motion was not asking for the Premier to interfere with any decisions, only to expedite the process.

"This is an important project for Sudbury and the longer it gets delayed, the longer we have to wait, the more the risk for some potential collateral damage that we're not anticipating," Kirwan said.

Several groups in the city have filed appeals with the LPAT, including Casino Free Sudbury and the Downtown Sudbury BIA.

- [**Kingsway Entertainment District delayed until late 2021**](#)
- [**More delays possible for Sudbury's Kingsway Entertainment District**](#)
- [**Legal bills piling up while decision on Sudbury's Kingsway Entertainment District is delayed**](#)

Kirwan says it's their right to appeal the KED, however, he adds the LPAT process itself is confusing and has been facing many delays. That is slowing any decisions for Sudbury's entertainment district.

"This particular case is of significant priority, not only to the City of Greater Sudbury, but to the entire northern Ontario area. And if the Premier can move things a little faster so that all parties can present their cases, that we can follow the rules that have been established, well lets do it as soon as we can to get a decision," he said.

Many councillors said they understood why Kirwan presented the motion, but also said the city had to respect the LPAT process.

"If I was bringing a motion, asking [mayor Brian Bigger] to go pound the tables at Queen's Park, it wouldn't be over an LPAT proceeding, I'll tell you that right now," councillor Fern Cormier said.

He added that there are more important issues in northern Ontario that the mayor could be requesting provincial assistance on.

"It might be over our district health units, it might be over cuts to education that are impacting us, it might be cuts to daycare and childcare that's impacting our budgets. It might be any of those things," Cormier said.

After some debate, councillor Kirwan's motion was defeated.

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SUDBURY BUSINESS IMPROVEMENT AREA and TOM FORTIN
Applicants

CITY OF GREATER SUDBURY

Respondents

Court File No. CV-19-8313-00

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings commenced at **Sudbury**

AFFIDAVIT OF THOMAS GARY FORTIN

(sworn October 18, 2019)

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**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

SUDBURY BUSINESS IMPROVEMENT AREA and TOM FORTIN
Applicants

-and-

CITY OF GREATER SUDBURY
Respondent

AFFIDAVIT OF ROWAN FALUDI

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ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

SUDBURY BUSINESS IMPROVEMENT AREA and TOM FORTIN
Applicants

-and-

CITY OF GREATER SUDBURY
Respondent

AFFIDAVIT OF ROWAN FALUDI
(sworn October 18, 2019)

I, **ROWAN FALUDI**, of the City of Richmond Hill, in the Province of Ontario, MAKE OATH AND SAY/AFFIRM:

1. I am a Member of the Canadian Institute of Planners (MCIP), a Registered Professional Planner (RPP) in the Province of Ontario, a Certified Management Consultant (CMC), and a Professional Land Economist (PLE). I am a partner with the firm urbanMetrics Inc., located in the City of Toronto. Through my work with my firm and its legacy organizations, the Coopers & Lybrand Real Estate Consulting Group and Pricewaterhouse Coopers (“**PwC**”) Real Estate Advisory Service Practice, I have gained extensive experience in terms of analyzing the need for sports and entertainment complexes as well as casino gambling. I

have practiced in the areas of Commercial Market Analysis, Real Estate Consulting, Downtown Revitalization and Economic and Fiscal Impact for over thirty (30) years. I have been qualified to provide expert testimony before the Ontario Municipal Board, Local Planning Appeal Tribunal and the courts in my areas of expertise on many occasions. My Curriculum Vitae is attached hereto and marked as **Exhibit "A"**.

Overview

2. I was retained by Tom Fortin ("**Fortin**") and the Sudbury Business Improvement Area ("**BIA**") to review the economic impact issues and related land use planning issues of a proposed new regional community sports and entertainment complex in the City of Greater Sudbury ("**City**") to be comprised of a new City owned community arena/event centre ("**Event Centre**"), a gambling casino, restaurants, bars, and a hotel/convention complex as well as, other components.
3. The existing City-owned community arena/event centre located in the Downtown has existed in its current location for about 60 years. During this period, it has been the home of the local Ontario Hockey League ("**OHL**") team, the Sudbury Wolves, and also hosts a variety of other major events, such as concerts, children's shows, consumer shows and other functions. It also operates as a community sports and entertainment facility for people and families of all ages and hosts children's skating and hockey. In conjunction with the restaurants, bars, hotels, cultural facilities and other supportive businesses in the Downtown, the existing arena and event centre has historically

developed as the major tourist sports and entertainment centre for the City. The Downtown event centre is one of the largest tourist attractions for the City and a critically important economic draw for the Downtown.

4. The City was formed in 2002 following amalgamation at a time of recognized economic decline. For the following sixteen years, the City initiated and implemented a series of ongoing long-term economic strategies to guide its recovery. This comprehensive effort included various expert consulting teams working with a wide cross-section of City business leaders and residents as well as City senior economic and planning staff, the City Development Corporation and the Downtown BIA, producing strategies and reports that were adopted by City Council.
5. One of the most consistent and key strategies was to improve the Downtown's economy by modernizing its sports and entertainment facilities by (i) refurbishing or replacing its Downtown event centre, (ii) adding to the Downtown a new hotel/convention centre on some of the vacant parcels of land that were used for surface parking, and (iii) constructing a new parking garage along with other required infrastructure improvements.
6. The new City's first Official Plan, approved 2006, has several policies that specifically encourage these types of uses in the downtown, including promoting the location of the arena, a new multi-use facility, a new hotel, and other cultural, entertainment and visitor attractions Downtown. Some examples include:

- Section 4.2.1.1, under the heading “Downtown Non-residential Development” proclaims:

Attracting new non-residential uses such as office, retail, cultural uses and institutional uses is key to growing the level of activity in the Downtown. Office uses foster a strong business environment and provide a customer base for other uses. Retail uses and restaurants reinforce the Downtown’s role as a destination for niche products and dining. Cultural and institutional uses augment the Downtown’s role as an arts, culture, entertainment and event destination.

- Policy 1 under this section states:

Non-residential development is a key priority for the Downtown as a means of stimulating increased investment and business activity and reinforcing the City’s urban structure by achieving a more efficient pattern of development.

- Policy 4 under this section states:

New destination attractions such as the **Arena, a new Multi-Use Facility, a new Hotel**, the Franklin Carmichael Art Centre, Place des Arts, the Central Branch of the Greater Sudbury Public Library and additional postsecondary facilities will be encouraged in the Downtown.

- Section 4.2.1. under the heading “Programs” specifically provides in ss.1:

Amenities such as the Farmers Market, Sudbury Theatre Centre, Greater Sudbury Public Library, **Sudbury Arena**, and the Centre for Life contribute to the appeal of the *Downtown*. In order to make it more attractive as a place of residence, additional amenities necessary to enhance the livability of the *Downtown* will be identified.

- Section 4.2.1.2 advises:

The **Downtown** plays a key role in defining the City’s image and quality of place, perceptions that are essential to the success of a number of City initiatives.

- Section 16.2.3, titled “A Prosperous Community with Employment Opportunities” provides:

1. Have regard for the City’s economic development strategic plan in assessing development applications.

2. Recognize the importance of “quality of place” in attracting new residents and investment to our community. Related to this, the image of a City is often associated with its *Downtown* and main streets. On this basis, there is a need to promote a high standard of urban design in the City.
7. These studies ultimately led to PwC being retained in 2016 to undertake two reports. The first dealt with advising of the business and market feasibility for the new event centre. Because a number of developers, including Mr. Dario Zulich (of 1916596 Ontario Limited and hereinafter referred to as “**Zulich**”) had come forward to propose that the new Event Centre be located on his lands outside the Downtown, PwC was asked to develop a matrix to establish the principles to be used when evaluating the various sites. This report, including the recommended matrix, was produced in February 2017 and endorsed by City Council on March 7, 2017. The second report applied the matrix to formulate an opinion on site selection.
8. After March 7, 2017 and prior to the release of PwC’s recommendation, but as noted in the second PwC report, three important events occurred.
 - a A news article was published stating that Gateway Casinos and Entertainment Limited (“**Gateway**”) announced that it had entered into a Letter of Intent with Zulich to build a new casino beside a new Event Centre on the Zulich property. This would be part of a new regional entertainment centre known as the Kingsway Entertainment District or “**KED**” for the City and would include a new hotel/convention centre, restaurants, bars, and other related operations; and

- b Council negotiated and executed an Option Agreement to acquire from Zulich the site for the new Event Centre for Ten Dollars (\$10.00); and
 - c Council met and resolved to change the matrix for the site selection process that they had previously approved.
- 9. The second PwC site selection report was released on the City website approximately one week prior to the Council meeting held on June 27, 2017. Notwithstanding the aforesaid events and the altered matrix, PwC advised that using either matrix, their only recommendation was that the new Event Centre should be built in the Downtown in accordance with the previously adopted long term economic and planning strategies. PwC also cited concerns that the KED could have long term negative economic impacts on the Downtown as well as concerns for the new entertainment district being located beside an operating landfill site.
- 10. On June 27, 2017 Council considered the PwC site recommendation report. Notwithstanding there was great public interest in Council's decision and a packed Council chamber, the Mayor advised that no member of the public could make any submission and that all they could do was listen to the debate.
- 11. At this Council meeting Council resolved to select the KED site for the new Event Centre notwithstanding there was no independent expert advice supporting such a decision. By doing so Council had also effectively made the decision for the location for the new casino and hotel/convention centre and thereby the location of a new regional entertainment district outside of the

Downtown, all without any prior notice to the public or independent expert study of such. As events subsequently unfolded this would be Council's final decision on the location of the event centre, casino and hotel/convention centre with no further opportunity for the public to change their position.

12. Shortly thereafter, Zulich filed *Planning Act* applications for the required Official Plan and zoning by-law amendments for the casino, Event Centre, and required parking. However, the City, now having acquired an Optioned interest in Zulich's lands, became the both the proponent and approval authority for the required rezoning for the new event centre on Zulich's lands. The approvals of these applications were fast-tracked by the City with what they repeatedly referred to as a "Partnership" with Zulich and Gateway, including the expenditure of public monies to share in the cost of retaining's Gateway's architects to prepare the site design plan for the entire KED, share the cost of servicing and approving a \$100M budget for the new event centre, all before holding the required statutory public planning approval meetings on March 26 and 28, 2018.
13. My report on the proposed KED site for Mr. Fortin considered the economic impact and significant planning issues related to the relocation of the event centre out of the Downtown to the KED, the impact of the KED and its components on the Downtown, and the economic impact of expanded gambling at the KED on the City's economy as a whole. I also considered the social planning impacts of the proposed location for the casino and its integration into with the event centre. My report was provided to City Planning

Staff prior to the City Staff report being released with the anticipation such would be considered in their report or I would have at least been contacted by them to discuss, neither of which occurred. Attached hereto and marked as **Exhibit "B"** is a copy of my report.

14. My clients also retained Mr. Robert Dragicevic, a well-respected land use planner. In his report dated March 20, 2018 he reviewed the requirements of the 2014 Provincial Policy Statement ("**PPS**"), the Growth Plan For Northern Ontario ("**GPNO**") and the City's Official Plan and concluded that an economic impact analysis of the proposed new "Entertainment District" on the Downtown is required. He concluded that the failure of the City to do so "is not consistent with" S. 1.0, 1.7 and 1.7.1.c of the 2014 PPS, does not "conform with" and "conflicts with" S. 1 (a-d) incl. for the GPNO and is not in conformity with S. 19 of the City's Official Plan. Subsection 19.1 required the City "to implement the policies and programs of the Official Plan in a financially sound manner in conjunction with the *Long-Term Financial Plan*, which would mean the City's approved Economic Strategies referenced herein. Subsection 19.2.2.1.a. requires Council to "Examine the financial impacts of all major development projects or proposals to ensure that they are financially sustainable". Subsections 19.2.1 b. and c. requires the Council, when making planning decision to have regard for the programs contained in the Official Plan and give precedence to financing for these projects. Relying on my conclusions of long-term negative impacts of the proposed "Entertainment District" he advised that the subject Applications cannot be approved until the City has undertaken the

required financial and economic impact study. I would concur with Mr. Dragicevic's assessment. Attached hereto and marked as **Exhibit "C"** is a copy of this report.

15. There is no discussion of Mr. Dragicevic's opinions in any City Planning Staff report. I am also advised by Mr. Dragicevic and do believe that at no time did City Staff contact him to discuss his opinions.
16. The statutory public meetings for the planning approvals were extremely well attended with strong opposition to the establishment of a new casino and the Event Centre being relocated outside the Downtown, and in particular located beside, connected, and integrated into the operations of the casino. Notwithstanding, City Staff and City Planning Committee and Council took the position that:
 - a The decision approving the location for the Event Centre was decided by Council with their June 27, 2017 resolution and was no longer open for debate or reconsideration;
 - b They had no obligation to consider and take into account the previously adopted various long-term planning and economic strategic reports that Council had endorsed recommending the development of the new event centre, hotel/convention center parking garage and supporting infrastructure in the Downtown;
 - c They had no obligation to consider the economic impacts of the new KED on the Downtown;

- d They had no obligation to consider the social impacts of connecting and integrating the Event Centre with the casino operations;
 - e They had no obligation to consider the social impacts of locating a casino in close proximity to a residential area vulnerable to problem gambling; and
 - f They had no obligation to consider the economic impacts of expanded gambling on the City as a whole.
17. The Chair of the Planning Committee at the March 28, 2018 statutory public meeting that I attended advised that Council had made its decision on June 27, 2017 for the location for the new Event Centre and its was no longer open for debate and would not be reconsidered. Similarly, the public were advised that there would be no discussion on the social issues related to gambling as Staff alleged (incorrectly) that the previous council in 2012 had considered those issues and this Council would not now review and considered the matter closed.
18. I presented my written report to the Committee. My clients' lawyer Gordon Petch also made his own submission to the Committee. The Committee had no questions of either of us, nor indeed of anyone who spoke in opposition to the KED. The lack of questions to a complicated matter, and my opinion on the serious long term negative economic impacts on the Downtown and the City as a whole suggested to me that the Committee and Council Members had no interest in hearing from me or anyone else speaking in opposition to the

location of the event centre, casino or the KED. Their actions that evening suggested to me that their minds had already been made up.

Legislative Framework

19. I accept that a Council is entitled to make decisions contrary to the recommendations of retained consultants or City Planning Staff. However, what I have serious concerns with is when municipal planning staff and/or elected officials bypass the fundamental requirements of provincial planning legislation and its own Official Plan, particularly in the case where the City is a key partner in the development project. Such is misleading to the public and brings planning into disrepute. In my respectful opinion, such is what occurred in the subject case. Accordingly, it is helpful to review the legislative framework relative to the subject case and how it was comprehensively implemented by the City prior to the June 27, 2017 Council resolution approving the relocation of the event centre outside of the Downtown and the other components of the KED. All of the following are very basic and well understood legal principles and fundament to all municipal planners providing their opinions.

Planning Act

20. With regard to the KED development and the economic and social issues raised by my clients and referenced above, the following provisions of the *Planning Act* R.S.O. 1990 c. P. 13 are most relevant:

- a Section 2 provides that it is a matter of provincial interest that:

“the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest, such as,

- (h) the orderly development of safe and healthy communities;

(l) the protection of the financial and economic well-being of the Province and its municipalities;

(n) the resolution of planning conflicts involving public and private interests;

(o) the protection of public health and safety;

(p) the appropriate location of growth and development.

In my opinion the phrases “healthy community” and “public health” would obviously include concerns relating to a new and complete gambling casino being located in a municipality or any part thereof. The phrase “financial and economic well-being” would obviously require a municipality to investigate these issues and to conscientiously make decisions in accordance with this objective.

b To implement these objectives the Province has issued and updated a PPS and various “Provincial Plans” and legislated the requirement for those involved in planning matters to consider and make recommendations and decisions that are “**consistent with**” the PPS and “**in conformity with or shall not conflict with**” these Provincial Plans:

i. subsection 3 (5)(a) of the Planning Act requires that all decisions of a municipal planning board, municipal council and any minister of the provincial government or agency of the government and any tribunal, including LPAT, “shall be consistent with any policy statements” issued by the provincial government pursuant to S. 3(1) of the Planning Act; and

- ii. subsection 3(5)(b) similarly requires that all decisions of these same persons and bodies “shall conform with the provincial plans that are in effect with on that day or shall not conflict with them, as the case may be”; and
 - iii. in order to implement the aforesaid requirements, subsections 3(6)(a) and (b) requires that all “comments, submissions or advice affecting a planning matter that are provided by the council of a municipality, a local board, a planning board, minister or ministry, board commission or agency of the government....shall similarly “be consistent with the said *policy statements*” and “shall conform with the *provincial plans* that are in effect on that date or shall not conflict with them.”
- c To implement these requirements at the local municipal level, the Province requires a municipality to prepare and submit to the Minister or the Minister’s delegate, for approval, an Official Plan pursuant to the requirements of Part III of the Act:
- i. Section 16(1) requires, among other elements that
 - “an Official Plan contain...
 - goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it”;
 - ii. Section 26(1.1) requires the municipality to “revise” its Official Plan “no less frequently than 10 years” of the date an entirely

new Official Plan has come into effect and within 5 years thereafter pursuant to ss. 26 (1) "to ensure that it:

- a) conforms with provincial plans or does not conflict with them, as the case may be;
- b) has regard to matters of provincial interest listed in section 2; and
- c) is consistent with policy statements issued under subsection 3(1);

I would note here that as of 2018 the City's in-force 2006 Official Plan was more than 12 years old and had not been comprehensively updated to comply with the 2014 PPS and 2015 Growth Plan for Northern Ontario.

21. It is important to recognize that public health and social planning issues are intrinsic to land use planning. This is why they are referred to in the Planning Act and other Provincial Planning Policy Documents. For example, from its beginnings, planning sought to separate noxious land uses from residential areas and recognized the link between the supply of drinking water and the spread of disease. Contemporary plans include extensive policies related to active transportation, as a means of ensuring a healthy population. Gaming and other addictive uses, also fall under the purview of public health which have been addressed by land use planning policies. For example, many municipalities have regulations that prohibit amusement arcades within certain distances of schools. Many municipalities also regulate where adult entertainment facilities are allowed to locate. For this reason, the Planning Act requires that municipalities consider the protection of public health in preparing their land use policies.

22. Land use planning also plays a key role with regards to the economic and financial health of municipalities, as recognized by the Planning Act. Many municipalities have policies in place to protect the economic health and vitality of their core areas and other important nodes. For example, they require developers to prepare market studies to demonstrate that their proposed developments would not cause negative economic impacts on the downtown or other important commercial areas.
23. To further strengthen the aforesaid legislated requirements, Bill 139, proclaimed on December 12, 2017, amended the following sections of the *Planning Act*, namely, S. 22 (7.0.0.1) with regard to Official Plan amendments and S.34 (19) with regard to zoning by-law amendments to restrict the grounds of appeal of a municipal council's decisions approving planning applications to that part of the Council decision that is:
- inconsistent with the PPS; or
 - fails to conform with or conflicts with a provincial plan; or
 - fails to conform with the municipality's Official Plan.

Provincial Policy Statement ("PPS")

24. Pursuant to s. 3 of the Planning Act the Province issued its first PPS in 2005 and updated the same in 2014. The following excerpts in the 2014 PPS are relevant for my purposes, to demonstrate that the PPS would require the City to study and consider the economic impacts on the Downtown of the relocation of the proposed event centre outside of the Downtown to the KED, as well as the social and economic impacts of the proposed casino on the City and its

residents and in particular the proposal to locate a full gambling casino beside and linked to the event centre, or in close proximity to it:

- Part III is titled “How to Read the Policy Statement” and provides:

“The provincial policy-led planning system recognizes and addresses the complex inter relationships among environmental, **economic and social factors** in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas”. [emphasis added] (first paragraph)

“The Provincial Policy Statement is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. A decision-maker should read all of the relevant policies as if they were specifically cross-referenced with each other.” (second paragraph)

- Part IV title “Vision for Ontario’s Land Use Planning System” provides fundamental planning principle. The following excerpts are relevant to my opinion:

“The long-term prosperity and **social well-being** of Ontario depends on planning for strong and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.” (first paragraph)

“Strong liveable and healthy communities promote and enhance human health and **social well-being**, are **economically** and environmentally **sound**, and are resilient to climate change.” (last sentence fourth paragraph)

“Strong communities, a clean and healthy environment and a strong economy are inextricably linked. Long-term prosperity, **human** and environmental **health and social well-being should take precedence over short term considerations**.”

25. In this regard, human health and social well-being would refer to ensuring that permitted land uses do not interfere with the health of a community and the ability of residents to enjoy a healthy and socially enriching lifestyle. This would include how permitted uses are situated within a community. For example, the issues associated with gambling addiction and the social impacts of casino

gaming should be studied with regards to whether they would interfere with the health and social well-being of the community and whether land use policies should be put in place to shield the negative impacts from vulnerable populations, such as youths and low-income communities.

26. Economically sound land use policies would be those that ensure that land uses support and strengthen the economy and that new development produces a net economic benefit to the community and does not cost a municipality more in terms of job loss or loss of economic value than it creates and/or relies on cannibalizing from a vital part of a municipality, such as the Downtown.
27. Policy 1.7 is titled “Long Term Economic Prosperity” and in policy 1.7.1 provides for direction for municipal decisions requiring that:
- “Long term economic prosperity should be supported by:
- a) “promoting opportunities for economic development and community investment-readiness”; and
- c) “maintaining, and where possible, **enhancing the vitality and viability of downtowns and main streets**”;
28. “Long term economic prosperity” would be ensuring that policies support maintaining the strength of the existing business sector, while creating opportunities to attract new investment. Economic development means both business retention and growth attraction, and not simply attracting businesses that would impact the viability of existing businesses.
29. “Enhancing the viability and vitality of downtowns and main streets” recognizes that downtowns and main streets are important to the economic health of municipalities, and that over the years, the vitality and viability of downtowns has been eroded due to peripheral car-oriented development. In recent years,

downtowns have taken on a much greater policy significance in terms of sustainable development, by being centres of intensification and transit hubs. The Provincial Policy Statement recognizes a revitalized downtown as an important part of the economic prosperity of a community.

Growth Plan for Northern Ontario (2011)

30. Pursuant to the *Places to Grow Act*, 2005, S.O. Chapter 13, the Province issued the GPNO in 2011. This Plan is of the highest significance to the City as it is the largest municipality in northern Ontario and the regional centre for many services. Section 14 of the *Places to Grow Act* requires that all decisions of the municipal planning board and municipal council “conform with” the GPNO Plan and any policy in the GPNO that conflicts with a municipal Official Plan, a zoning by-law or any policy in the PPS, will prevail over those documents. The following sections of the GPNO are relevant to my opinion:

a Section 1.2 a) to d) incl. outlines the Purpose of the Plan as provided for in Section 1. of the *Places to Grow Act* 2005:

(a) to enable decisions about growth to be made in ways that sustain a **robust economy, build strong communities** and promote a **healthy environment** and a culture of conservation;

(b) to promote a rational and balanced approach to decisions about growth that builds on **community priorities, strengths and opportunities** and makes efficient use of infrastructure;

(c) to enable planning for growth in a manner that reflects a broad geographical perspective and is integrated across natural and municipal boundaries;

(d) to ensure that a **long-term vision and long-term goals guide decision-making about growth** and provide for the co-ordination of growth policies among all levels of government. 2005, c. 13, s. 1.

- b S. 4.1 emphasizes the vital importance of **public involvement in the creation of long-term strategic plans** for their community and looks to not only the municipality's Official Plan but also **community economic plans**. The preamble to the section provides, inter alia;

"The policies of this section of the plan support **community planning** in Northern Ontario that balances the equally important priorities of human, economic and environmental health" (first para); and that

"Official Plans, **community economic plans** and participations in community planning efforts are effective tools and approaches to ensure citizens' and business' views are reflected in their communities' future economy and long-term sustainability."

- c Under the heading "Long Range Planning For all Communities":

- i. S. 4.2.1 provides:

"All communities should, either individually, or collectively with neighbouring municipalities and Aboriginal communities, prepare **long term community strategies**. These strategies should support the goals and objectives of this Plan, identify local opportunities to implement the policies of this Plan, and be designed to achieve the following:

a) **Economic, social and environmental sustainability.**"

- ii. S. 4.2.2 provides that all municipalities and planning boards are encouraged to:

a) **align their Official Plans with their long-term community strategies** developed in accordance with Policy 4.2.1

b) employ the use of available tools to support and facilitate land use planning that implements their **long-term community strategies**.

iii. S. 4.3 provides policies for “Economic and Service Hubs”. While the Minister has yet to formally name any northern Ontario City as a “Hub”, in my opinion that for all practical purposes these policies are applicable to the City and should be accepted as a valid planning tool. Sudbury is the largest City in Northern Ontario and is referred to as an “Economic Hub in the Northern Ontario Growth Plan.

iv. S. 4.3.3 requires:

“[That all such Hubs] shall maintain **updated Official Plans** and develop **other supporting documents** which include **strategies** for:

encouraging a significant portion of future residential and employment development to locate in existing **downtown areas**, *intensification corridors, brownfield sites and strategic core areas.*”

v. S. 4.4.3:

“Municipalities that contain “*strategic core areas*” (which by definition includes the Downtown) should develop in their **Official Plans** and **other supporting documents** a revitalization strategy....”

vi. S. 4.4.4 e) provides that:

Strategic core areas with a revitalization strategy in place and incorporated into an Official Plan should be the preferred location for major capital investments in:

e) **major** cultural institutions and **entertainment facilities**

City 2006 Official Plan

31. Notwithstanding the City’s 2006 Official plan had not been comprehensively updated as of the date of Council’s approvals of the subject by-laws in April 2018, there are numerous policies in the Official Plan that clearly referenced the vital importance of these long-term planning and economic strategies, and

one would reasonably assume, their continued update. For example, the “Introduction” section of the Plan provides that:

“The Official Plan is informed by a number of processes and initiatives. A series of vision statements are established that capture the values and aspirations of the community”.

32. In section 1.2 titled “Vision” there are numerous references to various objectives including:

“The City’s **Economic Development strategic plan** has identified **five engines of growth** and a number of strategic actions and initiatives to be implemented.”

33. In S. 1.3 under the heading “Principles of the Plan” the point is made in ss. 1.3.1:

Many of these can be supported by the land use policies contained in the Official Plan, while others are addressed by City initiatives, including the City of Greater Sudbury Human Services Strategy 2015 and the **Coming of Age in the 21st Century: an Economic Development Strategic Plan for Greater Sudbury 2015** [which I discuss hereafter].

34. Section 1.3.2 titled “Economic Development” provides:

“The Official Plan must provide a policy framework which supports economic development initiatives and facilitates the implementation of the **Economic Development Strategic Plan.**”

35. Section 1.4 provides, among other matters, that:

“Greater Sudbury has made economic development a priority and a **strategic plan** has chartered the way for numerous initiatives.”

36. Other sections of the Official Plan, such as S. 13.0 and S. 16.2.3 and 17.6 which reference the “**Economic Development Strategic Plan**” and S. 19.1, refers to the “**Long-Term Financial Plan**”, similarly reference these “plans”

Downtown Official Plan Policies and Planning Strategies

37. In “Part 11: Managing Growth and Change” the following important planning initiative for the Downtown is identified:

“A number of historical land use issues need to be addressed, including the **strategic importance of revitalizing Downtown** and maintaining vibrant neighbourhoods.”

38. To implement the Downtown revitalization initiatives other policies in the Official Plan including s. 4.1 (e), 4.2.1, 4.2.1.1 and 4.2.1.2 collectively identify projects to improve employment, arts culture and entertainment including the Downtown arena all of which is intended to improve the City’s overall image and economic draw.

Social Policies

39. Under the heading Purpose of the Plan s. 1.0 confirms “The purpose of the Official Plan is **to establish goals, objectives, and policies to manage physical change and its effects on the social**, economic and natural **environment** for the twenty-year planning period.”
40. Under the heading “Vision” Section 1.2 make the fundamental principle that “The Official Plan **functions as more than a land use planning document – it also encompasses our objectives related to social**, economic and environmental **matters.**”
41. The Official Plan thereafter deals with the various **social issues** throughout the Plan in various contexts such as:
- S. 1.3.1 under the heading “A Healthy Community” provides “The healthy community model recognizes that the quality of life of citizens **is a product of economic, social and natural environments in our City.**” [fourth paragraph]

- S. 11. 17.5.1 “Recognizing that quality of life is a key component of its economic strategy, Council will strive to protect....and to enhance its **social environment**; and
- S. 20.0 “The goals, objectives and policies of this Plan provide guidance in making decisions **affecting land use and social development** and are **consistent with the directives established under the *Provincial Policy Statement***.”
- S. 20.10 c. requiring a review of the Official Plan every five years to consider “the impact of changes in the economic, **social** and physical **circumstances** of the City as they affect this Plan.”

Opinion

42. In my opinion, the City of Sudbury acted counter to the policies of the Growth Plan for Northern Ontario and its Official Plan, through its approval of the KED and by not considering its two recently approved community strategies – those being the Downtown Master Plan and the 2015 Economic Strategy. The excuse given by the City for not considering these documents that they are not part of its previously adopted 2006 Official Plan is not consistent with the policies in the Growth Plan and the clear intent of its Official Plan.
43. Firstly, irrespective of the fact that the City’s Official Plan is seriously out of date as per Provincial policy, the Growth Plan for Northern Ontario clearly indicates that Official Plans must be aligned with these community strategies. Clearly it is not the intent of the Growth Plan that community strategies be ignored by the City of Greater Sudbury until the Official Plan has been approved. In fact, the

opposite is required, that the Official Plan cannot be approved until the policies therein are aligned with these updated community strategies, such as the “From the Ground Up 2015-2025-A Community Economic Strategic Plan” and the 2012 “Downtown Master Plan” discussed hereafter.

44. Secondly, S. 4.1 of the Growth Plan considers Official Plans, community economic plans, and participations in community planning as separate tools. Again, the Growth Plan does not require that community economic plans be tied to the approval of Official Plans.
45. Thirdly, the Growth Plan specifically indicates that community strategies are to support the goals and objectives of the Growth Plan. Community strategies, therefore, have a purpose that transcends Official Plans.

City Long Term Economic Strategies

46. In accordance with the requirement for community long-term economic strategies, the City had completed a number of such reports since its creation in 2001. These were critically important to its economic recovery and that are highly relevant to the planning decisions they were making with regard to the subject applications.
47. The City of Greater Sudbury was created on January 4, 2001 as a result of the amalgamation of the former City of Sudbury with 6 rural communities and other unincorporated municipalities. At the time of amalgamation, the new City faced significant economic difficulties. To provide direction to Council and guide them in the economic recovery the City initiated a number of economic studies, including the following, which are relevant to my opinion:

- In 2002 the City retained Hemson Consulting Limited to prepare a long-term financial plan. This report was completed in November 2002 and its recommendations adopted by Council on December 12, 2002. This report acknowledged the City's significant economic difficulties. At page 25, the report compared the City's 10-year Operating Budget with its 10-Year Capital Budget and projected a shortfall of \$106.5 million. At page 26 they state that "Clearly, the City potentially faces significant financial pressures". In Part IV the report recommended a series of fundamental policies be adopted including the development short and long-term plans for capital projects. Attached hereto and marked as **Exhibit "D"** are excerpts from this report; a full copy is included in the USB drive attached to Exhibit "1" of the Affidavit of Thomas Gary Fortin (the "**Fortin Affidavit**").
- In 2002, the City instructed its own development corporation, known as the Greater Sudbury Development Corporation ("**GSDC**"), to "**embark on a community-based strategic planning process ...to guide the City in its economic development over the next decade (until 2015).**" This resulted, among other things, in following three economic plans, followed by a 10-Year Implementation Plan, and a Corporate Strategy to implement the objectives of these Plans:
 - 2003 Economic Planning Strategy for the 10-year period ending 2015; and

- The update of the aforesaid report in 2012 for the period ending 2025; and
- The 2012 Downtown Master Plan.

2003 Economic Planning Strategy

48. The “Coming Of Age In The 21st Century-An Economic Strategic Plan for Greater Sudbury 2015” was initiated in 2002 and completed in 2003 (hereinafter referred to as the **“2003 Economic Strategy”** and attached hereto and marked as **Exhibit “E”** are excerpts from this report; a full copy of same is included in the USB drive attached to Exhibit “1” of the Fortin Affidavit.)

49. As the Executive Summary of the report notes at page 2:

“Over 300 community leaders (composed of business leaders, city councilors and city staff-page 10) participated in a variety of forums to assess Greater Sudbury’s prospect for wealth creation and to define a roadmap for achieving success.

The deliberations for a new “strategic story” for Greater Sudbury and a greater understanding of the requirements for increasing the city’s prosperity. Central to moving forward will be GSDC’s role as a steward of the process in concert with many partners.”

50. After 10 months and the review of many reports and references (pages 26 and 27) and broad public consultation, the final report recommended 5 economic “engines” to guide the City to renewed prosperity. These are the same economic “engines” referred to above in S. 1.2 in the City’s Official Plan. The second economic engine is described on page 21 to include the following two “Strategies”:

- “Stimulate the cultural scene, **entertainment**, theatre, restaurants, cafes
- **Stimulate a thriving, vibrant downtown core”**

51. The “Tactics to Achieve the Strategies” included:

"Initiate a downtown revitalization program to encourage investment in the city's core."

52. Five task forces were created to work with the GSDC to implement these recommendations. GSDC stated that it "will carry the flag for the unfolding process of economic development" (page 5 and 26) and promised there would be broad community consultation (page 10 and 26) in order to "Sustain Momentum" and promising:

In recognition of the need for a sustainable structure, the GSDC will continue to provide a focus and forum for action. GSDC members will set up and partner with community leaders on task forces devoted to moving the economic agenda forward.

*No matter the number and nature of task forces, the GSDC and a core of community leaders will remain together over time **to guide economic development.** Fundamental operating principles of inclusiveness and consensus-building will be a cornerstone of growing Greater Sudbury's economy.*

Strengthening trust among local leaders through active involvement in creating the future is a low cost but high impact economic development strategy. The value of collaborative local learning networks is well-understood by leaders in other city-regions in North America and Europe including Halifax, Pittsburgh, Rochester and Manchester that have successfully re-invented themselves. The GSDC will carry on this approach to incubating civic entrepreneurship to stimulate the continuous development of a dynamic city.

53. The 2003 Economic Strategy recommended, among other things, as the second of 5 economic engines to drive future prosperity, that the Downtown be revitalized with a policy to "Stimulate the cultural scene: **entertainment, theatre, restaurants, cafes.**" (page 21).
54. This report was received by City Council on June 26, 2003. Council resolved to approve the strategy and "direct GSDC to use it as a guide for the purposes of carrying out its mandate." Attached hereto and marked as **Exhibit "F"** is an excerpt of the minutes of this meeting.

2015 Economic Strategy

55. In 2010 the City initiated an update of its previous economic strategy by GSDC resulting in a report titled "From the Ground Up 2015-2025 - A Community Economic Strategic Plan". The Report was completed in October 2015 (hereinafter referred to as the "**2015 Economic Strategy**"). Attached hereto and marked as **Exhibit "G"** are excerpts from this report; a full copy of same is included in the USB drive attached to Exhibit "1" of the Fortin Affidavit.
56. As with the previous 2003 Economic Strategy, there was substantial involvement with City economic and planning staff, Council, GSDC, and the business community and residents at large. The report notes that more than 2,300 citizens and stakeholders provided their thoughts and ideas on what Greater Sudbury could look like in 2025.
57. A great deal of the 2015 Economic Strategy speaks to the importance that the Downtown has to the City as a whole, describing it as the "**Heart District**" where:

People flock-drawn by a wide array of retail, **entertainment** and housing developments that have taken place over the past ten years. (page 9)

The attributes of a community are an important consideration in the attraction and retention of both businesses and highly skilled talent... Greater Sudbury recognizes that downtowns are important and that they represent the historic and symbolic heart of the community. **A healthy, active, successful downtown makes a positive statement about prosperity of the City and sends a positive message to future residents, businesses and investors.** (page 31)

- At page 43 the report speaks to the importance of tourism to the City's economy as a whole and promotes the improvement of these facilities

**and the construction of the necessary infrastructure in the
Downtown as recommended in the Downtown Master Plan.**

58. At Appendix A (page 64) a “Consultation Summary” is provided, summarizing the submissions received from the Tourism Sector, which included:

“Arena and convention facility is the jewel of the crown, it unlocks the potential for our community; need to use funding more effectively and invest in ourselves.”

59. Consistent with the aforesaid goals in the 2015 Economic Strategy relating to the Downtown, the “Required Actions” at page 44, S. 7.1.1 recommends that the City “Develop a **multi-purpose facility (or facilities) for arts, culture, business and sport** in the **Downtown**, with consideration for the following high priority uses:

- **Conference facilities**
- Performing arts centre
- **Arena /sports complex**
- Art gallery
- Accommodations

60. The 2015 Economic Strategy was accepted by Council on November 3, 2015. Attached hereto and marked as **Exhibit “H”** is an excerpt of the minutes of this meeting of Council.

2012 Downtown Master Plan

61. The Downtown Master Plan was commenced in 2009 and completed in March 2012. During its preparation, the City, in 2010, also commenced the aforesaid 2015 Economic Strategy, which was completed in 2015. The policies recommended in the Downtown Master Plan were reflected and included in the

2015 Economic Strategy. The purpose of the Downtown Master Plan was to lead the recovery of the Downtown. The City retained a group of very experienced and reputable consultants to work with the City and a multi-disciplinary team to prepare a strategic economic rejuvenation plan for the Downtown. Their final Report or "Plan" was titled "Downtown Sudbury, A Plan for the Future". Excerpts from the said Plan are attached hereto and marked as **Exhibit "I"** and hereinafter referred to as the "**Downtown Master Plan**". A full copy of this Plan is included in the USB drive attached to Exhibit "1" of the Fortin Affidavit.

62. The Downtown Master Plan contains the following important comments and recommendations:

"As Sudbury's economy continues to evolve and its cultural offer develops further, the Downtown will play an increasingly important role in providing the place for that continued economic and cultural growth. The success of the downtown will be fundamental in helping the community cement its role as the economic and cultural 'Centre of the North'. (pg.9)

- a In S. 4.1 the report describes the objective for future capital improvements to:

"Create a Downtown that is a Destination for the City and the Region" proposing that the Downtown become "the urban playground for Northern Ontario" and for the City to become the "leading destination for business meetings, sports events and cultural and community festivals in the North" but stressing that for this to happen "the City must continue to invest strategically in its downtown and foster growth that will deliver wider benefit to the city as a whole." (page 40, first para)

- b To address this issue the report recommended:

"an upgraded Arena in combination with the construction of a new multi-use facility south of Brady [the area in which the existing arena is located] with a four-star hotel overlooking Memorial Park. The multi-use facility should be developed with a minimum floor plate of 55,000

square feet. The existing Arena would be upgraded to more easily accommodate larger scale concerts and conventions; any ice pads would be designed to have capacity for a range of smaller events. The hotel would operate as the service and hospitality base for the arena complex. The location south of Brady works well. The complex will connect closely to the Tom Davies Square complex and to the shopping and restaurants on Elgin and Durham. It will be a prominent feature at a key entrance to the Downtown and a southern edge to Memorial Square” (page 46, second paragraph);

and

“The City should examine the funding partnerships that have been put in place for such other complexes in Ontario Cities involving public investments and private sector partners. In the interim, a detailed examination of the land requirements for the complex should be undertaken (page 46, third paragraph)

- c The existing Downtown event centre is located in the South District of the Downtown. It is described on page 79, first paragraph, as follows:

“Today, this area south of Brady has two primary functions, first to provide a significant amount of parking for downtown offices that utilize the land for long term parking, and second, to host regional sporting events, theatre and festivals at the Sudbury Arena and the Sudbury Theatre Centre... Due to the expanse of parking limited amount of building fabric and isolation of the area, the identity of this area is weak.”

To implement the report’s recommendations and to address the parking issue, the report recommended (pages 79-81) substantial capital investments in road improvements and the **construction of a structured parking facility to serve the new event centre as well as other “city-wide destinations”**.

- d **The timing for the improvements to the arena and the construction of the new parking garage beside the arena was scheduled within a 6-10 year program** (page 100). The “Action Strategy Matrix” at page 108, described the “Sudbury Community Arena Upgrade” as “Ongoing” and being developed by the City, **and the development of the Multi-Use Recreation &**

**Conference Complex/Hotel as occurring after 10 years and
constructed by a “Developer (through RFP) City, Province.”**

I note here that no RFP was ever proposed for the Downtown site.

63. On April 17, 2012 Council resolved to “receive and endorse” the Downtown Master Plan and directed Staff to process the “Year 1 Action” items recommended in the report and prepare a **“Ten Year Implementation Plan”** for Council’s decision prior to the 2013 Budget”. A copy of the said resolution of April 17, 2012 is attached hereto and marked as **Exhibit “J”**.

Ten Year Implementation Plan

64. In accordance with Council's Direction, Staff, under the direction of Jason Ferrigan the General Manager of Growth and Development, prepared a “10-Year Implementation Plan” dated August 2, 2012. The report identified (page 6) the “Year 1” projects as including “to develop baseline information and exploring possibilities associated with two projects- **Multi-Use Centre/Hotel/Structured Parking Complex** and Inno-Tech Park. The Inno-Tech project is a proposed \$70 million private development of approximately 430,000 sq. ft. of large format modern office development which will require improvements to municipal roads and bridges and the shared use of the proposed new \$7.5 structure parking facility also required by the **new arena and “Multi-Use Facility”**. Both of these projects are described on pages 18 and 13 respectively. Attached hereto and marked as **Exhibit “K”** are excerpts from this report; a full copy of same is included in the USB drive attached to Exhibit “1” of the Fortin Affidavit.

65. The “Multi-Use Centre/Hotel/Parking Structure” (page 18) described the development as follows:

“The Master Plan and Action Strategy proposes that the **Sudbury Community Arena be upgraded in combination with the construction of a new multi-use facility south of Brady Street with a four-star hotel overlooking Memorial Park. The existing Arena would be upgraded to more easily accommodate larger- scale concerts and conventions.** A new 3-storey, 80,000 square foot multi-use facility would be constructed on the Shaughnessy Parking lot. A new 10-storey, 99,500 square foot hotel would be built north of the Sudbury Community Arena on the existing parking lot. This complex will connect closely to the Tom Davies Square complex and to the shopping and restaurants on Elgin and Durham. It will be a prominent feature at a key entrance to the Downtown and a southern edge to Memorial Park. This configuration is flexible.”

“The City of Greater Sudbury is nearing completion of its Arena Renewal Strategy, which will provide long-term guidance regarding the Sudbury Community Arena. Building on this work, the Greater Sudbury Development Corporation should undertake a detailed examination of the land requirements for the type of complex envisaged in the plan and other similar uses. Based on the results of this examination, the Greater Sudbury Development Corporation and City of Greater Sudbury could make the site available to development through, for example, a Request for Proposals. The Implementation Plan sees this work occurring as early as 2013-2014.”

66. The Report advises (page 5) that

“Given its transformative potential and strategic value, The Implementation Plan should be used to guide investment downtown for the next 10 years. Should City Council concur, it should receive the Implementation Plan.”

67. On August 14, 2012 Council resolved to “receive” the said report (meaning they accepted its recommendations as Mr. Ferrigan requested) and to **“direct staff to create a team of City Directors to resource and steer implementation of the implementation plan”** and to **“refer the Implementation Plan” to the relevant city departments for inclusion in their respective multi-year capital funding**”. Attached here and marked as **Exhibit “L”** is a copy of this resolution.

2015-2018 Corporate Strategic Plan

68. On March 8, 2016 the City adopted its 2015-2018 Corporate Strategic Plan, titled "Greater Together". The following policies, among other items, are provided as "Priorities" under the heading (page 10) "Growth and Economic Development-Grow the economy and attract investment":

"A. **Implement the Downtown Master Plan** and the development of downtowns, and increase densification by conversion from commercial to residential."

"B. Implement or assist in **economic development plans** approved by Council, with the necessary resources to support them."

"D. Invest in large projects to stimulate growth and increase conferences, sports and events tourism, and celebrate cultural diversity."

Attached here and marked as **Exhibit "M"** are excerpts from this report; a full copy of same is included in the USB drive attached to Exhibit "1" of the Fortin Affidavit.

69. At page 13 the strategic policies are further described. Policy "B" is further expanded to identify the "plans" as also including the "**From the Ground Up - 2015-2015 Community Economic Strategic Plan**" discussed above, the City "Cultural Plan" and the "Community Improvement Plan".

70. I acknowledge that on April 28, 2016 Council amended some of the wording for Policy A on page 13, but such is not relevant to my opinion.

Event Centre Studies

71. In accordance with these previous approved plans and strategies, commencing in 2013, Staff considered the options to either refurbish or replace the Downtown arena, which they reported on to Council on March 31, 2015.

Attached here and marked as **Exhibit "N"** is an excerpt from the minutes of this meeting.

72. In August 2014, the City decided that, prior to pursuing an Expression of Interest for the development of a new arena, the option of renovating the existing arena should be investigated. This led to Council retaining CBRE and an architect to report back on these options. During their review they met with City Staff and Dario Zulich, the owner of the Sudbury Wolves, an OHL hockey team who are the primary users of the facility, to determine the requirements for an OHL arena. Their report, dated February 11, 2015, was presented to Council on March 31, 2015. The recommended "next step" was to investigate each option in greater detail, namely whether to renovate or rebuild. Attached here and marked as **Exhibit "O"** are excerpts from this report; a full copy of same is included in the USB drive attached to Exhibit "1" of the Fortin Affidavit.
73. On November 24, 2015 Council received a report from Staff providing an update on the 10 Year Implementation Plan for the Downtown and advised on the last page that they were progressing with their investigation of the **new parking garage** and that discussions were underway with private sector "downtown partners" to explore various options. Attached here and marked as **Exhibit "P"** are excerpts from this report.
74. Three days later, on November 27, 2015 Council held a public information meeting to allow members of the public to make submissions on the proposed "Large Projects" that the City was considering for the City. This included the Downtown Arena/Event/Hotel development. Two competing parties made

submissions proposing to build the new arena/event facility along with hotel and other facilities, outside the Downtown. Zulich spoke to building it at the KED site and another large local developer Dalron Group Inc. spoke to building at their south end site.

Greater Sudbury Development Corporation Report Dated March 6, 2016

75. On April 6, 2016 the GSDC submitted a report to Council dated April 6, 2016 providing advice on each of the Large Project submissions made to Council. Their comments on the two competing bids from Zulich and Dalron are provided on pages 32-35 and 68 respectively. Attached here and marked as **Exhibit “Q”** are excerpts from this report.
76. When the GSDC provides preliminary comments on the positive benefits of these two proposals (at pages 33 and 65 respectively) under the heading “Fit With Plans” the 2015-2018, for some unexplained reason, they refer only to the Corporate Strategic Plan (discussed above) but reference only its most general policies of stimulating growth, and community pride, without mentioning the Strategic Plan’s policy to implement the Downtown Master Plan that would place the new event centre in the Downtown. Similarly, they reference (page 33 and 66 respectively) only the most basic policies of the “From the Ground Up 2015-2025 Community Economic Development Strategic Plan” without referencing the “Required Action” policy S. 7.1.1 (page 44) to locate the new event centre in the Downtown within a “medium” time frame.
77. The GSDC report also mentioned that “potential bidders for a new casino have also expressed an interest in partnering in the development of a new sports

and entertainment facility, if located in the immediate vicinity of the casino.”

This is the first mention I have found in a City report that a casino was proposed to be a component of the event centre decision-making. The report recommended that, among other actions, the following steps be undertaken:

- “Responsive, fiscally prudent open governance (page 33)
 - A proper Request for Proposal (RFP) process will enable Council to focus on openness, transparency and accountability in making such an important decision.
 - It will emphasize the relationship between governance, community engagement and information, in support of better decision-making.”
- **“Consideration as to whether or not it is in the community’s best interest to have such a facility in the downtown.”** (page 34)
- “A complete market analysis has not been completed to examine market potential, determine the number of seats ideal for our market size, location, complimentary amenities, etc.” (page 34)
- Direct Staff to retain an expert consultant to consider market feasibility and pro-forma, to review various funding models and partnership structures and the preparation of an RFP “for a competitive bidding process for this project.”

78. On April 26, 2016 Staff provided its report to Council dated April 21, 2016 summarizing the April 12, 2016 meeting. The arena/events proposals are discussed as Items # 6 and #14 essentially repeating the recommendations of

GSDC to retain expert consultants to review the business case for a new arena/events centre, to review and decide on a funding model and to “assist with the development of a Terms of Reference for, and evaluation of, an RFP for a competitive bidding process for this project.” Attached hereto and marked as **Exhibit “R”** are excerpts from this report.

PricewaterhouseCoopers Reports

79. In accordance with this direction from Council, the City retained PricewaterhouseCoopers (“PwC”) to prepare two reports. The first would deal with the “Feasibility and Business Case Assessments” and the second “Site Evaluation”. Attached hereto and marked as **Exhibit “S”** are excerpts from the first report dated February 21, 2017; a full copy of same is included in the USB drive attached to Exhibit “1” of the Fortin Affidavit.

Feasibility and Business Case Assessment Report Dated February 21, 2017

80. At page 1 PwC advises that the current use for the existing facility is not only the home rink for the Sudbury Wolves OHL team but also a place for the “staging of a broad range of spectator and community events and shows, in addition to being used by local minor sports organizations”. In Section 4 (pages 23-27) describes the current facility “Sudbury Community Arena (“**SCA**”)” as “the main spectator arena facility in the City of Greater Sudbury. Located in the City’s Downtown core, the SCA was built in 1951 and includes 4,470 fixed seats and a total capacity of some 5,186 spectators”. In addition to OHL hockey “the SCA has also hosted concerts, curling events (including the Tim Horton’s Brier and Scott Tournament of Hearts), Canada Day and Remembrance Day

celebrations, as well as other hockey events and flat floor trade consumer shows and meetings.”

81. At page 1 PwC also confirms that the **“new multi-purpose Sports and Entertainment Centre (“SEC”) has been endorsed by Greater Sudbury City Council as one of its four priority projects”**.
82. At page 1 PwC advises the report will “include the following two elements:
 - i. “A ‘Feasibility Study’, the purpose of which is to assess and make recommendations on the needs, including anticipated costs and benefits, of a new multi-purpose Sports and Entertainment Centre (“SEC”), and
 - ii. A ‘Business Case’ assessment, the purpose of which is to identify the specifications that can form the basis for a Request for Proposals document for the procurement phase of a new multi-purpose SEC.”
83. At page 1, PwC goes on to advise that “By completing a feasibility and business case assessment for a new SEC, it is anticipated that the City would be placed in a better position to evaluate its merit and determine a go-forward strategy to determine its location and procurement process.”
84. At page 1 the extensive “Scope of Review” is outlined in detail and includes their research in which they **“evaluated economic and social benefits of a proposed SEC”**.
85. After assessing the required building size (Section 5) and “Building Costs and Features” (Section 6) PwC undertook an analysis of “location Criteria (Section 7) and worked with City Staff prepared a matrix of weighted factors to be used

to assess all proposed sites which is described on pages 47 and 48 and reproduced in a chart as Figure 47 on page 49.

86. Attached to Appendix "B" is a Staff memo summarizing the PwC report. On its fifth page, under the heading "Phase II Site Selection Considerations" Staff highlight that the issue for Sudbury was whether or not the site should be in the Downtown and lists the same matrix as provided in the PwC Report.
87. To properly deal with the traffic and parking issue PwC recommended (top page 47), among other items, that:
- a "professionally prepared traffic **and parking study** for each proposed site including an estimation of parking requirements will be needed (does sufficient parking exist in the area surrounding the site and what if any street and vehicular access improvements are required"; and
- The Site Evaluation Matrix should reflect the objectives of the City (and their respective degrees of importance) so that there is a direct and transparent link with the overall evaluation process".
88. One of the matrix factors was "Vision" (bottom page 47) which PwC explains as follows:
- "is the development of the SEC on a particular site consistent with the overall long-term vision of Greater Sudbury and its pattern of strategic growth. Any site being considered for the SEC should be considered within the larger parameters on long term strategic community benefit rather than as an appropriately sized property for a specific building."**
89. The final matrix factor was described a "City Building", namely whether the selected site would benefit the City as a whole in terms of enhancing the "quality of life for the community", "foster pride by the residents" and "enhance the profile of Greater Sudbury as a destination".
90. The Matrix assigned a weighted factor of 15% to the Vision requirement, 15% to "City Building" as compared to a fifty percent less weighting factor of 10% for parking.

91. This first report was presented to Council on March 7, 2017 together with a report from the Special Advisor to the CAO (attached hereto as **Exhibit “U”**).

Council resolved with:

- Resolution CC2017-62 to “endorse the recommendations” of the said PwC report; and
- Resolution CC2017-63 to specifically “approve” the “site evaluation and their weighting criteria as described on pages 45-49” of the PwC Report and that “an evaluation of potential site and a recommendation for a preferred site be reported to Council no later than June 2017”; and
- Resolution CC201764 directing Staff to prepare an RFP for the Design/Build procurement process “following Council’s selection decision” in accordance with the PwC Report.

92. Attached hereto and marked as **Exhibit “T”** is a copy of the aforesaid resolutions.

Unusual Intervening Events

93. After March 7, 2017 but prior to the release of PwC’s site recommendation, but as noted in the second PwC report, three important events occurred.

- i. Gateway on June 3, 2017 issued a press release announcing that it had entered into a Letter of Intent with Zulich to build a new casino beside the new event centre as part of a new regional entertainment centre known as the Kingsway Entertainment District or “KED” for the City which would include a new hotel/convention centre, restaurants, bars, and

other related operations. A copy of the news article detailing this is attached to the Fortin Affidavit at Exhibit "23"; and

- ii. Council negotiated and executed an Option Agreement to acquire from Zulich the site for the new event centre for Ten Dollars (\$10.00). This Option Agreement was not made public but was referenced in the second PwC report. However, its details were unknown at the time. A copy of the Option Agreement is attached to the Fortin Affidavit at Exhibit "22"; and
- iii. On April 11, 2017, during the time in which PwC were preparing their evaluation of the various sites, Council, during that portion of the Council meeting when delegations from the public are not permitted, resolved to amend the previously approved weighting matrix to be used when evaluating potential sites. Council selected Option 3 to give greater importance to "Cost" and Parking" which, on the surface, would have appeared to favour the KED site, notwithstanding their differences were acknowledged by PwC to be marginal and of questionable value.

94. The Minutes of the April 11, 2017 meeting show that four options to amend the matrix were presented, which, in my opinion, appeared intended to alter the result to favour the KED site. Attached to the Fortin Affidavit at Exhibit "20" is a copy of these minutes.

PwC Site Evaluation Report dated June 2017

95. PwC completed its site evaluation of four sites, including the Downtown, in its second report dated June 2017. The Report analyzed the four potential sites

using the first approved matrix as well as the altered matrix. The “Executive Summary” provided in the first three pages of the report provides a helpful and concise summary of their report and findings. Attached hereto and marked as **Exhibit “U”** are excerpts from the second PwC report; a full copy of same is included in the USB drive attached to Exhibit “1” of the Fortin Affidavit.

96. The “Event Centre Site Evaluation Team” was composed of PwC consultants, various departments of the City, Terraprobe, a soils and geotech consultant, and WSP / MMM Group for traffic and road improvements. They note they also received other input from the Sudbury BIA, Gateway Casinos, and others.
97. In considering the **Zulich site** (pages 19-23), PwC took into account, among other items:
- that the site abuts an operating landfill site whose effects, according to provincial guidelines, could be experienced up to 3 kilometres away, and that historically effects from as far away as 1 km have been experienced and that dust, noise and odour should be expected at the event centre (page 21); and
 - the site would be anchored by a casino “as well as various hospitality, retail and other entertainment uses” (page 22); and
 - cautioned that the development of the KED “While adding to the regional draw of Greater Sudbury in Northeastern Ontario **it may do so at the expense of other ‘regional commercial nodes’ including the downtown and south end/‘Four Corners’.**”

98. Given the significant, all debt, investment (i.e. approximately \$100 million) that Council was being asked to invest at the KED site, these issues should reasonably have caused Council and Staff to pause and voice serious concerns. In particular, the fact that they were being asked to remove the major entertainment anchor from the Downtown to relocate in a new regional "Entertainment District" without even receiving independent expert advice whether or not the KED would ultimately be successful, especially when locating beside an operating landfill site, should have been problematic.
99. In considering the **Downtown site** (pages 24-27), PwC noted
- An Event Centre located on the Downtown Site is consistent with the City's Official Plan and an investment in an Event Centre would be consistent with Community Improvement Plan recently adopted by the City (page 24).
 - The relevant Official Plan policies from the 2006 Official Plan are recited on page 27:
 - S.1.2 para. 7

"... Greater Sudbury's Downtown will be developed and sustained as the vibrant hub of a dynamic city by preserving its historical built form, promoting arts and culture, improving linkages to neighbourhoods and amenities, integrating natural features, developing residential uses, and creating unique urban spaces through innovative design."
 - S. 1.4, para. 3 on page 10:

"... The heart of Greater Sudbury, its most urban place, is and will be the Downtown. With the changing role of downtowns, **there is a continuing need for appropriate policies and programs to enhance the Downtown as a location of government, commerce, cultural and entertainment facilities.** Residential development in and around the Downtown is needed to support new and expanded facilities and amenities. Town Centres will continue to serve the needs of local communities."

100. As to the perceived “parking deficiency” the issue is discussed at page 25. PwC noted that more than 2500 parking spaces are located within 600 metres or 7.5 minute walk of the site. The alleged problem is that another 1,000 spaces exist within 800 metres or a 10minute walk of the site. PwC states the “the public perception is that many of these parking spaces are located too far away from the Event Centre”. This “perception” appears to be based on a staff “investigation” that the lots beyond 600 metres were under-utilized during Sudbury Wolves Hockey games (page 26). There is no reference to an expert parking consultant providing this opinion. This may simply be that these parking spaces were not needed to support the attendance of the games for a team that had been performing very poorly, with losing records in the three seasons prior to the study. The fact that an additional 2.5 minute walk would be an important factor and worse, a deciding factor, in determining whether or not the event centre is located in the downtown is highly questionable.
101. PwC also acknowledged that they had discussions with Prime Real Estate and Gross Capital, who expressed interest in building the proposed downtown parking structure planned for in Downtown Master Plan (Exhibit “I”, page 31), and that an event centre “could also spur the development of complimentary facilities including a new parking structure” (page 25). However, PwC stated they did not take this into account when considering the parking issue (page 26). In my opinion this was a significant omission and potentially a double standard in the PwC parking analysis – i.e. that they did not consider the proposed development of new parking around the downtown site and only

considered existing parking. At the same time, the parking discussion and evaluation for the Kingsway site (which currently has no event parking as it is a greenfield site) only considered the proposed development of future parking.

102. In my opinion, the initial PwC site evaluation matrix, which recognized all of the factors, but gave differing weights to each, was the correct approach. The approach modified by Council was poorly conceived and ignored a number of important factors.

103. Notwithstanding all of the above highly irregular efforts by City Council, PwC concluded that that the Downtown was the "Recommended Site" (page iii).

PwC advised that their reasons were as follows:

"It scored the highest in all categories except Parking and Cost (where its total estimated cost is estimated to be only marginally higher than the Kingsway site)."

"In addition, it scored the highest in terms of economic development. Access, ease of development and its ability to delivery complimentary benefits."

"Finally, it is concluded to be best able to support the stated long-term vision of the City and contribute most to city building."

Council Decision June 27, 2017

104. A press release to the public, issued June 19, 2017, advised the public that "Site selection for the Arena/Events Centre will be discussed" at the next Council meeting on June 27, 2017. The final PwC report was made available to the public when Council's Agenda was made public, a week before the Council meeting on the City's website, together with a report from the General Manager dated June 15, 2017. Attached hereto and marked as **Exhibit "V"** is a copy of the public notice dated June 19, 2017.

Attached hereto and marked as **Exhibit “W”** is a copy of the report dated June 15, 2017.

105. The General Manager's Report advised that, after reviewing the PwC site evaluation report, the **Downtown site** (page 4):

- Provides immediate benefits to the City and the least risk
- The site is already zoned and serviced
- Supporting business are already in place
- Supports key City policy documents including the **Official Plan** (s. 4.2.1.1) and the **Downtown Master Plan**.
- “Is best aligned with the stated long-term vision for the City and contributes most to City building”
- In the Official Plan, S. 4.2.1 identifies an arena as one of the amenities in a downtown that would make it an attractive place to live. Similarly, the **Downtown Master Plan** identifies the **Sudbury Arena as a “key asset to being retained in the Downtown.”**
- The Downtown BIA will make a long-term financial contribution to the development having a current value of \$1.5m.
- The Downtown scored the highest ranking in the PwC ranking in all categories, save for parking and a “marginal” increase in Cost”

106. With regard to the **Zulich site**, the General Manager report advised:

- The event centre proposal now includes a “casino, hotel motor sport park, restaurants and other retail” but that there **was no guarantee these other additional components would ever be built.**

- **Experiences of other cities, such as Medicine Hat, Windsor and Mississauga that have built event centres outside their downtown areas have not realized the anticipated economic benefits from surrounding developments.**
 - On June 13, 2017 Gateway Casinos issued a press release that it had signed a Letter of Intent with Mr. Zulich to build a casino at his site, **but that no further details were available.**
 - “The Evaluation Committee recognizes the potentially unique development opportunity presented by Mr. Zulich's vision. It is a viable location but overall, **selecting the Kingsway Site introduces more risk than the Downtown site and may require more time to be fully developed**”.
107. At the commencement of the Council meeting on June 27, 2017 the Mayor advised that the public could not make any submissions to Council and that all they could do was listen to the debate. Attached to the Fortin Affidavit at Exhibit “29” is an excerpt of the video of this meeting.
108. The Minutes of the Council Meeting on June 27, 2017, attached to the Fortin Affidavit at Exhibit “30” confirm that:
- The first Option/Resolution presented to Council to approve the Arena/Event Centre in the Downtown failed with a tied vote; and
 - The second Option/Resolution, as presented by Mayor Bigger, was to approve the Zulich site, but only if there were binding written agreements guaranteeing the construction of all of the proposed components,

namely the casino, resort, hotel convention centre, motor sports park, ice pads and field house, event centre suitable for the Sudbury Wolves OHL team, and all other “entertainment district” commitments that had been presented to the public by Zulich, similar to what was contained in the aforesaid Option Agreement of June 8, 2017. This was defeated by one vote.

- The third option/Resolution was to approve the Zulich site for the event centre, without guarantees, which was approved by a majority of councillors.

Arena/Event Centre and Casino Planning Applications

109. The KED would be one of the largest and most complex projects in the City in recent years. The period between the initial pre-consultation meeting with the land owner and City Staff on October 4, 2017 to the adoption of all by-laws by City Council in April 2018 was only six months, which included not only reviewing, evaluating, and approving the planning applications, but also entering into land purchase and cost sharing agreements with the applicant. For a project of this scale, this is an unusually rapid pace.

110. The details of this seemingly fast-tracked process are as follows:

- The August 9, 2017 Staff Report recommended the City spend 1/3rd of the \$387,000 cost to have Gateway Casino's architects to prepare an integrated site plan for the proposed “Entertainment District” which included the City's proposed new event centre, casino and hotel. They advised there was no time to tender the work because of the speed at

which the casino had to be built. Attached to the Fortin Affidavit as Exhibit "33" is a copy of the August 9, 2017 Staff Report; and

- On August 17, 2017 Council adopted By-law 2017-149 to provide staff with sweeping powers to conclude or amend the aforesaid Option Agreement and attached Servicing Agreement to acquire and service the Zulich lands for Event Center and to enter into any other agreements and make any other decisions Staff considered necessary to advance the approvals and development of the "Entertainment District". Attached hereto and marked as **Exhibit "X"** is a copy of By-law 2017-149; and
- On August 22, 2017 Council resolved to pay the 1/3rd cost of the preparation of the proposed site plan;

111. Zulich's Planning Act Applications were also processed with unusual speed:

- On October 4, 2017 Zulich had a pre-consultation meeting with City Staff;
- On November 1, 2017 Staff provided Council with a draft of the site plan "strategy" for the Entertainment District;
- On November 14, 2017 City Staff Report advised that the City had formed a "**Partnership**" with Zulich and Gateway to quickly advance the entire development and to recommend that Council approve the aforesaid site plan. Attached to the Fortin Affidavit at Exhibit "47" is a copy of the November 14, 2017 report;
- On November 21, 2017, Zulich filed his Planning Act Applications; and

- On December 15, 2017 Staff issued a Notice that the Zulich applications were “complete” pursuant to the relevant provisions of the Planning Act. Attached to the Fortin Affidavit at Exhibit “48” are copies of the Notices of Application; and
 - On November 22, 2017 Council approved the site plan design “strategy” for the entire “Entertainment District”. Attached to the Fortin Affidavit at Exhibit “44” is an excerpt from the Minutes approving the Site Design Strategy; and
 - Staff Reports were being prepared and were completed on December 6, 2017 for anticipated the Statutory Public Meetings for all the Applications; and
 - On December 5 and 6 Staff recommended adding \$100M to its 2018 Budget specifically for the event centre at the Zulich site, which Council approved on December 12, 2017. Attached hereto and marked as **Exhibit “Y”** is a copy of the 2018 Budget.
112. All of this occurred prior to the City even sending out the Public Notice on March 12, 2018 for the required Statutory Public Meetings held on March 26 and March 28, 2018 for all the said *Planning Act* Applications. Attached hereto and marked as **Exhibit “Z”** is a copy of this Notice.
113. Prior to the required Statutory Public Meetings, the City held a “pre-hearing” meeting on January 22, 2018 at which the public could make submissions to the Planning Committee. Two sessions were arranged, the first for the casino approval and the second for the event centre.

114. The Minutes of the Committee Meeting held on January 22, 2018 note that:

- a Jason Ferrigan, Director of Planning Services stated that in the first session there was “substantial feedback from the community concerned about the **social and economic impacts associated with the proposed use.** He further advised:

“There was an opportunity to discuss social and economic impacts of this use when the **past council** was making the decision on whether or not the City wanted to be a willing host for expanded gambling. At that time, a **public meeting** was held and attended by over 200 individuals and 450 submissions received in relation to the matter. The concerns were taken into account by the **past Council** and the decision was made to include Sudbury as a site for expanded gaming in Ontario.”

Attached to the Fortin Affidavit at Exhibit “61” is an excerpt from the Minutes approving the Site Design Strategy;

115. However, the written record would indicate that Mr. Ferrigan’s statements are incorrect. The reference to the “**past council**” resolutions are those resolutions described above and made on May 15, 2012 and August 14, 2012. The Minutes of the Council meetings held on May 15, 2012 and August 14, 2012 demonstrate that neither dealt with the social or economic issues of having a casino in the City and certainly not with regards to the economic issues related to the Downtown if the Downtown event centre was removed and relocated connected to a casino at the KED site. This potential was not even known at this time. The reference to the meeting with 200 attendees and 450 submissions was to the public Open House held on October 10, 2012 but was related to the proposed four sites that prospective bidders had identified for staff, none of which were the KED site. The summary of the results of the October 10, 2012 Open House at the meeting on February 26, 2013 clearly

indicate that the social or economic issues resulting from a casino were not sought out at the OPEN HOUSE and certainly none were sought with regard to the Downtown arena vacating the Downtown and re-establishing itself as an event centre connected to a casino at the KED site. The sole purpose for the meeting was to obtain the public's input of Council's selection of four preferred sites for a casino, none of which were the KED site. Attached to the Affidavit of Jeffrey MacIntyre (the "**MacIntyre Affidavit**") at Exhibits "D" and "G" are excerpts of the May 15, 2012 and August 14, 2012 minutes. Attached at Exhibit "7" of the Fortin Affidavit is a copy of a report on the Open House.

116. The Staff Reports for both the January 22, 2018 "pre-hearing" meeting (the Fortin Affidavit at Exhibit "61") and March 26 and March 28, 2018 Statutory Meetings were silent on the obvious serious economic impacts Staff should reasonably have had concern for with these approvals on the Downtown and the City's aforesaid initiated other large projects. This is particularly true given that PwC had recognized such in their second report. Attached to the Fortin Affidavit at Exhibits "69" and "74" are copies of the March 26, 2018 and March 28, 2018 minutes.
117. My own report, provided to City Staff prior to the completion of their March 26, 2018 Staff Report, advised of long term negative economic impacts on the Downtown and asked them to undertake their own independent studies before proceeding further. Notwithstanding the Staff report does not consider same.
118. The City's video and transcript of the relevant portions of the March 26, 2018 Committee meeting show that the City Planning Director Jason Ferrigan

advised Council that the 2012 Downtown Master Plan and 2015 Economic Development Strategy:

- were to be given no weight in a planning analysis and were not considered when evaluating the subject Applications and were not considered in the Staff Reports because they had not been adopted as Official Plan amendments; and
- both of these plans would be incorporated shortly as amendments to the 2006 Official Plan. He advised that Council instructed Staff in 2012 to update its Official Plan in 2012, but they had not done so to date; and
- the 2012 Downtown Master Plan had been advanced to Council in 2017 as an Official Plan amendment but was deferred (which of course is during the period Staff and Council were advancing the KED development approvals); and
- that Staff's recommendation was based on a terribly out-of-date 2006 Official Plan which is consistent with the outdated 2008 PPS but obviously would not have been drafted with any awareness of the current 2014 PPS; and
- the 2006 Official Plan would not have considered the policy requirements of the 2015 GPNO.

119. Two months after Council approved the subject by-laws for the KED on April 10, 2018, Council approved OPA NO. 88 on June 26, 2018 implementing the fundamental recommendations of the Downtown Master Plan:

- “Downtown is the heart of Greater Sudbury and a strategic core in Northern Ontario” (s. 4.2.1 a.); and
- Advising that the Downtown Master Plan will be used to “guide revitalization by increasing the level of investment and activity.” (s. 4.2.1 a.); and
- Guiding urban design “consistent with the Downtown Master Plan” (s. 4.2.1 c.); and
- Identifying a list of major development projects for the Downtown “to implement the Downtown Master Plan” (S. 4.2.1 e.1.). The original draft included the Downtown arena but was removed at Committee at the direction of Staff; and
- “The City may also work with its partners to pursue other projects that reinforce the Downtown’s role as a local centre and strategic core in northeast Ontario”. (s. 4.2.1.e.2); and
- “The City will monitor and adjust, as appropriate the Downtown Master Plan”. (S. 4.2.1.e.4); and
- “Cultural and institutional uses argument the Downtown’s role as an arts, culture, **entertainment and event centre.**” (s. 4.2.1.1); and
- “New attractions, such as a new Multi-Use facility, a new Hotel...will be encouraged to be located in the Downtown.” (S. 4.2.1.1 4).

Attached hereto and marked as **Exhibit “AA”** are excerpts from OPA.

120. The BIA and Fortin objected to the removal of the “arena” or “event centre” as a priority for the Downtown which occurred at Committee and Council. Their objection to OPA 88 is now with the Minister awaiting a Notice of Decision.
121. I find it troubling that City Planning Staff would rely on a very outdated Official Plan which had not been comprehensively updated within the 10-year period as statutorily required, to take the position that the updated 2015 Economic Strategy and the 2012 Downtown Master Plan were not to be considered because they were not in an approved Official Plan, notwithstanding the fundamental recommendations of the Downtown Master Plan were approved through an OPA two months after the approval of the KED. With the City having long intended to incorporate the 2012 Downtown Master Plan in its Official Plan and being this close to doing so in OPA No. 88, a prudent municipality would have (a) either acknowledged and considered the policies proposed by the 2012 Downtown Master Plan or (b) waited until the completion of the said Master Plan prior to approving a development that is intrinsically linked to its policies. In my opinion, it does not seem normal or reasonable for a municipality to make a decision of this magnitude and completely ignore such key and highly relevant policies resulting from extensive background work, consultation and expertise which Council itself had endorsed.

In Summary

122. For the 16 years since amalgamation, the City, in concert with expert consultants, its own senior staff and Development Corporation and with business leaders and a large component of the public, were comprehensively

involved in mapping a long-term economic and planning strategy for the financial recovery of the City at large and in particular its' Downtown. A key component of that strategy was to expand the major tourist and entertainment draw for the City by refurbishing or replacing its historic Downtown community event centre in the Downtown coupled with a hotel and convention centre, modern office buildings, a required parking structure and other related infrastructure improvements.

123. This process was obviously one that was expensive for the City, in terms of the cost of consulting reports, but also for the costs of staff time and for the public in terms of their commitment to consciously work with the City and "buy in" and support the plans. In my opinion this long term strategic economic and planning exercise is what "good planning" is, what the public expects and what is required by the policies I have referenced above, in the Planning Act, the GPNO, PPS and in the City's Official Plan, such as in S.1.3.1 which states that a healthy community can be identified through a public consultation process which includes "citizen engagement in community decision-making processes."
124. In my opinion the logical and easily supported and predictable planning and economic decision was that the location for the new Event Centre was required for and would be approved in the Downtown, supported by a new hotel/convention centre, parking garage and existing businesses to expand the existing "entertainment district" in the Downtown.
125. Yet, City Council, without public input, dramatically changed course during the 11-week period from March 7, 2017, when Council approved the first PwC

Court File No. CV-19-8313-00

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and **TOM FORTIN**

Applicants

-and-

CITY OF GREATER SUDBURY

Respondent

AFFIDAVIT OF ROWAN FALUDI

(sworn October 18, 2019)

I, **ROWAN FALUDI**, of the City of Richmond Hill, in the Province of Ontario, MAKE OATH AND SAY/AFFIRM:

1. I am a Member of the Canadian Institute of Planners (MCIP), a Registered Professional Planner (RPP) in the Province of Ontario, a Certified Management Consultant (CMC), and a Professional Land Economist (PLE). I am a partner with the firm urbanMetrics Inc., located in the City of Toronto. Through my work with my firm and its legacy organizations, the Coopers & Lybrand Real Estate Consulting Group and Pricewaterhouse Coopers ("**PwC**") Real Estate Advisory Service Practice, I have gained extensive experience in terms of analyzing the need for sports and entertainment complexes as well as casino gambling. I

have practiced in the areas of Commercial Market Analysis, Real Estate Consulting, Downtown Revitalization and Economic and Fiscal Impact for over thirty (30) years. I have been qualified to provide expert testimony before the Ontario Municipal Board, Local Planning Appeal Tribunal and the courts in my areas of expertise on many occasions. My Curriculum Vitae is attached hereto and marked as **Exhibit "A"**.

Overview

2. I was retained by Tom Fortin ("**Fortin**") and the Sudbury Business Improvement Area ("**BIA**") to review the economic impact issues and related land use planning issues of a proposed new regional community sports and entertainment complex in the City of Greater Sudbury ("**City**") to be comprised of a new City owned community arena/event centre ("**Event Centre**"), a gambling casino, restaurants, bars, and a hotel/convention complex as well as, other components.
3. The existing City-owned community arena/event centre located in the Downtown has existed in its current location for about 60 years. During this period, it has been the home of the local Ontario Hockey League ("**OHL**") team, the Sudbury Wolves, and also hosts a variety of other major events, such as concerts, children's shows, consumer shows and other functions. It also operates as a community sports and entertainment facility for people and families of all ages and hosts children's skating and hockey. In conjunction with the restaurants, bars, hotels, cultural facilities and other supportive businesses in the Downtown, the existing arena and event centre has historically

developed as the major tourist sports and entertainment centre for the City. The Downtown event centre is one of the largest tourist attractions for the City and a critically important economic draw for the Downtown.

4. The City was formed in 2002 following amalgamation at a time of recognized economic decline. For the following sixteen years, the City initiated and implemented a series of ongoing long-term economic strategies to guide its recovery. This comprehensive effort included various expert consulting teams working with a wide cross-section of City business leaders and residents as well as City senior economic and planning staff, the City Development Corporation and the Downtown BIA, producing strategies and reports that were adopted by City Council.
5. One of the most consistent and key strategies was to improve the Downtown's economy by modernizing its sports and entertainment facilities by (i) refurbishing or replacing its Downtown event centre, (ii) adding to the Downtown a new hotel/convention centre on some of the vacant parcels of land that were used for surface parking, and (iii) constructing a new parking garage along with other required infrastructure improvements.
6. The new City's first Official Plan, approved 2006, has several policies that specifically encourage these types of uses in the downtown, including promoting the location of the arena, a new multi-use facility, a new hotel, and other cultural, entertainment and visitor attractions Downtown. Some examples include:

- Section 4.2.1.1, under the heading “Downtown Non-residential Development” proclaims:

Attracting new non-residential uses such as office, retail, cultural uses and institutional uses is key to growing the level of activity in the Downtown. Office uses foster a strong business environment and provide a customer base for other uses. Retail uses and restaurants reinforce the Downtown’s role as a destination for niche products and dining. Cultural and institutional uses augment the Downtown’s role as an arts, culture, entertainment and event destination.

- Policy 1 under this section states:

Non-residential development is a key priority for the Downtown as a means of stimulating increased investment and business activity and reinforcing the City’s urban structure by achieving a more efficient pattern of development.

- Policy 4 under this section states:

New destination attractions such as the **Arena, a new Multi-Use Facility, a new Hotel**, the Franklin Carmichael Art Centre, Place des Arts, the Central Branch of the Greater Sudbury Public Library and additional postsecondary facilities will be encouraged in the Downtown.

- Section 4.2.1. under the heading “Programs” specifically provides in ss.1:

Amenities such as the Farmers Market, Sudbury Theatre Centre, Greater Sudbury Public Library, **Sudbury Arena**, and the Centre for Life contribute to the appeal of the *Downtown*. In order to make it more attractive as a place of residence, additional amenities necessary to enhance the livability of the *Downtown* will be identified.

- Section 4.2.1.2 advises:

The **Downtown** plays a key role in defining the City’s image and quality of place, perceptions that are essential to the success of a number of City initiatives.

- Section 16.2.3, titled “A Prosperous Community with Employment Opportunities” provides:

1. Have regard for the City’s economic development strategic plan in assessing development applications.

2. Recognize the importance of “quality of place” in attracting new residents and investment to our community. Related to this, the image of a City is often associated with its *Downtown* and main streets. On this basis, there is a need to promote a high standard of urban design in the City.
7. These studies ultimately led to PwC being retained in 2016 to undertake two reports. The first dealt with advising of the business and market feasibility for the new event centre. Because a number of developers, including Mr. Dario Zulich (of 1916596 Ontario Limited and hereinafter referred to as “**Zulich**”) had come forward to propose that the new Event Centre be located on his lands outside the Downtown, PwC was asked to develop a matrix to establish the principles to be used when evaluating the various sites. This report, including the recommended matrix, was produced in February 2017 and endorsed by City Council on March 7, 2017. The second report applied the matrix to formulate an opinion on site selection.
8. After March 7, 2017 and prior to the release of PwC’s recommendation, but as noted in the second PwC report, three important events occurred.
 - a A news article was published stating that Gateway Casinos and Entertainment Limited (“**Gateway**”) announced that it had entered into a Letter of Intent with Zulich to build a new casino beside a new Event Centre on the Zulich property. This would be part of a new regional entertainment centre known as the Kingsway Entertainment District or “**KED**” for the City and would include a new hotel/convention centre, restaurants, bars, and other related operations; and

- b Council negotiated and executed an Option Agreement to acquire from Zulich the site for the new Event Centre for Ten Dollars (\$10.00); and
 - c Council met and resolved to change the matrix for the site selection process that they had previously approved.
- 9. The second PwC site selection report was released on the City website approximately one week prior to the Council meeting held on June 27, 2017. Notwithstanding the aforesaid events and the altered matrix, PwC advised that using either matrix, their only recommendation was that the new Event Centre should be built in the Downtown in accordance with the previously adopted long term economic and planning strategies. PwC also cited concerns that the KED could have long term negative economic impacts on the Downtown as well as concerns for the new entertainment district being located beside an operating landfill site.
- 10. On June 27, 2017 Council considered the PwC site recommendation report. Notwithstanding there was great public interest in Council's decision and a packed Council chamber, the Mayor advised that no member of the public could make any submission and that all they could do was listen to the debate.
- 11. At this Council meeting Council resolved to select the KED site for the new Event Centre notwithstanding there was no independent expert advice supporting such a decision. By doing so Council had also effectively made the decision for the location for the new casino and hotel/convention centre and thereby the location of a new regional entertainment district outside of the

Downtown, all without any prior notice to the public or independent expert study of such. As events subsequently unfolded this would be Council's final decision on the location of the event centre, casino and hotel/convention centre with no further opportunity for the public to change their position.

12. Shortly thereafter, Zulich filed *Planning Act* applications for the required Official Plan and zoning by-law amendments for the casino, Event Centre, and required parking. However, the City, now having acquired an Optioned interest in Zulich's lands, became the both the proponent and approval authority for the required rezoning for the new event centre on Zulich's lands. The approvals of these applications were fast-tracked by the City with what they repeatedly referred to as a "Partnership" with Zulich and Gateway, including the expenditure of public monies to share in the cost of retaining's Gateway's architects to prepare the site design plan for the entire KED, share the cost of servicing and approving a \$100M budget for the new event centre, all before holding the required statutory public planning approval meetings on March 26 and 28, 2018.
13. My report on the proposed KED site for Mr. Fortin considered the economic impact and significant planning issues related to the relocation of the event centre out of the Downtown to the KED, the impact of the KED and its components on the Downtown, and the economic impact of expanded gambling at the KED on the City's economy as a whole. I also considered the social planning impacts of the proposed location for the casino and its integration into with the event centre. My report was provided to City Planning

Staff prior to the City Staff report being released with the anticipation such would be considered in their report or I would have at least been contacted by them to discuss, neither of which occurred. Attached hereto and marked as **Exhibit “B”** is a copy of my report.

14. My clients also retained Mr. Robert Dragicevic, a well-respected land use planner. In his report dated March 20, 2018 he reviewed the requirements of the 2014 Provincial Policy Statement (“**PPS**”), the Growth Plan For Northern Ontario (“**GPNO**”) and the City’s Official Plan and concluded that an economic impact analysis of the proposed new “Entertainment District” on the Downtown is required. He concluded that the failure of the City to do so “is not consistent with” S. 1.0, 1.7 and 1.7.1.c of the 2014 PPS, does not “conform with” and “conflicts with” S. 1 (a-d) incl. for the GPNO and is not in conformity with S. 19 of the City’s Official Plan. Subsection 19.1 required the City “to implement the policies and programs of the Official Plan in a financially sound manner in conjunction with the *Long-Term Financial Plan*, which would mean the City’s approved Economic Strategies referenced herein. Subsection 19.2.2.1.a. requires Council to “Examine the financial impacts of all major development projects or proposals to ensure that they are financially sustainable”. Subsections 19.2.1 b. and c. requires the Council, when making planning decision to have regard for the programs contained in the Official Plan and give precedence to financing for these projects. Relying on my conclusions of long-term negative impacts of the proposed “Entertainment District” he advised that the subject Applications cannot be approved until the City has undertaken the

required financial and economic impact study. I would concur with Mr. Dragicevic's assessment. Attached hereto and marked as **Exhibit "C"** is a copy of this report.

15. There is no discussion of Mr. Dragicevic's opinions in any City Planning Staff report. I am also advised by Mr. Dragicevic and do believe that at no time did City Staff contact him to discuss his opinions.
16. The statutory public meetings for the planning approvals were extremely well attended with strong opposition to the establishment of a new casino and the Event Centre being relocated outside the Downtown, and in particular located beside, connected, and integrated into the operations of the casino. Notwithstanding, City Staff and City Planning Committee and Council took the position that:
 - a The decision approving the location for the Event Centre was decided by Council with their June 27, 2017 resolution and was no longer open for debate or reconsideration;
 - b They had no obligation to consider and take into account the previously adopted various long-term planning and economic strategic reports that Council had endorsed recommending the development of the new event centre, hotel/convention center parking garage and supporting infrastructure in the Downtown;
 - c They had no obligation to consider the economic impacts of the new KED on the Downtown;

- d They had no obligation to consider the social impacts of connecting and integrating the Event Centre with the casino operations;
 - e They had no obligation to consider the social impacts of locating a casino in close proximity to a residential area vulnerable to problem gambling; and
 - f They had no obligation to consider the economic impacts of expanded gambling on the City as a whole.
17. The Chair of the Planning Committee at the March 28, 2018 statutory public meeting that I attended advised that Council had made its decision on June 27, 2017 for the location for the new Event Centre and its was no longer open for debate and would not be reconsidered. Similarly, the public were advised that there would be no discussion on the social issues related to gambling as Staff alleged (incorrectly) that the previous council in 2012 had considered those issues and this Council would not now review and considered the matter closed.
18. I presented my written report to the Committee. My clients' lawyer Gordon Petch also made his own submission to the Committee. The Committee had no questions of either of us, nor indeed of anyone who spoke in opposition to the KED. The lack of questions to a complicated matter, and my opinion on the serious long term negative economic impacts on the Downtown and the City as a whole suggested to me that the Committee and Council Members had no interest in hearing from me or anyone else speaking in opposition to the

location of the event centre, casino or the KED. Their actions that evening suggested to me that their minds had already been made up.

Legislative Framework

19. I accept that a Council is entitled to make decisions contrary to the recommendations of retained consultants or City Planning Staff. However, what I have serious concerns with is when municipal planning staff and/or elected officials bypass the fundamental requirements of provincial planning legislation and its own Official Plan, particularly in the case where the City is a key partner in the development project. Such is misleading to the public and brings planning into disrepute. In my respectful opinion, such is what occurred in the subject case. Accordingly, it is helpful to review the legislative framework relative to the subject case and how it was comprehensively implemented by the City prior to the June 27, 2017 Council resolution approving the relocation of the event centre outside of the Downtown and the other components of the KED. All of the following are very basic and well understood legal principles and fundament to all municipal planners providing their opinions.

Planning Act

20. With regard to the KED development and the economic and social issues raised by my clients and referenced above, the following provisions of the *Planning Act* R.S.O. 1990 c. P. 13 are most relevant:

- a Section 2 provides that it is a matter of provincial interest that:

“the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest, such as,

- (h) the orderly development of safe and healthy communities;

(l) the protection of the financial and economic well-being of the Province and its municipalities;

(n) the resolution of planning conflicts involving public and private interests;

(o) the protection of public health and safety;

(p) the appropriate location of growth and development.

In my opinion the phrases “healthy community” and “public health” would obviously include concerns relating to a new and complete gambling casino being located in a municipality or any part thereof. The phrase “financial and economic well-being” would obviously require a municipality to investigate these issues and to conscientiously make decisions in accordance with this objective.

b To implement these objectives the Province has issued and updated a PPS and various “Provincial Plans” and legislated the requirement for those involved in planning matters to consider and make recommendations and decisions that are “**consistent with**” the PPS and “**in conformity with or shall not conflict with**” these Provincial Plans:

i. subsection 3 (5)(a) of the Planning Act requires that all decisions of a municipal planning board, municipal council and any minister of the provincial government or agency of the government and any tribunal, including LPAT, “shall be consistent with any policy statements” issued by the provincial government pursuant to S. 3(1) of the Planning Act; and

- ii. subsection 3(5)(b) similarly requires that all decisions of these same persons and bodies “shall conform with the provincial plans that are in effect with on that day or shall not conflict with them, as the case may be”; and
 - iii. in order to implement the aforesaid requirements, subsections 3(6)(a) and (b) requires that all “comments, submissions or advice affecting a planning matter that are provided by the council of a municipality, a local board, a planning board, minister or ministry, board commission or agency of the government...shall similarly “be consistent with the said *policy statements*” and “shall conform with the *provincial plans* that are in effect on that date or shall not conflict with them.”
- c To implement these requirements at the local municipal level, the Province requires a municipality to prepare and submit to the Minister or the Minister’s delegate, for approval, an Official Plan pursuant to the requirements of Part III of the Act:
- i. Section 16(1) requires, among other elements that
 - “an Official Plan contain...
 - goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it”;
 - ii. Section 26(1.1) requires the municipality to “revise” its Official Plan “no less frequently than 10 years” of the date an entirely

new Official Plan has come into effect and within 5 years thereafter pursuant to ss. 26 (1) "to ensure that it:

- a) conforms with provincial plans or does not conflict with them, as the case may be;
- b) has regard to matters of provincial interest listed in section 2; and
- c) is consistent with policy statements issued under subsection 3(1);

I would note here that as of 2018 the City's in-force 2006 Official Plan was more than 12 years old and had not been comprehensively updated to comply with the 2014 PPS and 2015 Growth Plan for Northern Ontario.

21. It is important to recognize that public health and social planning issues are intrinsic to land use planning. This is why they are referred to in the Planning Act and other Provincial Planning Policy Documents. For example, from its beginnings, planning sought to separate noxious land uses from residential areas and recognized the link between the supply of drinking water and the spread of disease. Contemporary plans include extensive policies related to active transportation, as a means of ensuring a healthy population. Gaming and other addictive uses, also fall under the purview of public health which have been addressed by land use planning policies. For example, many municipalities have regulations that prohibit amusement arcades within certain distances of schools. Many municipalities also regulate where adult entertainment facilities are allowed to locate. For this reason, the Planning Act requires that municipalities consider the protection of public health in preparing their land use policies.

22. Land use planning also plays a key role with regards to the economic and financial health of municipalities, as recognized by the Planning Act. Many municipalities have policies in place to protect the economic health and vitality of their core areas and other important nodes. For example, they require developers to prepare market studies to demonstrate that their proposed developments would not cause negative economic impacts on the downtown or other important commercial areas.
23. To further strengthen the aforesaid legislated requirements, Bill 139, proclaimed on December 12, 2017, amended the following sections of the *Planning Act*, namely, S. 22 (7.0.0.1) with regard to Official Plan amendments and S.34 (19) with regard to zoning by-law amendments to restrict the grounds of appeal of a municipal council's decisions approving planning applications to that part of the Council decision that is:
- inconsistent with the PPS; or
 - fails to conform with or conflicts with a provincial plan; or
 - fails to conform with the municipality's Official Plan.

Provincial Policy Statement ("PPS")

24. Pursuant to s. 3 of the Planning Act the Province issued its first PPS in 2005 and updated the same in 2014. The following excerpts in the 2014 PPS are relevant for my purposes, to demonstrate that the PPS would require the City to study and consider the economic impacts on the Downtown of the relocation of the proposed event centre outside of the Downtown to the KED, as well as the social and economic impacts of the proposed casino on the City and its

residents and in particular the proposal to locate a full gambling casino beside and linked to the event centre, or in close proximity to it:

- Part III is titled “How to Read the Policy Statement” and provides:

“The provincial policy-led planning system recognizes and addresses the complex inter relationships among environmental, **economic and social factors** in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas”. [emphasis added] (first paragraph)

“The Provincial Policy Statement is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. A decision-maker should read all of the relevant policies as if they were specifically cross-referenced with each other.” (second paragraph)

- Part IV title “Vision for Ontario’s Land Use Planning System” provides fundamental planning principle. The following excerpts are relevant to my opinion:

“The long-term prosperity and **social well-being** of Ontario depends on planning for strong and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.” (first paragraph)

“Strong liveable and healthy communities promote and enhance human health and **social well-being**, are **economically** and environmentally **sound**, and are resilient to climate change.” (last sentence fourth paragraph)

“Strong communities, a clean and healthy environment and a strong economy are inextricably linked. Long-term prosperity, **human** and environmental **health and social well-being should take precedence over short term considerations**.”

25. In this regard, human health and social well-being would refer to ensuring that permitted land uses do not interfere with the health of a community and the ability of residents to enjoy a healthy and socially enriching lifestyle. This would include how permitted uses are situated within a community. For example, the issues associated with gambling addiction and the social impacts of casino

gaming should be studied with regards to whether they would interfere with the health and social well-being of the community and whether land use policies should be put in place to shield the negative impacts from vulnerable populations, such as youths and low-income communities.

26. Economically sound land use policies would be those that ensure that land uses support and strengthen the economy and that new development produces a net economic benefit to the community and does not cost a municipality more in terms of job loss or loss of economic value than it creates and/or relies on cannibalizing from a vital part of a municipality, such as the Downtown.
27. Policy 1.7 is titled “Long Term Economic Prosperity” and in policy 1.7.1 provides for direction for municipal decisions requiring that:
- “Long term economic prosperity should be supported by:
 - a) “promoting opportunities for economic development and community investment-readiness”; and
 - c) “maintaining, and where possible, **enhancing the vitality and viability of downtowns and main streets**”;
28. “Long term economic prosperity” would be ensuring that policies support maintaining the strength of the existing business sector, while creating opportunities to attract new investment. Economic development means both business retention and growth attraction, and not simply attracting businesses that would impact the viability of existing businesses.
29. “Enhancing the viability and vitality of downtowns and main streets” recognizes that downtowns and main streets are important to the economic health of municipalities, and that over the years, the vitality and viability of downtowns has been eroded due to peripheral car-oriented development. In recent years,

downtowns have taken on a much greater policy significance in terms of sustainable development, by being centres of intensification and transit hubs. The Provincial Policy Statement recognizes a revitalized downtown as an important part of the economic prosperity of a community.

Growth Plan for Northern Ontario (2011)

30. Pursuant to the *Places to Grow Act*, 2005, S.O. Chapter 13, the Province issued the GPNO in 2011. This Plan is of the highest significance to the City as it is the largest municipality in northern Ontario and the regional centre for many services. Section 14 of the *Places to Grow Act* requires that all decisions of the municipal planning board and municipal council “conform with” the GPNO Plan and any policy in the GPNO that conflicts with a municipal Official Plan, a zoning by-law or any policy in the PPS, will prevail over those documents. The following sections of the GPNO are relevant to my opinion:

a Section 1.2 a) to d) incl. outlines the Purpose of the Plan as provided for in Section 1. of the *Places to Grow Act* 2005:

(a) to enable decisions about growth to be made in ways that sustain a **robust economy, build strong communities** and promote a **healthy environment** and a culture of conservation;

(b) to promote a rational and balanced approach to decisions about growth that builds on **community priorities, strengths and opportunities** and makes efficient use of infrastructure;

(c) to enable planning for growth in a manner that reflects a broad geographical perspective and is integrated across natural and municipal boundaries;

(d) to ensure that a **long-term vision and long-term goals guide decision-making about growth** and provide for the co-ordination of growth policies among all levels of government. 2005, c. 13, s. 1.

- b S. 4.1 emphasizes the vital importance of **public involvement in the creation of long-term strategic plans** for their community and looks to not only the municipality's Official Plan but also **community economic plans**. The preamble to the section provides, inter alia;

"The policies of this section of the plan support **community planning** in Northern Ontario that balances the equally important priorities of human, economic and environmental health" (first para); and that

"Official Plans, **community economic plans** and participations in community planning efforts are effective tools and approaches to ensure citizens' and business' views are reflected in their communities' future economy and long-term sustainability."

- c Under the heading "Long Range Planning For all Communities":

- i. S. 4.2.1 provides:

"All communities should, either individually, or collectively with neighbouring municipalities and Aboriginal communities, prepare **long term community strategies**. These strategies should support the goals and objectives of this Plan, identify local opportunities to implement the policies of this Plan, and be designed to achieve the following:

- a) **Economic, social and environmental sustainability.**"

- ii. S. 4.2.2 provides that all municipalities and planning boards are encouraged to:

- a) **align their Official Plans** with their **long-term community strategies** developed in accordance with Policy 4.2.1
- b) employ the use of available tools to support and facilitate land use planning that implements their **long-term community strategies**.

iii. S. 4.3 provides policies for “Economic and Service Hubs”. While the Minister has yet to formally name any northern Ontario City as a “Hub”, in my opinion that for all practical purposes these policies are applicable to the City and should be accepted as a valid planning tool. Sudbury is the largest City in Northern Ontario and is referred to as an “Economic Hub in the Northern Ontario Growth Plan.

iv. S. 4.3.3 requires:

“[That all such Hubs] shall maintain **updated Official Plans** and develop **other supporting documents** which include **strategies** for:

encouraging a significant portion of future residential and employment development to locate in existing **downtown areas, intensification corridors, brownfield sites and strategic core areas.**”

v. S. 4.4.3:

“Municipalities that contain “*strategic core areas*” (which by definition includes the Downtown) should develop in their **Official Plans** and **other supporting documents** a revitalization strategy....”

vi. S. 4.4.4 e) provides that:

Strategic core areas with a revitalization strategy in place and incorporated into an Official Plan should be the preferred location for major capital investments in:

e) **major** cultural institutions and **entertainment facilities**

City 2006 Official Plan

31. Notwithstanding the City’s 2006 Official plan had not been comprehensively updated as of the date of Council’s approvals of the subject by-laws in April 2018, there are numerous policies in the Official Plan that clearly referenced the vital importance of these long-term planning and economic strategies, and

one would reasonably assume, their continued update. For example, the “Introduction” section of the Plan provides that:

“The Official Plan is informed by a number of processes and initiatives. A series of vision statements are established that capture the values and aspirations of the community”.

32. In section 1.2 titled “Vision” there are numerous references to various objectives including:

“The City’s **Economic Development strategic plan** has identified **five engines of growth** and a number of strategic actions and initiatives to be implemented.”

33. In S. 1.3 under the heading “Principles of the Plan” the point is made in ss. 1.3.1:

Many of these can be supported by the land use policies contained in the Official Plan, while others are addressed by City initiatives, including the City of Greater Sudbury Human Services Strategy 2015 and the **Coming of Age in the 21st Century: an Economic Development Strategic Plan for Greater Sudbury 2015** [which I discuss hereafter].

34. Section 1.3.2 titled “Economic Development” provides:

“The Official Plan must provide a policy framework which supports economic development initiatives and facilitates the implementation of the **Economic Development Strategic Plan.**”

35. Section 1.4 provides, among other matters, that:

“Greater Sudbury has made economic development a priority and a **strategic plan** has chartered the way for numerous initiatives.”

36. Other sections of the Official Plan, such as S. 13.0 and S. 16.2.3 and 17.6 which reference the “**Economic Development Strategic Plan**” and S. 19.1, refers to the “**Long-Term Financial Plan**”, similarly reference these “plans”

Downtown Official Plan Policies and Planning Strategies

37. In “Part 11: Managing Growth and Change” the following important planning initiative for the Downtown is identified:

“A number of historical land use issues need to be addressed, including the **strategic importance of revitalizing Downtown** and maintaining vibrant neighbourhoods.”

38. To implement the Downtown revitalization initiatives other policies in the Official Plan including s. 4.1 (e), 4.2.1, 4.2.1.1 and 4.2.1.2 collectively identify projects to improve employment, arts culture and entertainment including the Downtown arena all of which is intended to improve the City’s overall image and economic draw.

Social Policies

39. Under the heading Purpose of the Plan s. 1.0 confirms “The purpose of the Official Plan is **to establish goals, objectives, and policies to manage physical change and its effects on the social**, economic and natural **environment** for the twenty-year planning period.”
40. Under the heading “Vision” Section 1.2 make the fundamental principle that “The Official Plan **functions as more than a land use planning document – it also encompasses our objectives related to social**, economic and environmental **matters**.”
41. The Official Plan thereafter deals with the various **social issues** throughout the Plan in various contexts such as:
- S. 1.3.1 under the heading “A Healthy Community” provides “The healthy community model recognizes that the quality of life of citizens **is a product of economic, social and natural environments in our City**.” [fourth paragraph]

- S. 11. 17.5.1 “Recognizing that quality of life is a key component of its economic strategy, Council will strive to protect....and to enhance its **social environment**; and
- S. 20.0 “The goals, objectives and policies of this Plan provide guidance in making decisions **affecting land use and social development** and are **consistent with the directives established under the *Provincial Policy Statement***.”
- S. 20.10 c. requiring a review of the Official Plan every five years to consider “the impact of changes in the economic, **social** and physical **circumstances** of the City as they affect this Plan.”

Opinion

42. In my opinion, the City of Sudbury acted counter to the policies of the Growth Plan for Northern Ontario and its Official Plan, through its approval of the KED and by not considering its two recently approved community strategies – those being the Downtown Master Plan and the 2015 Economic Strategy. The excuse given by the City for not considering these documents that they are not part of its previously adopted 2006 Official Plan is not consistent with the policies in the Growth Plan and the clear intent of its Official Plan.
43. Firstly, irrespective of the fact that the City’s Official Plan is seriously out of date as per Provincial policy, the Growth Plan for Northern Ontario clearly indicates that Official Plans must be aligned with these community strategies. Clearly it is not the intent of the Growth Plan that community strategies be ignored by the City of Greater Sudbury until the Official Plan has been approved. In fact, the

opposite is required, that the Official Plan cannot be approved until the policies therein are aligned with these updated community strategies, such as the “From the Ground Up 2015-2025-A Community Economic Strategic Plan” and the 2012 “Downtown Master Plan” discussed hereafter.

44. Secondly, S. 4.1 of the Growth Plan considers Official Plans, community economic plans, and participations in community planning as separate tools. Again, the Growth Plan does not require that community economic plans be tied to the approval of Official Plans.
45. Thirdly, the Growth Plan specifically indicates that community strategies are to support the goals and objectives of the Growth Plan. Community strategies, therefore, have a purpose that transcends Official Plans.

City Long Term Economic Strategies

46. In accordance with the requirement for community long-term economic strategies, the City had completed a number of such reports since its creation in 2001. These were critically important to its economic recovery and that are highly relevant to the planning decisions they were making with regard to the subject applications.
47. The City of Greater Sudbury was created on January 4, 2001 as a result of the amalgamation of the former City of Sudbury with 6 rural communities and other unincorporated municipalities. At the time of amalgamation, the new City faced significant economic difficulties. To provide direction to Council and guide them in the economic recovery the City initiated a number of economic studies, including the following, which are relevant to my opinion:

- In 2002 the City retained Hemson Consulting Limited to prepare a long-term financial plan. This report was completed in November 2002 and its recommendations adopted by Council on December 12, 2002. This report acknowledged the City's significant economic difficulties. At page 25, the report compared the City's 10-year Operating Budget with its 10-Year Capital Budget and projected a shortfall of \$106.5 million. At page 26 they state that "Clearly, the City potentially faces significant financial pressures". In Part IV the report recommended a series of fundamental policies be adopted including the development short and long-term plans for capital projects. Attached hereto and marked as **Exhibit "D"** are excerpts from this report; a full copy is included in the USB drive attached to Exhibit "1" of the Affidavit of Thomas Gary Fortin (the "**Fortin Affidavit**").
- In 2002, the City instructed its own development corporation, known as the Greater Sudbury Development Corporation ("**GSDC**"), to "**embark on a community-based strategic planning process ...to guide the City in its economic development over the next decade (until 2015).**" This resulted, among other things, in following three economic plans, followed by a 10-Year Implementation Plan, and a Corporate Strategy to implement the objectives of these Plans:
 - 2003 Economic Planning Strategy for the 10-year period ending 2015; and

- The update of the aforesaid report in 2012 for the period ending 2025; and
- The 2012 Downtown Master Plan.

2003 Economic Planning Strategy

48. The “Coming Of Age In The 21st Century-An Economic Strategic Plan for Greater Sudbury 2015” was initiated in 2002 and completed in 2003 (hereinafter referred to as the **“2003 Economic Strategy”** and attached hereto and marked as **Exhibit “E”** are excerpts from this report; a full copy of same is included in the USB drive attached to Exhibit “1” of the Fortin Affidavit.).

49. As the Executive Summary of the report notes at page 2:

“Over 300 community leaders (composed of business leaders, city councilors and city staff-page 10) participated in a variety of forums to assess Greater Sudbury’s prospect for wealth creation and to define a roadmap for achieving success.

The deliberations for a new “strategic story” for Greater Sudbury and a greater understanding of the requirements for increasing the city’s prosperity. Central to moving forward will be GSDC’s role as a steward of the process in concert with many partners.”

50. After 10 months and the review of many reports and references (pages 26 and 27) and broad public consultation, the final report recommended 5 economic “engines” to guide the City to renewed prosperity. These are the same economic “engines” referred to above in S. 1.2 in the City’s Official Plan. The second economic engine is described on page 21 to include the following two “Strategies”:

- “Stimulate the cultural scene, **entertainment**, theatre, restaurants, cafes
- **Stimulate a thriving, vibrant downtown core”**

51. The “Tactics to Achieve the Strategies” included:

"Initiate a downtown revitalization program to encourage investment in the city's core."

52. Five task forces were created to work with the GSDC to implement these recommendations. GSDC stated that it "will carry the flag for the unfolding process of economic development" (page 5 and 26) and promised there would be broad community consultation (page 10 and 26) in order to "Sustain Momentum" and promising:

In recognition of the need for a sustainable structure, the GSDC will continue to provide a focus and forum for action. GSDC members will set up and partner with community leaders on task forces devoted to moving the economic agenda forward.

*No matter the number and nature of task forces, the GSDC and a core of community leaders will remain together over time **to guide economic development. Fundamental operating principles of inclusiveness and consensus-building will be a cornerstone of growing Greater Sudbury's economy.***

***Strengthening trust among local leaders through active involvement in creating the future is a low cost but high impact economic development strategy.** The value of collaborative local learning networks is well-understood by leaders in other city-regions in North America and Europe including Halifax, Pittsburgh, Rochester and Manchester that have successfully re-invented themselves. The GSDC will carry on this approach to incubating civic entrepreneurship to stimulate the continuous development of a dynamic city.*

53. The 2003 Economic Strategy recommended, among other things, as the second of 5 economic engines to drive future prosperity, that the Downtown be revitalized with a policy to "Stimulate the cultural scene: **entertainment, theatre, restaurants, cafes.**" (page 21).
54. This report was received by City Council on June 26, 2003. Council resolved to approve the strategy and "direct GSDC to use it as a guide for the purposes of carrying out its mandate." Attached hereto and marked as **Exhibit "F"** is an excerpt of the minutes of this meeting.

2015 Economic Strategy

55. In 2010 the City initiated an update of its previous economic strategy by GSDC resulting in a report titled "From the Ground Up 2015-2025 - A Community Economic Strategic Plan". The Report was completed in October 2015 (hereinafter referred to as the "**2015 Economic Strategy**"). Attached hereto and marked as **Exhibit "G"** are excerpts from this report; a full copy of same is included in the USB drive attached to Exhibit "1" of the Fortin Affidavit.
56. As with the previous 2003 Economic Strategy, there was substantial involvement with City economic and planning staff, Council, GSDC, and the business community and residents at large. The report notes that more than 2,300 citizens and stakeholders provided their thoughts and ideas on what Greater Sudbury could look like in 2025.
57. A great deal of the 2015 Economic Strategy speaks to the importance that the Downtown has to the City as a whole, describing it as the "**Heart District**" where:

People flock-drawn by a wide array of retail, **entertainment** and housing developments that have taken place over the past ten years. (page 9)

The attributes of a community are an important consideration in the attraction and retention of both businesses and highly skilled talent... Greater Sudbury recognizes that downtowns are important and that they represent the historic and symbolic heart of the community. **A healthy, active, successful downtown makes a positive statement about prosperity of the City and sends a positive message to future residents, businesses and investors.** (page 31)

- At page 43 the report speaks to the importance of tourism to the City's economy as a whole and promotes the improvement of these facilities

**and the construction of the necessary infrastructure in the
Downtown as recommended in the Downtown Master Plan.**

58. At Appendix A (page 64) a “Consultation Summary” is provided, summarizing the submissions received from the Tourism Sector, which included:

“Arena and convention facility is the jewel of the crown, it unlocks the potential for our community; need to use funding more effectively and invest in ourselves.”

59. Consistent with the aforesaid goals in the 2015 Economic Strategy relating to the Downtown, the “Required Actions” at page 44, S. 7.1.1 recommends that the City “Develop a **multi-purpose facility (or facilities) for arts, culture, business and sport** in the **Downtown**, with consideration for the following high priority uses:

- **Conference facilities**
- Performing arts centre
- **Arena /sports complex**
- Art gallery
- Accommodations

60. The 2015 Economic Strategy was accepted by Council on November 3, 2015. Attached hereto and marked as **Exhibit “H”** is an excerpt of the minutes of this meeting of Council.

2012 Downtown Master Plan

61. The Downtown Master Plan was commenced in 2009 and completed in March 2012. During its preparation, the City, in 2010, also commenced the aforesaid 2015 Economic Strategy, which was completed in 2015. The policies recommended in the Downtown Master Plan were reflected and included in the

2015 Economic Strategy. The purpose of the Downtown Master Plan was to lead the recovery of the Downtown. The City retained a group of very experienced and reputable consultants to work with the City and a multi-disciplinary team to prepare a strategic economic rejuvenation plan for the Downtown. Their final Report or "Plan" was titled "Downtown Sudbury, A Plan for the Future". Excerpts from the said Plan are attached hereto and marked as **Exhibit "I"** and hereinafter referred to as the "**Downtown Master Plan**". A full copy of this Plan is included in the USB drive attached to Exhibit "1" of the Fortin Affidavit.

62. The Downtown Master Plan contains the following important comments and recommendations:

"As Sudbury's economy continues to evolve and its cultural offer develops further, the Downtown will play an increasingly important role in providing the place for that continued economic and cultural growth. The success of the downtown will be fundamental in helping the community cement its role as the economic and cultural 'Centre of the North'. (pg.9)

- a In S. 4.1 the report describes the objective for future capital improvements to:

"Create a Downtown that is a Destination for the City and the Region" proposing that the Downtown become "the urban playground for Northern Ontario" and for the City to become the "leading destination for business meetings, sports events and cultural and community festivals in the North" but stressing that for this to happen "the City must continue to invest strategically in its downtown and foster growth that will deliver wider benefit to the city as a whole." (page 40, first para)

- b To address this issue the report recommended:

"an upgraded Arena in combination with the construction of a new multi-use facility south of Brady [the area in which the existing arena is located] with a four-star hotel overlooking Memorial Park. The multi-use facility should be developed with a minimum floor plate of 55,000

square feet. The existing Arena would be upgraded to more easily accommodate larger scale concerts and conventions; any ice pads would be designed to have capacity for a range of smaller events. The hotel would operate as the service and hospitality base for the arena complex. The location south of Brady works well. The complex will connect closely to the Tom Davies Square complex and to the shopping and restaurants on Elgin and Durham. It will be a prominent feature at a key entrance to the Downtown and a southern edge to Memorial Square” (page 46, second paragraph);

and

“The City should examine the funding partnerships that have been put in place for such other complexes in Ontario Cities involving public investments and private sector partners. In the interim, a detailed examination of the land requirements for the complex should be undertaken (page 46, third paragraph)

- c The existing Downtown event centre is located in the South District of the Downtown. It is described on page 79, first paragraph, as follows:

“Today, this area south of Brady has two primary functions, first to provide a significant amount of parking for downtown offices that utilize the land for long term parking, and second, to host regional sporting events, theatre and festivals at the Sudbury Arena and the Sudbury Theatre Centre... Due to the expanse of parking limited amount of building fabric and isolation of the area, the identity of this area is weak.”

To implement the report’s recommendations and to address the parking issue, the report recommended (pages 79-81) substantial capital investments in road improvements and the **construction of a structured parking facility to serve the new event centre as well as other “city-wide destinations”**.

- d **The timing for the improvements to the arena and the construction of the new parking garage beside the arena was scheduled within a 6-10 year program** (page 100). The “Action Strategy Matrix” at page 108, described the “Sudbury Community Arena Upgrade” as “Ongoing” and being developed by the City, **and the development of the Multi-Use Recreation &**

**Conference Complex/Hotel as occurring after 10 years and
constructed by a “Developer (through RFP) City, Province.”**

I note here that no RFP was ever proposed for the Downtown site.

63. On April 17, 2012 Council resolved to “receive and endorse” the Downtown Master Plan and directed Staff to process the “Year 1 Action” items recommended in the report and prepare a **“Ten Year Implementation Plan”** for Council’s decision prior to the 2013 Budget”. A copy of the said resolution of April 17, 2012 is attached hereto and marked as **Exhibit “J”**.

Ten Year Implementation Plan

64. In accordance with Council’s Direction, Staff, under the direction of Jason Ferrigan the General Manager of Growth and Development, prepared a “10-Year Implementation Plan” dated August 2, 2012. The report identified (page 6) the “Year 1” projects as including “to develop baseline information and exploring possibilities associated with two projects- **Multi-Use Centre/Hotel/Structured Parking Complex** and Inno-Tech Park. The Inno-Tech project is a proposed \$70 million private development of approximately 430,000 sq. ft. of large format modern office development which will require improvements to municipal roads and bridges and the shared use of the proposed new \$7.5 structure parking facility also required by the **new arena and “Multi-Use Facility”**. Both of these projects are described on pages 18 and 13 respectively. Attached hereto and marked as **Exhibit “K”** are excerpts from this report; a full copy of same is included in the USB drive attached to Exhibit “1” of the Fortin Affidavit.

65. The “Multi-Use Centre/Hotel/Parking Structure” (page 18) described the development as follows:

“The Master Plan and Action Strategy proposes that the **Sudbury Community Arena be upgraded in combination with the construction of a new multi-use facility south of Brady Street with a four-star hotel overlooking Memorial Park. The existing Arena would be upgraded to more easily accommodate larger- scale concerts and conventions.** A new 3-storey, 80,000 square foot multi-use facility would be constructed on the Shaughnessy Parking lot. A new 10-storey, 99,500 square foot hotel would be built north of the Sudbury Community Arena on the existing parking lot. This complex will connect closely to the Tom Davies Square complex and to the shopping and restaurants on Elgin and Durham. It will be a prominent feature at a key entrance to the Downtown and a southern edge to Memorial Park. This configuration is flexible.”

“The City of Greater Sudbury is nearing completion of its Arena Renewal Strategy, which will provide long-term guidance regarding the Sudbury Community Arena. Building on this work, the Greater Sudbury Development Corporation should undertake a detailed examination of the land requirements for the type of complex envisaged in the plan and other similar uses. Based on the results of this examination, the Greater Sudbury Development Corporation and City of Greater Sudbury could make the site available to development through, for example, a Request for Proposals. The Implementation Plan sees this work occurring as early as 2013-2014.”

66. The Report advises (page 5) that

“**Given its transformative potential and strategic value, The Implementation Plan should be used to guide investment downtown for the next 10 years. Should City Council concur, it should receive the Implementation Plan.**”

67. On August 14, 2012 Council resolved to “receive” the said report (meaning they accepted its recommendations as Mr. Ferrigan requested) and to “**direct staff to create a team of City Directors to resource and steer implementation of the implementation plan**” and to “**refer the Implementation Plan**” to the **relevant city departments for inclusion in their respective multi-year capital funding**”. Attached here and marked as **Exhibit “L”** is a copy of this resolution.

2015-2018 Corporate Strategic Plan

68. On March 8, 2016 the City adopted its 2015-2018 Corporate Strategic Plan, titled "Greater Together". The following policies, among other items, are provided as "Priorities" under the heading (page 10) "Growth and Economic Development-Grow the economy and attract investment":

"A. **Implement the Downtown Master Plan** and the development of downtowns, and increase densification by conversion from commercial to residential."

"B. Implement or assist in **economic development plans** approved by Council, with the necessary resources to support them."

"D. Invest in large projects to stimulate growth and increase conferences, sports and events tourism, and celebrate cultural diversity."

Attached here and marked as **Exhibit "M"** are excerpts from this report; a full copy of same is included in the USB drive attached to Exhibit "1" of the Fortin Affidavit.

69. At page 13 the strategic policies are further described. Policy "B" is further expanded to identify the "plans" as also including the "**From the Ground Up - 2015-2015 Community Economic Strategic Plan**" discussed above, the City "Cultural Plan" and the "Community Improvement Plan".

70. I acknowledge that on April 28, 2016 Council amended some of the wording for Policy A on page 13, but such is not relevant to my opinion.

Event Centre Studies

71. In accordance with these previous approved plans and strategies, commencing in 2013, Staff considered the options to either refurbish or replace the Downtown arena, which they reported on to Council on March 31, 2015.

Attached here and marked as **Exhibit “N”** is an excerpt from the minutes of this meeting.

72. In August 2014, the City decided that, prior to pursuing an Expression of Interest for the development of a new arena, the option of renovating the existing arena should be investigated. This led to Council retaining CBRE and an architect to report back on these options. During their review they met with City Staff and Dario Zulich, the owner of the Sudbury Wolves, an OHL hockey team who are the primary users of the facility, to determine the requirements for an OHL arena. Their report, dated February 11, 2015, was presented to Council on March 31, 2015. The recommended “next step” was to investigate each option in greater detail, namely whether to renovate or rebuild. Attached here and marked as **Exhibit “O”** are excerpts from this report; a full copy of same is included in the USB drive attached to Exhibit “1” of the Fortin Affidavit.
73. On November 24, 2015 Council received a report from Staff providing an update on the 10 Year Implementation Plan for the Downtown and advised on the last page that they were progressing with their investigation of the **new parking garage** and that discussions were underway with private sector “downtown partners” to explore various options. Attached here and marked as **Exhibit “P”** are excerpts from this report.
74. Three days later, on November 27, 2015 Council held a public information meeting to allow members of the public to make submissions on the proposed “Large Projects” that the City was considering for the City. This included the Downtown Arena/Event/Hotel development. Two competing parties made

submissions proposing to build the new arena/event facility along with hotel and other facilities, outside the Downtown. Zulich spoke to building it at the KED site and another large local developer Dalron Group Inc. spoke to building at their south end site.

Greater Sudbury Development Corporation Report Dated March 6, 2016

75. On April 6, 2016 the GSDC submitted a report to Council dated April 6, 2016 providing advice on each of the Large Project submissions made to Council. Their comments on the two competing bids from Zulich and Dalron are provided on pages 32-35 and 68 respectively. Attached here and marked as **Exhibit “Q”** are excerpts from this report.
76. When the GSDC provides preliminary comments on the positive benefits of these two proposals (at pages 33 and 65 respectively) under the heading “Fit With Plans” the 2015-2018, for some unexplained reason, they refer only to the Corporate Strategic Plan (discussed above) but reference only its most general policies of stimulating growth, and community pride, without mentioning the Strategic Plan’s policy to implement the Downtown Master Plan that would place the new event centre in the Downtown. Similarly, they reference (page 33 and 66 respectively) only the most basic policies of the “From the Ground Up 2015-2025 Community Economic Development Strategic Plan” without referencing the “Required Action” policy S. 7.1.1 (page 44) to locate the new event centre in the Downtown within a “medium” time frame.
77. The GSDC report also mentioned that “potential bidders for a new casino have also expressed an interest in partnering in the development of a new sports

and entertainment facility, if located in the immediate vicinity of the casino.”

This is the first mention I have found in a City report that a casino was proposed to be a component of the event centre decision-making. The report recommended that, among other actions, the following steps be undertaken:

- “Responsive, fiscally prudent open governance (page 33)
 - A proper Request for Proposal (RFP) process will enable Council to focus on openness, transparency and accountability in making such an important decision.
 - It will emphasize the relationship between governance, community engagement and information, in support of better decision-making.”
- **“Consideration as to whether or not it is in the community’s best interest to have such a facility in the downtown.”** (page 34)
- “A complete market analysis has not been completed to examine market potential, determine the number of seats ideal for our market size, location, complimentary amenities, etc.” (page 34)
- Direct Staff to retain an expert consultant to consider market feasibility and pro-forma, to review various funding models and partnership structures and the preparation of an RFP “for a competitive bidding process for this project.”

78. On April 26, 2016 Staff provided its report to Council dated April 21, 2016 summarizing the April 12, 2016 meeting. The arena/events proposals are discussed as Items # 6 and #14 essentially repeating the recommendations of

GSDC to retain expert consultants to review the business case for a new arena/events centre, to review and decide on a funding model and to “assist with the development of a Terms of Reference for, and evaluation of, an RFP for a competitive bidding process for this project.” Attached hereto and marked as **Exhibit “R”** are excerpts from this report.

PricewaterhouseCoopers Reports

79. In accordance with this direction from Council, the City retained PricewaterhouseCoopers (“PwC”) to prepare two reports. The first would deal with the “Feasibility and Business Case Assessments” and the second “Site Evaluation”. Attached hereto and marked as **Exhibit “S”** are excerpts from the first report dated February 21, 2017; a full copy of same is included in the USB drive attached to Exhibit “1” of the Fortin Affidavit.

Feasibility and Business Case Assessment Report Dated February 21, 2017

80. At page 1 PwC advises that the current use for the existing facility is not only the home rink for the Sudbury Wolves OHL team but also a place for the “staging of a broad range of spectator and community events and shows, in addition to being used by local minor sports organizations”. In Section 4 (pages 23-27) describes the current facility “Sudbury Community Arena (“**SCA**”)” as “the main spectator arena facility in the City of Greater Sudbury. Located in the City’s Downtown core, the SCA was built in 1951 and includes 4,470 fixed seats and a total capacity of some 5,186 spectators”. In addition to OHL hockey “the SCA has also hosted concerts, curling events (including the Tim Horton’s Brier and Scott Tournament of Hearts), Canada Day and Remembrance Day

celebrations, as well as other hockey events and flat floor trade consumer shows and meetings.”

81. At page 1 PwC also confirms that the **“new multi-purpose Sports and Entertainment Centre (“SEC”) has been endorsed by Greater Sudbury City Council as one of its four priority projects”**.
82. At page 1 PwC advises the report will “include the following two elements:
 - i. “A ‘Feasibility Study’, the purpose of which is to assess and make recommendations on the needs, including anticipated costs and benefits, of a new multi-purpose Sports and Entertainment Centre (“SEC”), and
 - ii. A ‘Business Case’ assessment, the purpose of which is to identify the specifications that can form the basis for a Request for Proposals document for the procurement phase of a new multi-purpose SEC.”
83. At page 1, PwC goes on to advise that “By completing a feasibility and business case assessment for a new SEC, it is anticipated that the City would be placed in a better position to evaluate its merit and determine a go-forward strategy to determine its location and procurement process.”
84. At page 1 the extensive “Scope of Review” is outlined in detail and includes their research in which they **“evaluated economic and social benefits of a proposed SEC”**.
85. After assessing the required building size (Section 5) and “Building Costs and Features” (Section 6) PwC undertook an analysis of “location Criteria (Section 7) and worked with City Staff prepared a matrix of weighted factors to be used

to assess all proposed sites which is described on pages 47 and 48 and reproduced in a chart as Figure 47 on page 49.

86. Attached to Appendix "B" is a Staff memo summarizing the PwC report. On its fifth page, under the heading "Phase II Site Selection Considerations" Staff highlight that the issue for Sudbury was whether or not the site should be in the Downtown and lists the same matrix as provided in the PwC Report.

87. To properly deal with the traffic and parking issue PwC recommended (top page 47), among other items, that:

a "professionally prepared traffic **and parking study** for each proposed site including an estimation of parking requirements will be needed (does sufficient parking exist in the area surrounding the site and what if any street and vehicular access improvements are required"; and

The Site Evaluation Matrix should reflect the objectives of the City (and their respective degrees of importance) so that there is a direct and transparent link with the overall evaluation process".

88. One of the matrix factors was "Vision" (bottom page 47) which PwC explains as follows:

"is the development of the SEC on a particular site consistent with the overall long-term vision of Greater Sudbury and its pattern of strategic growth. **Any site being considered for the SEC should be considered within the larger parameters on long term strategic community benefit rather than as an appropriately sized property for a specific building.**"

89. The final matrix factor was described a "City Building", namely whether the selected site would benefit the City as a whole in terms of enhancing the "quality of life for the community", "foster pride by the residents" and "enhance the profile of Greater Sudbury as a destination".

90. The Matrix assigned a weighted factor of 15% to the Vision requirement, 15% to "City Building" as compared to a fifty percent less weighting factor of 10% for parking.

91. This first report was presented to Council on March 7, 2017 together with a report from the Special Advisor to the CAO (attached hereto as **Exhibit “U”**).

Council resolved with:

- Resolution CC2017-62 to “endorse the recommendations” of the said PwC report; and
- Resolution CC2017-63 to specifically “approve” the “site evaluation and their weighting criteria as described on pages 45-49” of the PwC Report and that “an evaluation of potential site and a recommendation for a preferred site be reported to Council no later than June 2017”; and
- Resolution CC201764 directing Staff to prepare an RFP for the Design/Build procurement process “following Council’s selection decision” in accordance with the PwC Report.

92. Attached hereto and marked as **Exhibit “T”** is a copy of the aforesaid resolutions.

Unusual Intervening Events

93. After March 7, 2017 but prior to the release of PwC’s site recommendation, but as noted in the second PwC report, three important events occurred.

- i. Gateway on June 3, 2017 issued a press release announcing that it had entered into a Letter of Intent with Zulich to build a new casino beside the new event centre as part of a new regional entertainment centre known as the Kingsway Entertainment District or “KED” for the City which would include a new hotel/convention centre, restaurants, bars, and

other related operations. A copy of the news article detailing this is attached to the Fortin Affidavit at Exhibit “23”; and

- ii. Council negotiated and executed an Option Agreement to acquire from Zulich the site for the new event centre for Ten Dollars (\$10.00). This Option Agreement was not made public but was referenced in the second PwC report. However, its details were unknown at the time. A copy of the Option Agreement is attached to the Fortin Affidavit at Exhibit “22”; and
- iii. On April 11, 2017, during the time in which PwC were preparing their evaluation of the various sites, Council, during that portion of the Council meeting when delegations from the public are not permitted, resolved to amend the previously approved weighting matrix to be used when evaluating potential sites. Council selected Option 3 to give greater importance to “Cost” and Parking” which, on the surface, would have appeared to favour the KED site, notwithstanding their differences were acknowledged by PwC to be marginal and of questionable value.

94. The Minutes of the April 11, 2017 meeting show that four options to amend the matrix were presented, which, in my opinion, appeared intended to alter the result to favour the KED site. Attached to the Fortin Affidavit at Exhibit “20” is a copy of these minutes.

PwC Site Evaluation Report dated June 2017

95. PwC completed its site evaluation of four sites, including the Downtown, in its second report dated June 2017. The Report analyzed the four potential sites

using the first approved matrix as well as the altered matrix. The “Executive Summary” provided in the first three pages of the report provides a helpful and concise summary of their report and findings. Attached hereto and marked as **Exhibit “U”** are excerpts from the second PwC report; a full copy of same is included in the USB drive attached to Exhibit “1” of the Fortin Affidavit.

96. The “Event Centre Site Evaluation Team” was composed of PwC consultants, various departments of the City, Terraprobe, a soils and geotech consultant, and WSP / MMM Group for traffic and road improvements. They note they also received other input from the Sudbury BIA, Gateway Casinos, and others.
97. In considering the **Zulich site** (pages 19-23), PwC took into account, among other items:
- that the site abuts an operating landfill site whose effects, according to provincial guidelines, could be experienced up to 3 kilometres away, and that historically effects from as far away as 1 km have been experienced and that dust, noise and odour should be expected at the event centre (page 21); and
 - the site would be anchored by a casino “as well as various hospitality, retail and other entertainment uses” (page 22); and
 - cautioned that the development of the KED “While adding to the regional draw of Greater Sudbury in Northeastern Ontario **it may do so at the expense of other ‘regional commercial nodes’ including the downtown and south end/‘Four Corners’**.”

98. Given the significant, all debt, investment (i.e. approximately \$100 million) that Council was being asked to invest at the KED site, these issues should reasonably have caused Council and Staff to pause and voice serious concerns. In particular, the fact that they were being asked to remove the major entertainment anchor from the Downtown to relocate in a new regional “Entertainment District” without even receiving independent expert advice whether or not the KED would ultimately be successful, especially when locating beside an operating landfill site, should have been problematic.
99. In considering the **Downtown site** (pages 24-27), PwC noted
- An Event Centre located on the Downtown Site is consistent with the City’s Official Plan and an investment in an Event Centre would be consistent with Community Improvement Plan recently adopted by the City (page 24).
 - The relevant Official Plan policies from the 2006 Official Plan are recited on page 27:
 - S.1.2 para. 7

“... Greater Sudbury’s Downtown will be developed and sustained as the vibrant hub of a dynamic city by preserving its historical built form, promoting arts and culture, improving linkages to neighbourhoods and amenities, integrating natural features, developing residential uses, and creating unique urban spaces through innovative design.”
 - S. 1.4, para. 3 on page 10:

“... The heart of Greater Sudbury, its most urban place, is and will be the Downtown. With the changing role of downtowns, **there is a continuing need for appropriate policies and programs to enhance the Downtown as a location of government, commerce, cultural and entertainment facilities**. Residential development in and around the Downtown is needed to support new and expanded facilities and amenities. Town Centres will continue to serve the needs of local communities.”

100. As to the perceived “parking deficiency” the issue is discussed at page 25. PwC noted that more than 2500 parking spaces are located within 600 metres or 7.5 minute walk of the site. The alleged problem is that another 1,000 spaces exist within 800 metres or a 10minute walk of the site. PwC states the “the public perception is that many of these parking spaces are located too far away from the Event Centre”. This “perception” appears to be based on a staff “investigation” that the lots beyond 600 metres were under-utilized during Sudbury Wolves Hockey games (page 26). There is no reference to an expert parking consultant providing this opinion. This may simply be that these parking spaces were not needed to support the attendance of the games for a team that had been performing very poorly, with losing records in the three seasons prior to the study. The fact that an additional 2.5 minute walk would be an important factor and worse, a deciding factor, in determining whether or not the event centre is located in the downtown is highly questionable.
101. PwC also acknowledged that they had discussions with Prime Real Estate and Gross Capital, who expressed interest in building the proposed downtown parking structure planned for in Downtown Master Plan (Exhibit “I”, page 31), and that an event centre “could also spur the development of complimentary facilities including a new parking structure” (page 25). However, PwC stated they did not take this into account when considering the parking issue (page 26). In my opinion this was a significant omission and potentially a double standard in the PwC parking analysis – i.e. that they did not consider the proposed development of new parking around the downtown site and only

considered existing parking. At the same time, the parking discussion and evaluation for the Kingsway site (which currently has no event parking as it is a greenfield site) only considered the proposed development of future parking.

102. In my opinion, the initial PwC site evaluation matrix, which recognized all of the factors, but gave differing weights to each, was the correct approach. The approach modified by Council was poorly conceived and ignored a number of important factors.

103. Notwithstanding all of the above highly irregular efforts by City Council, PwC concluded that that the Downtown was the "Recommended Site" (page iii).

PwC advised that their reasons were as follows:

"It scored the highest in all categories except Parking and Cost (where its total estimated cost is estimated to be only marginally higher than the Kingsway site)."

"In addition, it scored the highest in terms of economic development. Access, ease of development and its ability to delivery complimentary benefits."

"Finally, it is concluded to be best able to support the stated long-term vision of the City and contribute most to city building."

Council Decision June 27, 2017

104. A press release to the public, issued June 19, 2017, advised the public that "Site selection for the Arena/Events Centre will be discussed" at the next Council meeting on June 27, 2017. The final PwC report was made available to the public when Council's Agenda was made public, a week before the Council meeting on the City's website, together with a report from the General Manager dated June 15, 2017. Attached hereto and marked as **Exhibit "V"** is a copy of the public notice dated June 19, 2017.

Attached hereto and marked as **Exhibit “W”** is a copy of the report dated June 15, 2017.

105. The General Manager’s Report advised that, after reviewing the PwC site evaluation report, the **Downtown site** (page 4):
- Provides immediate benefits to the City and the least risk
 - The site is already zoned and serviced
 - Supporting business are already in place
 - Supports key City policy documents including the **Official Plan** (s. 4.2.1.1) and the **Downtown Master Plan**.
 - “Is best aligned with the stated long-term vision for the City and contributes most to City building”
 - In the Official Plan, S. 4.2.1 identifies an arena as one of the amenities in a downtown that would make it an attractive place to live. Similarly, the **Downtown Master Plan** identifies the **Sudbury Arena as a “key asset to being retained in the Downtown.”**
 - The Downtown BIA will make a long-term financial contribution to the development having a current value of \$1.5m.
 - The Downtown scored the highest ranking in the PwC ranking in all categories, save for parking and a “marginal” increase in Cost”
106. With regard to the **Zulich site**, the General Manager report advised:
- The event centre proposal now includes a “casino, hotel motor sport park, restaurants and other retail” but that there **was no guarantee these other additional components would ever be built.**

- **Experiences of other cities, such as Medicine Hat, Windsor and Mississauga that have built event centres outside their downtown areas have not realized the anticipated economic benefits from surrounding developments.**
 - On June 13, 2017 Gateway Casinos issued a press release that it had signed a Letter of Intent with Mr. Zulich to build a casino at his site, **but that no further details were available.**
 - “The Evaluation Committee recognizes the potentially unique development opportunity presented by Mr. Zulich’s vision. It is a viable location but overall, **selecting the Kingsway Site introduces more risk than the Downtown site and may require more time to be fully developed**”.
107. At the commencement of the Council meeting on June 27, 2017 the Mayor advised that the public could not make any submissions to Council and that all they could do was listen to the debate. Attached to the Fortin Affidavit at Exhibit “29” is an excerpt of the video of this meeting.
108. The Minutes of the Council Meeting on June 27, 2017, attached to the Fortin Affidavit at Exhibit “30” confirm that:
- The first Option/Resolution presented to Council to approve the Arena/Event Centre in the Downtown failed with a tied vote; and
 - The second Option/Resolution, as presented by Mayor Bigger, was to approve the Zulich site, but only if there were binding written agreements guaranteeing the construction of all of the proposed components,

namely the casino, resort, hotel convention centre, motor sports park, ice pads and field house, event centre suitable for the Sudbury Wolves OHL team, and all other “entertainment district” commitments that had been presented to the public by Zulich, similar to what was contained in the aforesaid Option Agreement of June 8, 2017. This was defeated by one vote.

- The third option/Resolution was to approve the Zulich site for the event centre, without guarantees, which was approved by a majority of councillors.

Arena/Event Centre and Casino Planning Applications

109. The KED would be one of the largest and most complex projects in the City in recent years. The period between the initial pre-consultation meeting with the land owner and City Staff on October 4, 2017 to the adoption of all by-laws by City Council in April 2018 was only six months, which included not only reviewing, evaluating, and approving the planning applications, but also entering into land purchase and cost sharing agreements with the applicant. For a project of this scale, this is an unusually rapid pace.

110. The details of this seemingly fast-tracked process are as follows:
- The August 9, 2017 Staff Report recommended the City spend 1/3rd of the \$387,000 cost to have Gateway Casino's architects to prepare an integrated site plan for the proposed “Entertainment District” which included the City's proposed new event centre, casino and hotel. They advised there was no time to tender the work because of the speed at

which the casino had to be built. Attached to the Fortin Affidavit as Exhibit "33" is a copy of the August 9, 2017 Staff Report; and

- On August 17, 2017 Council adopted By-law 2017-149 to provide staff with sweeping powers to conclude or amend the aforesaid Option Agreement and attached Servicing Agreement to acquire and service the Zulich lands for Event Center and to enter into any other agreements and make any other decisions Staff considered necessary to advance the approvals and development of the "Entertainment District". Attached hereto and marked as **Exhibit "X"** is a copy of By-law 2017-149; and
- On August 22, 2017 Council resolved to pay the 1/3rd cost of the preparation of the proposed site plan;

111. Zulich's Planning Act Applications were also processed with unusual speed:

- On October 4, 2017 Zulich had a pre-consultation meeting with City Staff;
- On November 1, 2017 Staff provided Council with a draft of the site plan "strategy" for the Entertainment District;
- On November 14, 2017 City Staff Report advised that the City had formed a "**Partnership**" with Zulich and Gateway to quickly advance the entire development and to recommend that Council approve the aforesaid site plan. Attached to the Fortin Affidavit at Exhibit "47" is a copy of the November 14, 2017 report;
- On November 21, 2017, Zulich filed his Planning Act Applications; and

- On December 15, 2017 Staff issued a Notice that the Zulich applications were “complete” pursuant to the relevant provisions of the Planning Act. Attached to the Fortin Affidavit at Exhibit “48” are copies of the Notices of Application; and
 - On November 22, 2017 Council approved the site plan design “strategy” for the entire “Entertainment District”. Attached to the Fortin Affidavit at Exhibit “44” is an excerpt from the Minutes approving the Site Design Strategy; and
 - Staff Reports were being prepared and were completed on December 6, 2017 for anticipated the Statutory Public Meetings for all the Applications; and
 - On December 5 and 6 Staff recommended adding \$100M to its 2018 Budget specifically for the event centre at the Zulich site, which Council approved on December 12, 2017. Attached hereto and marked as **Exhibit “Y”** is a copy of the 2018 Budget.
112. All of this occurred prior to the City even sending out the Public Notice on March 12, 2018 for the required Statutory Public Meetings held on March 26 and March 28, 2018 for all the said *Planning Act* Applications. Attached hereto and marked as **Exhibit “Z”** is a copy of this Notice.
113. Prior to the required Statutory Public Meetings, the City held a “pre-hearing” meeting on January 22, 2018 at which the public could make submissions to the Planning Committee. Two sessions were arranged, the first for the casino approval and the second for the event centre.

114. The Minutes of the Committee Meeting held on January 22, 2018 note that:

- a Jason Ferrigan, Director of Planning Services stated that in the first session there was “substantial feedback from the community concerned about the **social and economic impacts associated with the proposed use.** He further advised:

“There was an opportunity to discuss social and economic impacts of this use when the **past council** was making the decision on whether or not the City wanted to be a willing host for expanded gambling. At that time, a **public meeting** was held and attended by over 200 individuals and 450 submissions received in relation to the matter. The concerns were taken into account by the **past Council** and the decision was made to include Sudbury as a site for expanded gaming in Ontario.”

Attached to the Fortin Affidavit at Exhibit “61” is an excerpt from the Minutes approving the Site Design Strategy;

115. However, the written record would indicate that Mr. Ferrigan’s statements are incorrect. The reference to the “**past council**” resolutions are those resolutions described above and made on May 15, 2012 and August 14, 2012. The Minutes of the Council meetings held on May 15, 2012 and August 14, 2012 demonstrate that neither dealt with the social or economic issues of having a casino in the City and certainly not with regards to the economic issues related to the Downtown if the Downtown event centre was removed and relocated connected to a casino at the KED site. This potential was not even known at this time. The reference to the meeting with 200 attendees and 450 submissions was to the public Open House held on October 10, 2012 but was related to the proposed four sites that prospective bidders had identified for staff, none of which were the KED site. The summary of the results of the October 10, 2012 Open House at the meeting on February 26, 2013 clearly

indicate that the social or economic issues resulting from a casino were not sought out at the OPEN HOUSE and certainly none were sought with regard to the Downtown arena vacating the Downtown and re-establishing itself as an event centre connected to a casino at the KED site. The sole purpose for the meeting was to obtain the public's input of Council's selection of four preferred sites for a casino, none of which were the KED site. Attached to the Affidavit of Stephanie Fleming (the "**Fleming Affidavit**") at Exhibits "C" and "E" are excerpts of the May 15, 2012 and August 14, 2012 minutes. Attached at Exhibit "7" of the Fortin Affidavit is a copy of a report on the Open House.

116. The Staff Reports for both the January 22, 2018 "pre-hearing" meeting (the Fortin Affidavit at Exhibit "61") and March 26 and March 28, 2018 Statutory Meetings were silent on the obvious serious economic impacts Staff should reasonably have had concern for with these approvals on the Downtown and the City's aforesaid initiated other large projects. This is particularly true given that PwC had recognized such in their second report. Attached to the Fortin Affidavit at Exhibits "69" and "74" are copies of the March 26, 2018 and March 28, 2018 minutes.
117. My own report, provided to City Staff prior to the completion of their March 26, 2018 Staff Report, advised of long term negative economic impacts on the Downtown and asked them to undertake their own independent studies before proceeding further. Notwithstanding the Staff report does not consider same.
118. The City's video and transcript of the relevant portions of the March 26, 2018 Committee meeting show that the City Planning Director Jason Ferrigan

advised Council that the 2012 Downtown Master Plan and 2015 Economic Development Strategy:

- were to be given no weight in a planning analysis and were not considered when evaluating the subject Applications and were not considered in the Staff Reports because they had not been adopted as Official Plan amendments; and
- both of these plans would be incorporated shortly as amendments to the 2006 Official Plan. He advised that Council instructed Staff in 2012 to update its Official Plan in 2012, but they had not done so to date; and
- the 2012 Downtown Master Plan had been advanced to Council in 2017 as an Official Plan amendment but was deferred (which of course is during the period Staff and Council were advancing the KED development approvals); and
- that Staff's recommendation was based on a terribly out-of-date 2006 Official Plan which is consistent with the outdated 2008 PPS but obviously would not have been drafted with any awareness of the current 2014 PPS; and
- the 2006 Official Plan would not have considered the policy requirements of the 2015 GPNO.

119. Two months after Council approved the subject by-laws for the KED on April 10, 2018, Council approved OPA NO. 88 on June 26, 2018 implementing the fundamental recommendations of the Downtown Master Plan:

- “Downtown is the heart of Greater Sudbury and a strategic core in Northern Ontario” (s. 4.2.1 a.); and
- Advising that the Downtown Master Plan will be used to “guide revitalization by increasing the level of investment and activity.” (s. 4.2.1 a.); and
- Guiding urban design “consistent with the Downtown Master Plan” (s. 4.2.1 c.); and
- Identifying a list of major development projects for the Downtown “to implement the Downtown Master Plan” (S. 4.2.1 e.1.). The original draft included the Downtown arena but was removed at Committee at the direction of Staff; and
- “The City may also work with its partners to pursue other projects that reinforce the Downtown’s role as a local centre and strategic core in northeast Ontario”. (s. 4.2.1.e.2); and
- “The City will monitor and adjust, as appropriate the Downtown Master Plan”. (S. 4.2.1.e.4); and
- “Cultural and institutional uses argument the Downtown’s role as an arts, culture, **entertainment and event centre.**” (s. 4.2.1.1); and
- “New attractions, such as a new Multi-Use facility, a new Hotel...will be encouraged to be located in the Downtown.” (S. 4.2.1.1 4).

Attached hereto and marked as **Exhibit “AA”** are excerpts from OPA.

120. The BIA and Fortin objected to the removal of the “arena” or “event centre” as a priority for the Downtown which occurred at Committee and Council. Their objection to OPA 88 is now with the Minister awaiting a Notice of Decision.
121. I find it troubling that City Planning Staff would rely on a very outdated Official Plan which had not been comprehensively updated within the 10-year period as statutorily required, to take the position that the updated 2015 Economic Strategy and the 2012 Downtown Master Plan were not to be considered because they were not in an approved Official Plan, notwithstanding the fundamental recommendations of the Downtown Master Plan were approved through an OPA two months after the approval of the KED. With the City having long intended to incorporate the 2012 Downtown Master Plan in its Official Plan and being this close to doing so in OPA No. 88, a prudent municipality would have (a) either acknowledged and considered the policies proposed by the 2012 Downtown Master Plan or (b) waited until the completion of the said Master Plan prior to approving a development that is intrinsically linked to its policies. In my opinion, it does not seem normal or reasonable for a municipality to make a decision of this magnitude and completely ignore such key and highly relevant policies resulting from extensive background work, consultation and expertise which Council itself had endorsed.

In Summary

122. For the 16 years since amalgamation, the City, in concert with expert consultants, its own senior staff and Development Corporation and with business leaders and a large component of the public, were comprehensively

involved in mapping a long-term economic and planning strategy for the financial recovery of the City at large and in particular its' Downtown. A key component of that strategy was to expand the major tourist and entertainment draw for the City by refurbishing or replacing its historic Downtown community event centre in the Downtown coupled with a hotel and convention centre, modern office buildings, a required parking structure and other related infrastructure improvements.

123. This process was obviously one that was expensive for the City, in terms of the cost of consulting reports, but also for the costs of staff time and for the public in terms of their commitment to consciously work with the City and "buy in" and support the plans. In my opinion this long term strategic economic and planning exercise is what "good planning" is, what the public expects and what is required by the policies I have referenced above, in the Planning Act, the GPNO, PPS and in the City's Official Plan, such as in S.1.3.1 which states that a healthy community can be identified through a public consultation process which includes "citizen engagement in community decision-making processes."
124. In my opinion the logical and easily supported and predictable planning and economic decision was that the location for the new Event Centre was required for and would be approved in the Downtown, supported by a new hotel/convention centre, parking garage and existing businesses to expand the existing "entertainment district" in the Downtown.
125. Yet, City Council, without public input, dramatically changed course during the 11-week period from March 7, 2017, when Council approved the first PwC


report and the original evaluation matrix and June 27, 2017 when they disregarded the recommendation in the second PwC report and selected the KED site. The only significant new event that occurred in this brief interim period was a press release announcing a new casino. In my opinion, this announcement should have had no planning significance and reasonably should have been given no weight by Council and Staff at this point in the planning process.

126. There can be no disagreement that a decision to locate a new casino for expanded gambling in a municipality is always a controversial issue which the public will want to have a say, particularly with regard to the economic losses arising therefrom and the problems for vulnerable residents. Therefore, as a municipal planner, I simply cannot understand why any municipal planner would remain silent about a planned new City owned community Event Centre, intended for use by all ages and economic levels of the population, being designed, planned and integrated into the operations and draw of a casino, especially when having not requested nor considered any independent expertise on the matter.
127. In my opinion, it is an obvious planning fact that Downtown Sudbury is the City's and Region's "commercial engine". It is also obvious, from the years of comprehensive analysis, that the modernization of the Downtown event centre is a vital step in the rejuvenation of Downtown Sudbury.
128. In my opinion, the relocation of the Sudbury Community Arena to the KED will be a lasting economic drain on Downtown Sudbury and the City as a whole and

would be completely contrary to Sudbury's policies as reflected in the Official Plan, the Downtown Master Plan and the 2015 Economic Strategy.

129. For example, following its Decision on the KED, City Council gave direction on January 9, 2018 to proceed with two major projects in the Downtown – The Greater Sudbury Convention and Performance Centre and the Library/Art Gallery. The re-use of the existing arena was deemed the preferable location. However, it is extremely apparent that the proposed Downtown convention centre and the draw of the KED will duplicate the function of the convention centre and any other events centre planned for the Downtown– by offering alternative performance venues, meeting spaces and convention facilities. The economic viability of this Downtown Convention and Performance Centre, and the likelihood that they would ever be built is highly questionable. In addition, by relocating the arena to the KED, it is also obvious, in my opinion, that any planner or economist would recognize that the City would be losing all of the synergies that would exist between the proposed Downtown Convention and Performance Centre and the Downtown event centre, such as, attracting large scale events that would use both facilities, or by attracting a large convention hotel that could serve both the Downtown event centre, the convention centre and business office users. In my opinion, the KED development will seriously impact the viability of these important projects in the Downtown core
130. In conclusion, as a professional planner and economist, the processing of the planning applications for the KED and the decisions of Council approving same are, to be generous, greatly troubling.

131. This Affidavit is sworn in support of the instant proceeding and for no other or improper purpose.

SWORN/AFFIRMED BEFORE ME at)
the City of Sworn on the Town of)
Oakville, in the Province of Ontario, this)
18th day of October, 2019.)
)
)

A Commissioner & etc.)



Rowan Faludi

**THIS IS EXHIBIT "A" TO THE AFFIDAVIT
OF ROWAN FALUDI,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Rowan Faludi, MCIP, RPP, CMC

Partner

Rowan Faludi is a Founding Partner with urbanMetrics. He holds a M.Sc. in Urban and Regional Planning and B.A. in Urban Economic Geography from the University of Toronto.

Rowan specializes in economic, financial and market analysis for urban projects. With over 30 years of urban economic consulting experience, Rowan has undertaken a wide range of assignments across Canada.

Consulting Experience

Market and Financial Feasibility	Fiscal Impacts
Downtown Heritage/Main Streets Growth Management Strategy	Economic Impact Study
Economic Development Strategy	Retail Demand and Impact Analysis
Municipal Strategy	Sustainable Neighbourhoods
Business Impact Analysis	Portfolio/Network Review
Tourism Strategy	Site Selection
Public/Stakeholder Engagement	Land Acquisition Strategy/Due Diligence
Highest and Best Use	Litigation Support/Expert Witness

Asset Experience

Employment Lands	Schools/Colleges/Universities
Market Housing	Travel Centres and Fueling Stations
Specialty Housing (student, seniors)	Parks/Trails
Retail and Service Commercial	Public Recreational Complexes
Raw Land	Waterfront/Harbours/Marinas
Office	Highways/Interchanges
Hospitals	

Memberships

Lambda Alpha, Toronto Simcoe Chapter
 Canadian Institute of Planners
 Ontario Professional Planners Institute
 Institute of Certified Management Consultants
 International Council of Shopping Centres
 Association of Ontario Land Economists
 Centre for the Study of Commercial Activity

Education

Masters of Science
 Urban Planning and Development
 University of Toronto

Bachelor of Arts
 Urban Economic Geography
 University of Toronto

Selected Economic and Fiscal Impact Studies

- Economic and Fiscal Impacts of Investing in Toronto's Waterfront
Waterfront Toronto (Multiple Studies)
- Economic Impact of Developing Toronto's Surplus Land Portfolio
Build Toronto (Multiple Studies)
- Economic Impacts of a Major Sports Complex in Windsor
Central Park Athletics (Multiple Studies)
- Economic Impact of the Smoke Free Ontario Act on the Gaming and the Hospitality Industries
City of Windsor
- Economic Impact of a New University campus in Brampton
City of Brampton (Multiple Studies)
- Economic and Fiscal Impacts of Developing Dynamic Earth in Sudbury
Science North
- Economic and Fiscal Impacts of Investing in Science North in Sudbury
Science North (Multiple Studies)

Selected Downtown Studies

- City of Burlington – Downtown Commercial Study and Policy Review
City of Burlington
- Peterborough Downtown Economic Analysis
City of Peterborough (Multiple Studies)
- Downtown Lethbridge Master Plan
City of Lethbridge
- Official Plan Review – Commercial Strategy
City of Kingston
- Commercial Market and Policy Study
City of Windsor
- Commercial Market and Policy Study
City of Waterloo

Selected Major Recreation Studies

- Business Case for SkyDome, Toronto
Investment Consortium
- Parks and Recreation Investment Study
London, Ontario
- Business Case for a Canadian National Soccer Centre
Investment Consortium
- Business Case for an Arena in Toronto's Portlands
Toronto Economic Development Corporation

Selected Municipal Finance Studies

- Bolton Expansion Area Municipal Financing Study
Bolton Option 3 Landowners Group
- City of Mississauga Development Charges Review
Amacon Development Limited
- Region of Peel 2015 Development Charges Review
Amacon Development Limited
- Tax Increment Financing Strategy – Markham Centre
Town of Markham
- Richmond Hill Centre/Langstaff Gateway Municipal Financing Strategy
Region of York
- Town of Caledon Development Charges By-law Review
Private Landowners Group
- Hamilton Development Charges Study
Losani Homes

Selected Gaming Studies

- Ontario Casino Project – Initial Study to Introduce Casino Gaming in Ontario
Government of Ontario
- Windsor Casino and Niagara Casino Studies
Ontario Casino Corporation
- Ajax Downs (Picov Downs) Slots Economic Impact Study
Town of Ajax
- Casino Rama Commercial Study
Mnjikaning First Nation

Other Current and Recent Assignments

- Economic Impact of the Relocation of the University Windsor Faculty of Law to Downtown Windsor
City of Windsor
- Economic Impact of a New University Campus
City of Burlington
- Queen Street Campus Retail Strategy
Centre for Addiction and Mental Health
- Campus Retail Strategy
North York General Hospital
- Niagara Parks Commission Attraction Economic Impact Study
Niagara Parks Commission

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM FORTIN

Applicants

-and-

CITY OF GREATER SUDBURY

Respondent

APPLICATION RECORD

Volume 5 of 6

DATE: October 22, 2019

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 - 14 Text message from M. Whitehouse to T. Fortin, dated Apr. 17, 2019
 - 15 Minutes of City Council Meeting held Aug. 14, 2012
 - 16 Application for rezoning for Kingsway site, dated Sept. 29, 2014
 - 17 Email from D. McIntosh, dated Oct. 9, 2014
 - 18 Letter of Recognition for Compliance with O.Reg. 81/12, dated Jan. 14, 2015
 - 19 Email from S. Watt to G. Petch, dated Aug. 21, 2018
 - 20 Report on Event Centre Site Evaluation Matrix and Agenda for City Council Meeting, dated April 11, 2017
 - 21 See Exhibit 1 - USB Key
 - 22 Option Agreement, dated June 08, 2017
 - 23 Sudbury.com – Gateway inks deal with True North for Kingsway casino, dated June 13, 2017

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Affidavit of Thomas Gary Fortin (cont.)

- 24 Letter from M. Signoretti to City Council
- 25 See Exhibit 1 – USB Key
- 26 Promotional video view count, dated June 13, 2017
- 27 Emails from T. Fortin to the Mayor and copy of CasinoFreeSudbury webpage, dated June 22, 2017
- 28 Email from D. McIntosh to T. Fortin, dated June 27, 2017
- 29 Letter from Fabio Belli Foundation dated Nov. 17, 2017
- 30 See Exhibit 1 – USB Key
- 31 Minutes of City Council Meeting, dated June 27, 2017
- 32 See Exhibit 1 – USB Key
- 33 Minutes of City Council Meeting, dated Aug. 22, 2017
- 34 Manager Report – Event Centre Development, dated Aug. 09, 2017
- 35 Endorsements
- 36 CasinoFreeSudbury Endorsements
- 37 Facebook post of R. Kirwan, dated Sept. 21, 2017
- 38 Minutes of the Business Improvement Area Board Meeting, dated Dec. 7, 2017
- 39 Facebook post of M. Jakubo, dated Nov. 5, 2017
- 40 Email from T. Fortin to P. Dellelce, dated Nov. 5, 2017
- 41 Email from Gateway to Bryston's, dated Nov. 9, 2017
- 42 Facebook post of R. Kirwan, dated Nov. 14, 2017
- 43 Email from T. Fortin to City Clerk, dated Nov. 21, 2017
- 44 Facebook post of M. Jakubo, dated Nov. 22, 2017
- 45 Minutes of City Council Meeting held Nov. 22, 2017
- 46 See Exhibit 1 – USB Key
- 47 Draft Site Plan Presentation, dated Nov. 1, 2017
- 48 Site Design Strategy-Kingsway Entertainment District, dated Nov. 22, 2017
- 49 Notice of Completed Application (Arena and Casino), dated Dec. 15, 2017
- 50 Amending Option Agreement, dated Dec. 21, 2017
- 51 Social Media Ads, dated Jan. 2018
- 52 Sudbury Star – Casino opponent lays out argument, dated Jan. 1, 2018
- 53 Facebook post of R. Kirwan, dated Jan. 1, 2018
- 54 Cost Contribution Agreement, dated Jan. 8, 2018
- 55 Summary Casino Sudbury Website, date of printing Oct. 11, 2019
- 56 Sudbury Star - Open Letters "A voice against Sudbury's casino", dated Jan. 13, 2018
- 57 Facebook post of R. Kirwan, dated Jan. 19, 2018
- 58 Facebook post of R. Kirwan, undated
- 59 Facebook post of R. Kirwan, dated Jan. 22, 2018

- 60 See Exhibit 1 – USB Key
- 61 See Exhibit 1 – USB Key
- 62 Minutes of Planning Committee Meeting held Jan. 22, 2018
- 63 Facebook post of R. Kirwan, dated. Jan. 26, 2018
- 64 Facebook post of R. Kirwan, dated Jan. 27, 2018
- 65 Letter from CasinoFreeSudbury to Planning Committee, dated Jan. 30, 2018
- 66 Letter from G. Petch to Mayor Bigger and Members of Council, dated March 12, 2018

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Affidavit of Tom Fortin (cont.)

- 67 Staff Report on casino application, dated March 12, 2018
- 68 See Exhibit 1 – USB Key
- 69 Facebook post of R. Kirwan, dated March13, 2018
- 70 Minutes of Planning Committee Meeting held March 26, 2018
- 71 See Exhibit 1 – USB Key
- 72 See Exhibit 1 – USB Key
- 73 See Exhibit 1 – USB Key
- 74 See Exhibit 1 – USB Key
- 75 Minutes of Planning Committee Meeting held March 28, 2018
- 76 Facebook post of R. Kirwan, dated March 29, 2018
- 77 See Exhibit 1 – USB Key
- 78 See Exhibit 1 – USB Key
- 79 See Exhibit 1 – USB Key
- 80 See Exhibit 1 – USB Key
- 81 See Exhibit 1 – USB Key
- 82 See Exhibit 1 – USB Key
- 83 See Exhibit 1 – USB Key
- 84 Appeal to the Local Planning Appeal Tribunal, dated May 4, 2018
- 85 Email exchange between Mayor and Premier, dated Aug. 22, 2018
- 86 CBC – “Mayor on events centre: ‘Sudburians want the project done’, dated Aug. 15, 2018 and photograph
- 87 Letter from T. Fortin to G. Mazza, dated Nov. 26, 2018
- 88 Selection of news articles by R. Kirwan Articles re BIA
- 89 Sudbury Star - Why the Downtown BIA should be scrapped, dated May 24, 2019
- 90 Facebook post by M. Jakubo, dated June 2017
- 91 Report of the Integrity Commissioner, dated Sept. 3, 2019
- 92 See Exhibit 1 – USB Key

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Affidavit of Tom Fortin (cont.)

- 93 Selection of news articles by R. Kirwan

3 Affidavit of Rowan Faludi, sworn October 18, 2019

A C.V. of Rowan Faludi

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Affidavit of Rowan Faludi (cont.)

- B** Kingsway Entertainment District Economic and Financial Analysis, dated March 12, 2018
- C** WND Report, dated March 20, 2018
- D** Hemson Report, dated Nov. 2002
- E** Coming of Age in the 21st Century, dated June 2003
- F** Minutes of City Council Meeting, dated June 26 2003
- G** From the Ground Up, dated Oct. 1, 2014
- H** Minutes of City Council Meeting, dated Nov. 03, 2015
- I** Downtown Master Plan, dated March 2012
- J** Minutes of City Council Meeting, dated April 17, 2012
- K** Staff Report on 10 Year Implement Plan, dated Aug. 2, 2012
- L** Minutes of City Council Meeting, dated Aug. 14, 2018
- M** Greater Together, 2015 – 2018
- N** Minutes of City Council Meeting, dated March 31, 2015
- O** Presentation on Sudbury Community Arena, dated March 31, 2015
- P** Staff Report on Ten Year Implementation Plan Update, Nov. 4, 2015
- Q** Summary and Analysis Report on Large Projects Session, dated April 6, 2016
- R** Large Projects Priority Session, dated April 21, 2016
- S** PwC Report “Proposed Sports and Entertainment Centre – Feasibility and Business Case Assessment”, dated Feb. 21, 2017
- T** Resolutions of City Council, dated March 07, 2017
- U** PwC Report “Greater Sudbury Event Centre Site Evaluation”, dated June 2017
- V** Public notice, dated June 19, 2017
- W** Staff Report on Arena/Event Centre Update, dated June 15, 2017
- X** Bylaw 2017 – 149, dated Aug. 22, 2017
- Y** 2018 Approved Budget
- Z** Public Notice - Public Hearings for Kingsway Official Plan and Rezoning By-law Applications, dated March 12, 2018

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Affidavit of Rowan Faludi (cont.)

AA Official Plan Amendment No. 88

4 Affidavit of Henry Vincenzo Geogan, sworn October 18, 2019

5 Affidavit of Stephanie A. Fleming, sworn October 22, 2019

- A** Minutes of the City of London Council Meeting held June 12, 2012
- B** Letter from the City of London to the OLG, dated June 21, 2012
- C** Minutes of the City of London Strategic Priorities and Policy Committee Meeting held Dec. 11, 2017
- D** Presentation titled "Welcome to Gateway Casinos & Entertainment", dated Dec. 11, 2017
- E** Letter from Jake Pastore of OLG to the City of London, dated Jan. 17, 2018
- F** Staff Report to the Strategic Priorities and Policy Committee of the City of London, dated Jan. 29, 2018
- G** Minutes of the Strategic Priorities and Policy Committee of the City of London held Jan. 29, 2018
- H** Minutes of the City of London Council Meeting held Jan. 30, 2018
- I** Letter from the City of London to Anna Lisa Barbon, dated Jan. 31, 2018
- J** Email from Anna Lisa Barbon to Jake Pastore of OLG, dated March 21, 2018
- K** Email from Jake Pastore of OLG to Anna Lisa Barbon, dated March 26, 2018
- L** Display Boards for Public Open House and Information Session
- M** Summary of Public Consultation Results: Public Comments on Social Media
- N** Summary of Public Consultation Results: Survey
- O** Staff Report to the Strategic Priorities and Policy Committee of the City of London, dated April 23, 2018
- P** Minutes of Meeting of the Strategic Priorities and Policy Committee of the City of London held April 23, 2018
- Q** Minutes of the City of London Council Meeting held January 30, 2018

6 Affidavit of Jeffrey MacIntyre, sworn October 18, 2019

- A** Letter from Prime Real Estate Inc. to Sudbury, dated June 26, 2017
- B** Minutes of City Council Meeting held Nov. 24, 2015
- C** *Modernizing Lottery and Gaming in Ontario*, dated March 12, 2012
- D** Minutes of City Council Meeting held May 15, 2012
- E** Staff Report on City of Greater Sudbury Submission to OLG for Casino RFP, dated Aug. 2, 2014
- F** Presentation to City Council, dated Aug. 14, 2012
- G** Minutes of City Council Meeting held Aug. 14, 2012
- H** Open house presentation on "Potential Casino Development", dated October 10, 2012
- I** Schedule of payments in respect of capital donation
- J** Facebook Messenger communication between J. MacIntyre and R. Kirwan, dated June 28, 2017
- K** News articles and Facebook posts from Councillor Kirwan in respect of BIA
- L** Facebook post by Councillor Kirwan, dated May 18, 2018
- M** Agenda of City Council Meeting, dated July 9, 2019
- N** Letter from BIA to Gordon Petch, dated August 2, 2019
- O** Complaint from BIA to Integrity Commissioner
- P** Email from J. MacIntyre to G. Petch, dated September 16, 2019
- Q** Agenda of City Council Meeting, dated September 24, 2019

THIS IS **EXHIBIT "B"** TO THE AFFIDAVIT
OF **ROWAN FALUDI**,
SWORN THIS 18th DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.



KINGSWAY ENTERTAINMENT DISTRICT AND ARENA

Economic and Financial Analysis

Sudbury, Ontario

Prepared for **Municipal Law Chambers**

March 12, 2018



March 12, 2018

Mr. Gord Petch
Municipal Law Chambers
Royal Building
277 Lakeshore Road East
Oakville, Ontario
L6J 6J3

Dear Mr. Petch:

Kingsway Entertainment District and Arena Economic and Financial Analysis

As per our discussions, you have asked urbanMetrics to prepare a preliminary report summarizing our initial analysis and conclusions with regards to the proposed Kingsway Entertainment District in Sudbury and the proposed relocation of the Sudbury Community Arena, as part of this proposed arena/casino/entertainment/retail centre on the north side of The Kingsway in the vicinity of Levesque Street.

As you are aware, our firm, and our legacy organizations: the Coopers & Lybrand Real Estate Consulting Group and the PricewaterhouseCoopers (PwC) Real Estate Advisory Services Practice, have extensive experience in terms of analyzing the need for sports and entertainment complexes as well as casino gaming. In addition, we have undertaken numerous studies on behalf of municipalities to assist them in planning their commercial structures and downtown cores. We were involved in the analysis that led to the initial introduction of casino gaming in Ontario, and have continued to analyze casino and gaming projects on behalf of both private and public-sector clients. We have also undertaken numerous downtown studies on behalf of municipalities, and recently, on behalf of the Downtown Peterborough BIA undertook an analysis of a similar type of casino proposal. Moreover, we are also able to provide considerable insights into the Sudbury market and tourist draw, having been the economic consultants to Science North on a number of occasions and assisted in the creation of the Dynamic Earth attraction.

As part of our analysis, we have undertaken a review of the background documentation, including two PwC reports, which reviewed various options for the arena/entertainment complex, developed locational criteria and applied those criteria to provide Council with

direction as to an appropriate site for a new arena. We have also reviewed various planning policy documents, although we would note that the focus of our analysis relates largely to the market and economic impacts related to the arena and the impacts that might occur with the relocation of the arena and the casino to the proposed Kingsway Entertainment District.

The following report summarizes our principal conclusions and supporting analysis related to the proposed Entertainment complex.

If you have any questions with regards to any aspect of our report, please do not hesitate to contact us.

Yours truly,

urbanMetrics inc.

A handwritten signature in blue ink that reads "Rowan Faludi". The signature is written in a cursive, flowing style.

Rowan Faludi, MCIP, RPP, CMC, PLE
Partner
rfaludi@urbanMetrics.ca

Summary of Findings

We have undertaken a preliminary assessment of the principal components of the proposed Kingsway Entertainment District, and particularly, the proposed relocation of Sudbury Community Arena and the proposed relocation of Gateway Casinos Sudbury.

In our opinion, the proposed Kingsway Entertainment District would be contrary to a number of key municipal and Provincial policies, including the Official Plan, the Downtown Master Plan, the Economic Development Strategy and the Growth Plan for Northern Ontario.

Our analysis also concludes that the Kingsway Entertainment District is not a project that would make economic sense for the City of Greater Sudbury in that the benefits it would produce would be overshadowed by its economic and financial costs. Before investing further staff and financial resources in this project, we strongly recommend that the City proceed with the conduct of an independent economic and financial analysis of this project.

- **Downtown Sudbury is the City's and Region's Commercial Engine.** This is reflected in all of the City's key Planning and Economic Development policies. These policies protect Downtown Sudbury and actively promote continued investment in the core. The Sudbury Community Arena is the largest visitor attraction to Downtown Sudbury and supports many downtown businesses. The relocation of the Sudbury Community Arena would be a lasting economic drain on Downtown Sudbury. It would likely cause the direct loss of businesses that rely on the arena and would significantly hamper the attraction of new investment to downtown Sudbury
- **Downtown's are the Preferred Location for Major Arena/Entertainment Complexes.** Major sports leagues including the NHL and CHL have recognized that their most successful franchises are in downtown locations, while the least successful franchises are on suburban sites. Municipalities, such as London, Kingston, Guelph, St. Catharines, Oshawa, and others, with downtown CHL arenas are seeing a surge in commercial and residential investment. The development of a new arena in Downtown Sudbury, would help to stimulate private investment in this strategic area.
- **The PwC Report Confirmed Downtown as the Preferred Site for the New Arena.** PwC was engaged by the City of Greater Sudbury to undertake two reports examining the need for and the location for a new Arena/Entertainment complex. After examining eight key factors, PwC concluded that the Downtown was the preferred site for the Arena.

- **Making a Decision Based on a Sub-set of the PwC Factors is a Flawed Approach.** Council directed PwC to make an assessment based on only three of the factors – Economic Impact, Cost, and Parking. While the Downtown site was rated highest from an economic impact perspective, it was rated behind the Kingsway site in terms of Cost and Parking. PwC used very generalized and preliminary cost information and, in our opinion, did not have sufficient information to rank the options based on cost in a supportable manner. The parking analysis left out a number of key factors that could have returned an alternative result if considered. Furthermore, it was based on a pre-existing bias that an expansive suburban parking area was in some way superior to downtown parking options, without taking into consideration the amount of parking actually required to support a new arena. The analysis using only three of the eight factors is a flawed approach and should not take precedence over the analysis of the full range of factors, which resulted in the Downtown being the preferred location for the arena/entertainment complex.
- **The Kingsway Entertainment District Would Redirect Business and Investment Away from Other Parts of Sudbury.** The current Kingsway proposal would include the relocated casino, the relocated arena, as well as, restaurants, and other recreation/entertainment uses and is also being promoted to include shops and a convention centre. Sudbury is not a large market and is projected to grow at only modest levels. In the absence of a major draw in the downtown to replace the arena, it is likely that the Kingsway Entertainment district could exist only by cannibalizing business from the downtown and other parts of the City, which are already identified in the Official Plan as being important commercial nodes the entire City and beyond.
- **The Kingsway Proposal Would Jeopardize the City’s Planned Transformational Large Projects.** Following a public consultation process, City Council gave direction to proceed with two major projects – The Greater Sudbury Convention and Performance Centre and the Library/Art Gallery. The re-use of the existing arena was deemed the preferable location. In our opinion, it is likely that the proposed Kingsway Entertainment Centre could duplicate the function of the convention centre and events centre – by offering alternative performance venues, meeting spaces and convention facilities. In addition, by relocating the arena to the Kingsway site, the City would be losing all of the synergies that would exist between the convention centre and the arena, such as, attracting large scale events that would use both facilities, or by attracting a large convention hotel that could serve both arena and convention centre. In our opinion, the Kingsway development would seriously impact the viability of these important projects in the downtown core. And in fact, the

Kingsway development is already being promoted for a convention centre to tie into the opportunities created by the relocated arena¹.

- A Casino Would Not Significantly Affect Tourism to Sudbury and Would Draw the Vast Majority of Its Support from within the City.** The existing Sudbury tourism market is not large and not well oriented towards casino gaming, with about 70% of visitors coming to visit friends and relatives or for shopping and personal appointments. About 60% of visitors arrive from other parts of Northern Ontario. The current pleasure market comprises only about 21% of visits. The existing casinos in Northern Ontario – in Thunder Bay and Sault Ste. Marie draw between 85% to 95% of their visitors from within the local municipality. Licence plate surveys conducted at the Gateway Casino Sudbury (Former OLG Slots), confirm that the vast majority of customers are from Sudbury. Attracting tourists to a casino in Sudbury would require tapping into new markets not currently visiting Sudbury. This would be difficult to do because the Provincial and International gaming markets are already severely constrained by existing casinos, while the OLG modernization program will be bolstering this competition. In our opinion, additional gaming revenues that would be achieved by a new casino in Sudbury would be derived mostly from Sudbury residents, who would have transferred their spending from other commercial sectors elsewhere in the City.
- Casino Gaming Extracts Money from the Local Economy.** Casinos and slots facilities typically generate very high profits. In the case of the OLG Slots, this facility generated approximately \$42 million in net gaming revenues in 2016/17, plus a small amount in food services. Local costs (wages and salaries, municipal revenue share, sponsorships, local purchases, etc.) comprised only about \$12 million. The OLG Slots Sudbury facility contributed approximately \$30 million to the Province. With the vast majority of these revenues being derived from Sudbury residents, an estimated \$20 to \$24 million was effectively transferred from the City's economy to the Province. While the Province invested money back into the City as part of its ongoing spending on health care, transportation, infrastructure, etc., there is no way of knowing whether this represents a gain or a loss for the City, or whether the Province would invest any differently if there were not casino in Sudbury. Effectively this money was being transferred from the City for discretionary spending by the Province. This situation will be less favourable for Sudbury going forward, in that future casino revenues will be shared

¹ Promotional video prepared by True North Strong Centre.

² Science North is made up of multiple separate attractions including the Science Centre, Dynamic Earth, the

between the Province and Gateway Casinos – a private BC company owned by a Toronto Investment firm, which would have no obligation to invest revenues back into the local economy.

- The Proposed Kingsway Entertainment District May Not Result in a Significant Number of New Jobs for the City.** While the proposed entertainment district will be a relatively large employer, most of the jobs will occur from transferring existing jobs from the arena and the slots facility. The employment gain from the new arena would be negligible and would likely be the same if the arena were constructed downtown. Gateway Casinos has announced that it will employ some 400 persons. These would replace approximately 190 jobs at the slots site. Based on our understanding of the Gateway concept, about two-thirds of these employees would be required for work in food services and retail outlets at the casino. It is likely, that at least some of these jobs will be transferred from existing bars and restaurants in the downtown and elsewhere in Sudbury, so that the net gain could be relatively small. Equally as important, is that due to their high profits, casinos do not generate a lot of employment per dollar earned. So that transferring revenues from establishments such as restaurants that require more staff per revenue earned, could actually result in employment losses for the City as a whole.
- Additional Revenues to the City from the Proposed Kingsway Entertainment Project May Not Be Significant.** The City currently receives about \$2.2 million from the current slots facility through the Municipal Contribution Agreement with OLG. Based on a projected casino win from a current level of \$42 million from the slots to between \$75 and \$80 million from both tables and slots, this would increase the municipal share by between \$1.45 to \$1.7 million. Additional revenues would also be available from property taxes, however, these will be highly dependent on assessment changes that are being reviewed by the Municipal Property Assessment Corporation in response to the OLG modernization program. These would result more from changes to how casinos are assessed than to where they are located. In other words, the assessed value of the facility will likely change regardless of whether Gateway Casinos moves to a new location. As a municipal facility, the Community Arena, is exempt from taxes. This is not expected to change with the proposed relocation to the Kingsway site. These net revenue gains will also be tempered by tax losses from the closure or downsizing of downtown businesses due to the relocation of the arena and competition from the proposed Kingsway development. Furthermore, taxes received from new development also come with a requirement for a municipality to provide public services, such as road maintenance, emergency services, administrative

services, etc. So that much of the tax increase from the development of a new casino may be required to provide the necessary services to support it.

- **In conclusion, the Proposed Kingsway Entertainment District has many Economic Drawbacks for the City and it is likely that its Economic and Financial Costs would Outweigh its Benefits.** As a result, we would strongly recommend that a more detailed economic analysis be undertaken, before additional staff and financial resources are invested by the City towards this proposal.

1.0 Sudbury Community Arena is an Important Economic Driver and Community Resource

Sudbury Community Arena is currently one of the largest visitor attractions within the City and an important economic driver for the downtown core.

Based on the February 21, 2017 PwC Report, which was commissioned by the City to assess the viability of constructing a larger and modernized facility, between 2013 and 2015, the current arena has drawn between 156,000 and 213,000 visitors annually. To put this in perspective, this is more than the attendance attracted to the Science North Science Centre over this period, which drew between 142,000 to 149,000 visitors². While the source of visitation to these two important attractions is very different, none the less, Sudbury Community Arena draws a very significant volume.

The City of Greater Sudbury's website describes the Sudbury Community Arena:

The Sudbury Community Arena is where sports and entertainment come alive in the north! A hub of community activity since 1951, the Sudbury Community Arena has hosted countless concerts, tradeshow and sporting, entertainment and cultural events. It is also proud home to the Ontario Hockey League's Sudbury Wolves. Centrally located in downtown Sudbury, the Sudbury Community Arena is situated near a variety of unique shopping, entertaining and dining locations³.

As one of the most visited attractions in the City, Sudbury Community Arena attracts many visitors to the site, but also supports a wide range of businesses in its vicinity, including restaurants, retail shops, accommodations, and others.

In our experience, the location of the arena will play a very significant role in terms of its ability to support local businesses and attract visitors to its own events.

² Science North is made up of multiple separate attractions including the Science Centre, Dynamic Earth, the Exhibit Hall, the IMAX Theatre, the Planetarium and the new Escape Room. All of these attractions combined drew between 343,000 and 381,000 persons between 2013 and 2015. The Science Centre is the most popular of these attractions, drawing between 142,000 and 149,000 visitors.

³ <https://www.greatersudbury.ca/play/recreational-facilities/arenas/sudbury-community-arena/>

2.0 Downtowns have Become the Preferred Location for Major Arena/Entertainment Complexes

Both municipalities and sports organizations across North America have realized that suburban-based arenas consistently underperform those in downtown locations, both in terms of economic impacts and attendance.

The National Hockey League has acknowledged the trend towards successful downtown arenas, citing young people's preference to living downtown and forgoing car ownership and that from an urban planning perspective the trend is moving away from suburban entertainment districts towards a more dynamic mixed-use approach, including residential development and retailing. The weakest franchises in terms of attendance - Florida, New Jersey, Arizona, Carolina and Ottawa are those with NHL arenas in suburban locations⁴.

The Edmonton Oilers recently relocated from the former Northlands Coliseum (Rexall Place) beside the Northlands exhibition grounds (i.e. an entertainment district), to Rogers Place in the heart of the downtown core. The construction of the new arena has attracted a downtown building boom characterised by a number of new condominium and office projects. The City of Ottawa is also considering a relocation of its NHL arena from suburban Kanata to LeBreton Flats adjacent to the downtown core. NHL Commissioner Gary Bettman has stated that "A new downtown arena is vitally important to the long-term future, stability and competitiveness of the Senators"⁵.

Smaller communities with Canadian Hockey League (CHL) teams are also moving towards downtown arenas. The London Knights, which has the highest average attendance in the Ontario Hockey League (OHL) and the second highest in the CHL has their home in Budweiser Gardens – an important downtown attraction, which like Edmonton has also attracted considerable downtown investment since its opening in 2002. The City with the highest average attendance in the CHL is Quebec City, which has an arena on the fringe of its downtown.

Similarly, the K-Rock Centre in downtown Kingston has become a key economic driver for the core area, hosting the Kingston Frontenacs OHL team and a myriad of major concerts and events. To enhance the economic impacts of the arena, it was designed so

⁴ "Suburban arenas a problem for the NHL", Toronto Star, November 23, 2107.

https://www.thestar.com/sports/breakaway_blog/2017/11/23/suburban-arenas-a-problem-for-nhl.html

⁵ "NHL commissioner Gary Bettman says Ottawa Senators need a new home", Ottawa Sun, November 10, 2017.

<http://ottawasun.com/sports/hockey/nhl/ottawa-senators/bettman-says-the-senators-need-a-new-home>

as not to offer on-site destination parking to ensure that patrons would pass by shops and restaurants throughout the downtown core on their way to the venue.

Other Ontario cities that have developed successful arenas in their downtown cores include: Guelph (Sleeman Centre), St. Catherines (Meridian Centre), and Oshawa (Tribute Communities Centre). While the recently renovated TD Place arena – home to the Ottawa 67s – is not in the downtown core, it is situated within the historic Glebe neighbourhood and Bank Street commercial avenue. Together with the development of the TD Place stadium, this major redevelopment project has helped to attract extensive commercial and residential development to this historic area of Ottawa.

The existing Sudbury Arena attracts over 150,000 to 200,000 persons to the downtown each year and hosts events that could not be accommodated elsewhere in the City. The City of Greater Sudbury Official Plan recognizes that amenities such as ... Sudbury Arena ... contribute to the appeal of downtown” and as a stated program indicates that “In order to make it more attractive as a place of residence, additional amenities necessary to enhance the liveability of the Downtown will be identified”⁶. In other words, the Official Plan is seeking to increase the number of amenities like the Arena to locate in the downtown core.

In summary, the trend in both the NHL and the CHL is towards downtown arenas for several reasons:

- They tend to draw higher attendance than suburban arenas;
- There is an emerging market with lower rates of car ownership and a propensity to live downtown;
- From an economic development perspective, downtown arenas are more successful at attracting new residential, office, entertainment, and commercial development than their suburban counterparts; and,
- From a planning policy perspective, downtown arena sites support a more efficient, transit and pedestrian urban structure than suburban arenas.

The proposed entertainment complex on the Kingsway would be counter to these trends and appears to ignore the positive economic impacts of downtown arenas that are being experienced by cities both large and small.

⁶ City of Greater Sudbury Official Plan Section 4.2.1.1 Program 1.

3.0 The Kingsway Proposal is Inconsistent with the City's Policies Protecting and Enhancing the Downtown as the Engine of the Region's Commercial Economy

Downtown Sudbury is the centre of retail, arts and culture, government and business services for not only the City, but also Sudbury's extensive service area. Based on data compiled by the Canadian Urban Institute⁷, Downtown Sudbury accommodates some 400 businesses and 6,000 employees. Downtown Sudbury is home to some of the City's leading institutions, including: the Laurentian School of Architecture, City Hall, Memorial Park, the YMCA and Older Adult Centre, the Sudbury Theatre Centre, and Sudbury Arena, among many others.

Sudbury Official Plan

The Official Plan contains numerous references to the importance of the downtown to the City and its service area, and contains policies to sustain and attract new investment to this vital part of Sudbury's urban structure.

For example, Section 1.4 cites the importance of the downtown to the community; the need to enhance its role; and the need to attract new residential development to the core:

The heart of Greater Sudbury, its most urban place, is and will be the Downtown. With the changing role of downtowns, there is a continuing need for appropriate policies and programs to enhance the Downtown as a location of government, commerce, cultural and entertainment facilities. Residential development in and around the Downtown is needed to support new and expanded facilities and amenities.

Section 1.2 directs the City to sustain the downtown as a vibrant hub:

Greater Sudbury's Downtown will be developed and sustained as the vibrant hub of a dynamic city by preserving its historical built form, promoting arts and culture, improving linkages to neighbourhoods and amenities, integrating natural features, developing residential uses, and creating unique urban spaces through innovative design.

⁷ The Value of Investing in Northern Ontario Downtowns: The City of Greater Sudbury Case Study, August 19, 2014.

To this end, Policy 1 in Section 4.2.1.2 requires the City to preserve those aspects of the downtown that contribute to the image, character and quality of life of the City.

It is policy of this Plan to preserve those aspects of the Downtown that contribute to the image, character and quality of life in the City, including natural features, landmarks, design attributes, heritage resources, linkages to existing trails, pedestrian walkways and other desirable elements of the built environment.

In summary, the downtown is a key part of the Sudbury economy. Although the mining and smelting industry has, in the past, been the economic driver of the City, Sudbury is diversifying its economic base, which has been characterised by growth in banking and financial services, business services, government, tourism, health care and retailing. The PwC reports confirm the recent emergence and recognition of Greater Sudbury as a centre for research and innovation with growth in various information technology sectors (e.g., science and technology research)⁸. This recent growth also includes direct partnerships with local post-secondary institutions. The addition of the Laurentian School of Architecture is a prime example of this diversification and the attractiveness of a downtown environment for these creative and technology intensive sectors.

These types of activities are much more urban in character than Sudbury's traditional industries. A vibrant downtown with a mix of entertainment, shopping, residential and business opportunities will be important in terms of attracting businesses and employees from these sectors.

Across North America, downtown cores are playing a key role in terms of establishing cities as quality places that can attract the emerging workforce required for the creative economy.

From the Ground Up 2015 – 2025

Sudbury's Economic Development Strategy prepared by the City of Greater Sudbury Community Development Corporation entitled From the Ground Up 2015 -2025, makes extensive reference to the downtown as a key driver of Sudbury's economic future.

Greater Sudbury recognizes that downtowns are important and that they represent the historic and symbolic heart of the community. A healthy, active, successful

⁸ PricewaterhouseCoopers, Proposed Sports and Entertainment Centre Feasibility and Business Case Assessment, February 21, 2017. p. 6.

*downtown makes a positive statement about the prosperity of the city and sends a positive message to future residents, businesses and investors.*⁹

The revitalization and development of Downtown Sudbury is a key objective of the City's Economic Development Strategy. Objective 4.1 of the Strategy is to "Revitalize and Redevelop Downtown Sudbury as a key indicator of the Community's Quality of Place". The "Required Actions" to achieve this objective include: attracting investment in retail, arts, food, and hospitality; implementing a business retention and expansion program targeting the businesses in the downtown; and developing public spaces, buildings, and infrastructure as a catalyst for revitalization and public-sector investment in the Downtown.

The Economic Development Strategy indicates that representatives from the City's Tourism Sector identified the Arena and Convention facility as "the jewel in the crown", that "it unlocks the potential for our community"¹⁰.

The relocation of the "jewel" and the largest visitor draw to the downtown to a suburban location would be in direct contrast to the objectives and recommended actions of the City's Economic Development Strategy. In fact, Objective 7.1 of the Strategy – "Invest in Facilities, Spaces and Initiatives Needed to Support the Growth of Tourism" specifically recommends the development of a multi-purpose facility or facilities in the downtown core, including the consideration of an arena/sports complex.

It is also worthwhile to note that within the Economic Development Strategy there is not a single reference to casinos, gaming or slots as contributing to the economic development of the City or something the City should pursue to enhance economic growth.

Sudbury Downtown Master Plan

The Sudbury Downtown Master Plan was commissioned and approved by the City of Greater Sudbury in 2012 and functions as the blueprint to guide the revitalization of Downtown Sudbury over the next ten years (i.e. to 2022) and beyond, detailing a series of actions and initiatives necessary for this transformation and specifying their timing and allocating responsibilities.

The Downtown Master Plan has been carefully prepared to enable the City to meet its own policy objectives, as well as those required by the Province:

⁹ From the Ground Up 2015 -2025 p. 31.

¹⁰ From the Ground Up 2015 -2025, Appendix A: Consultation Summary p. 63.

The Official Plan recognizes the important role of Downtown as an employment centre within the City. The new Northern Growth Provincial Plan requires that municipalities develop strategies to encourage a significant portion of future residential and employment development locate in strategic core areas and other opportunity areas, such as brownfields. Building on these policy directions, the Master Plan proposes a program of public and private investment in the downtown necessary for it to achieve the self-sustaining critical mass and play its optimal role¹¹.

The study emphasises why it is important for municipalities to protect and promote economic growth in their downtowns:

The study notes that:

a struggling downtown sends a negative message to future residents, businesses and investors.

Conversely, a successful downtown:

- ... creates a positive image for the Region.*
- ... supports a strong tax base for the city.*
- ... acts as an incubator for new business growth.*
- ... retains and creates new and different jobs.*
- ... protects property values in surrounding neighbourhoods.*
- ... is a significant tourism destination.*
- ... allows growth to occur in an efficient and sustainable way.*
- ... is the meeting place for the city¹².*

The Downtown Master Plan calls on Downtown Sudbury to be a “Destination”:

The Vision for Downtown Sudbury is for it to be the urban playground for Northern Ontario. Sudbury should be the leading destination for business meetings, sports events and cultural and community festivals in the North. However, at present the city lacks many of the facilities necessary to assert this leadership role and many other cities are eager for this business. If Greater Sudbury is to remain competitive and firmly establish itself as the Centre of the North, it cannot remain static. The City must continue to invest

¹¹ Downtown Sudbury a plan for the future going downtown growing downtown, March 2012. p. 40.

¹² Ibid. p. 3.

strategically in its downtown and foster growth that will deliver wider benefit to the city as a whole¹³.

The Downtown Master Plan advises that a number of large-scale initiatives are required, which in turn create the market for retail, restaurant, recreation and other related activities. Importantly, they will set the required environment for residential investment, a critical strategy for downtown success.

One of these projects calls for upgrading the Arena in combination with the construction of a new multi-use facility south of Brady Street with a four-star hotel overlooking Memorial Park.

The Master Plan provides its vision of this initiative:

The Shaughnessy District has brought new energy to the southern portion of Downtown with the rejuvenated arena complex, four-star hotel and new multi-use community and conference space. With events held weekly, the centre is booked solid by a mix of business groups, not-for-profits and community groups. Festivals, food, music, film and the arts keep downtown buzzing¹⁴.

The Downtown Master Plan is the policy document which lays out the City's investments in the downtown over the next 10 years. It is also a document that Sudbury residents and businesses rely on to make their own investments. The Downtown Master Plan, after careful study and long-term consideration has identified the need to undertake significant investment in its Downtown. The Sudbury Community Arena, including a new hotel is an important part of the City's investment strategy.

The proposed Kingsway Entertainment Centre would be diametrically opposed to this strategy. Rather than encouraging investment in the downtown, it would involve the removal of existing infrastructure out of the core and would, in effect, actively encourage businesses to relocate from the core to a suburban location. The vision promoted for the Kingsway Entertainment District includes a wide range of commercial and entertainment businesses, including retail shops, restaurants and a convention centre which would serve to drain business from the core, as well as, other parts of the City. In our opinion, this would not only be economically harmful to the core, it would be contrary to the City's own policies and the policies of the Northern Ontario Growth Plan.

¹³ Ibid. p. 40.

¹⁴ Ibid. p. 29.

4.0 The PwC Reports Confirmed Downtown as the Preferred Site for a New Arena

PwC prepared two reports addressing potential options for the redevelopment/relocation of the Sudbury Community Arena. The first report dated February 21, 2017, provided an overview of arena operations elsewhere in Canadian Hockey League (CHL) cities and made recommendations with regards to a supportable size and the various design components for a new arena in Sudbury. It provided preliminary cost estimates and financial projections based on assumptions surrounding facility utilization and programming. It prepared a high-level non-location specific economic benefits analysis of a new arena and finally, provided a set of criteria to guide an analysis of a preferred location.

In our view, one of the most important discussions relating to location is found on pages 73 and 74 of this report, where the authors discuss the importance of location in terms of generating economic impacts for a community. They refer to a number of downtown arena projects, including London, Kingston, Oshawa, Guelph and Moncton, that have had substantial positive impacts in terms of attracting new investment into a community.

They also cite some non-downtown arena projects, such as Barrie, though in this case, they suggested that the surrounding development activity was likely due to traditional market forces attracted around Highway 400 rather than to the arena. Based on our significant experience in the Barrie market, we would agree that this is the case. They also refer to Medicine Hat, Alberta, where the Canalta Centre was constructed on land donated by a developer. They note that this area was already developing as a retail node, but that the Canalta Centre helped to spur and advance development of the area. Finally, they note the Mohegan Sun Arena in Wilkes-Barre Pennsylvania where the area around the arena had been transformed from “worthless property” into one of the busiest retail districts in the region. Again, they note that the success with the facility was due, in part, to its location in a rapidly growing regional economy, with a population of 14 million people within a 100-mile radius. In all cases, where they refer to suburban-based arenas, the areas around the arena sites had already been subject to strong market growth regardless of the presence of an arena.

They conclude that to maximise spin-off development around arenas, strong local economic conditions and supportive planning will be required.

The final sentence, which concludes the report, provides insight into a preferred location strategy:

In greenfield sites, this amount of critical mass will sometimes need to be “created” and could take years to fully evolve, whereas in more urban locations, a critical mass of space is likely already present and city cores are able to realize positive spin-off benefits more quickly¹⁵.

The second PwC report dated June 2017 applies a set of criteria developed in the first report to evaluate the potential of 23 sites to accommodate the new arena. Based on physical constraints, such as site size and dimensions, proximity to parking, proximity to arterial roads, proximity to municipal services, and suitable soils/geology, the 23 sites were reduced to four shortlisted sites, which were evaluated using eight criteria developed in the first report. These include:

- **Vision** – Whether the Events Centre concept on the site is consistent with the overall long-term strategic vision of the City.
- **Complimentary Benefits** – The ability of the Events Centre to enhance the surrounding area.
- **Ease of Development** – Cost and timing on a particular site.
- **Access** – Whether the site is or can be easily accessed by vehicle, pedestrians or transit.
- **Parking** – Whether sufficient parking would be available to support the Events Centre.
- **Cost** – Total cost of development, including land acquisition, site preparation.
- **Economic Impact** – Whether a particular site has an enhanced economic impact for the surrounding neighbourhood, the City or the Region.
- **City Building** – Whether the development of a site would enhance economic growth, quality of life, citizen satisfaction and community pride.

¹⁵ Proposed Sports and Entertainment Centre Feasibility and Business Case Assessment, City of Greater Sudbury, PwC, February 21, 2017. p. 75.

PwC applied these criteria to four distinct sites:

- A 19.2-acre property on **Maclsaac Drive**, near the intersection of Regent Street and Long Lake Road
- A 22-acre site on the south side of Regent Street at **Algonquin Road**
- A 23.1-acre site on **The Kingsway** in the Jack Nicholas Business and Innovation Park, which would be developed as part of a broader entertainment district with a casino and other complementary uses.
- A 3.0-acre site in **Downtown Sudbury** adjacent to the existing arena.

After applying all of the criteria, PwC ranked the Downtown site as the most desirable, followed by the Kingsway Site, the Maclsaac site and the Algonquin site. The Downtown site had the highest ranking in all categories except cost impact where it finished second to the Kingsway site and parking where it finished fourth.

5.0 Analyzing Only the Council-Deemed “Highest Importance” Criteria is a Flawed Approach

While using all of the criteria, the PwC Reports deemed the downtown as the preferable site for a new arena. However, Council directed PwC to separate the criteria into three groups:

Of Highest Importance

- Cost
- Economic Impact
- Parking

Extremely Important

- Complementary Benefits
- Access
- Ease of Development

Important

- Vision
- City Building

Using only those criteria which Council deemed of Highest Importance (Parking, Cost, Economic Impact), the Downtown site finished second behind the Kingsway site. The MacIsaac and Algonquin rankings remained unchanged at 3rd and 4th respectively. In our opinion, this is not a valid approach to analyzing the merits of a location, because it ignores factors that should be considered. In fact, in its analysis, PwC had already devised a weighting system for each criterion, so that some factors were given higher weightings than others, but all factors were considered. Only considering the factors deemed of Highest Importance to Council ignores other important factors which should be considered in terms of any decision – such as vision, city building, complementary benefits to the community, accessibility, and ease of development. Without considering these factors, a decision cannot be made based on a full understanding of the implications of the project.

Equally important, however, is that there are a number of significant issues with the PwC ranking system that likely unfairly and incorrectly skewed two of the criteria deemed of Highest Importance to Council against the downtown site – Cost and Parking.

Cost Criteria

Firstly, the cost information available to the consultants was only at a very high level, particularly costs related to infrastructure and site preparation. As there has been no detailed cost analysis of the sites, PwC could only use very rough estimates. For example, with regards to the Kingsway site, site preparation was estimated at between \$10 and \$15 million, while servicing was estimated at between \$5 and \$10 million. Including the \$80 million construction cost for the arena/events centre, the total cost at the Kingsway site was assigned a value of \$98 million.

For the Downtown site, site preparation costs were estimated at between \$5 and \$10 million, while the cost for additional works and servicing has been estimated at less than \$5 million. There were also unspecified costs related to acquiring portions of the site not owned by the City. In addition, the BIA agreed to commit some \$2.2 million if the arena was located downtown. Including the \$80 million to physically construct the building, the Downtown site was assigned a total cost of \$99 million.

In our opinion, given the breadth of the cost range for servicing and site preparation, there is not sufficient precision to rank the two sites differently, particularly when the total cost difference assigned was only about 1% of the total projected costs. Secondly, PwC has suggested that due to the nature of construction costs, that these estimates may be prone to some double counting¹⁶, which further erodes confidence in the preciseness of the estimates.

¹⁶ Greater Sudbury Event Centre Site Evaluation, PwC, June 2017. pp. 15, 18, 21 and 27.

Finally, the servicing costs and site preparation costs at the Kingsway site are far less certain than those of the Downtown site, which already has access to municipal services and has infrastructure in place to support the existing arena. Furthermore, the geotechnical details of the Downtown site are also likely similar to those of sites elsewhere in the downtown, including the recently constructed School of Architecture building. The same cannot be said for the Kingsway site, which would require water and sewer construction and the provision of hydro and as stated in the PwC report: “is vacant and unimproved and contains undulating bedrock with dips and valleys” and would require “a significant amount of blasting and site grading”. In other words, there is considerably more risk with regards to the preliminary cost estimates associated with the Kingsway site.

In our opinion, there is not sufficient information to rank the Kingsway site ahead of the Downtown site (or potentially the other sites) on the basis of cost. A more reasonable approach would have been to rank the Downtown site equal to the Kingsway site in this category, although it is conceivable that the Kingsway site could be more expensive to develop than any of the other three sites, once detailed engineering and geotechnical analysis has been completed.

Parking Criteria

Several issues also exist with respect to the application of the parking criteria applied in the PwC report.

First, while the report ranks the sites on their availability of parking, nowhere is there an analysis of how much parking would actually be needed and whether the downtown site due to its access to transit would require less parking than the other sites. The fact that one site has more parking than another may not be relevant if the excess parking is not needed.

Secondly, the February PwC report notes that:

One of the key elements that must be included in any location decision is access to parking. Remote or suburban locations tend to have adequate land for parking but also tend to have only one major road leading to the site. As a result, while parking may be easily accommodated, there can be significant issues in terms of loading and especially exiting the parking area after an event (a common issue raised in regard to the WFCU Centre in Windsor)¹⁷.

This is exactly the situation in which the Kingsway site finds itself. In other words, all of the traffic leaving the site would be channelled onto the Kingsway. Given that the site is in the

¹⁷ Proposed Sports and Entertainment Centre Feasibility and Business Case Assessment, City of Greater Sudbury, PwC, February 21, 2017. p. 46.

east end of the built-up area, the vast majority of traffic would be funnelled into the westbound lanes when leaving the site. This was not addressed in the parking analysis contained in the June PwC report, which only comments that the Kingsway site could accommodate over 2,000 parking spaces.

Thirdly, the discussion with regards to the parking assessment in the June PwC report is somewhat contradictory. PwC notes that there are more than 3,500 parking spaces within a 10-minute walk of the Downtown Arena site, which in aggregate is more than is available at the three other sites. The study also notes that a “sufficient number of spaces may be available within 600 metres of the site”, which they note is a seven-and-a-half-minute walk. However, this seems to be discounted due to “public perception” that many of these spaces are located too far from the event centre. A similar analysis was not conducted with regards to the Kingsway site – i.e. how far a walk would it take to accommodate a sufficient number of spaces and would this make a material difference in terms of the functionality and market attractiveness of the facility, as opposed to a purely “perceptual” difference.

Fourthly, in the PwC February report, the discussion of the Parking criterion includes the questions: “If additional parking is required, would it be well-used on a daily basis for other purposes?”; and “Would the creation of additional parking be a prudent investment?”¹⁸ These questions were not addressed in the analysis of the four sites conducted in the June report. In this regard, the downtown site would be superior to the Kingsway site in that it would make use of existing parking spaces that are underutilized in the evenings and weekends and would not require the construction of additional spaces that would largely be vacant during non-event times. This speaks to not only financial sustainability but also long-term economic sustainability as required by the Province’s Northern Ontario Growth Plan, as well as the City of Greater Sudbury’s own goal of becoming a sustainable community as documented in the City’s Official Plan.

Furthermore, the PwC June report also indicated that it did not consider a proposed parking facility that could be developed if demand for a Downtown arena and events centre warranted it. While this potential downtown parking structure was not considered by PwC, its first place ranking of the Kingsway site was predicated entirely on the construction of new parking around that facility.

Finally, PwC did not consider the role of parking in terms of enhancing economic development. As noted previously, the City of Kingston, when it developed the K-Rock Centre in its downtown, made the strategic decision to minimize on-site parking so as to promote pedestrian traffic flow through the downtown, thereby encouraging customers to frequent

¹⁸ Ibid. p. 48.

local shops and restaurants. This is a strategy that has been successful in that community. Comparing an expansive acreage of parking on a greenfield site to a parking solution that might be employed in the downtown core to enhance local business development, is not a fair or reasonable approach.

In our opinion, PwC did not have sufficient information available to them in order to prepare a reasonable ranking based on its parking criterion. In its February study, PwC specifically noted that “a detailed and professionally prepared traffic and parking study for each proposed site including an estimation of parking requirements will be needed (does sufficient parking exist in the area surrounding the site and what, if any, street and vehicular access improvements are required)”¹⁹ There is no references in the June report to these studies having been conducted. PwC appears to have reached its conclusions based on developer plans, parking space counts, and “public perception”. Its analysis contains no reference to actual parking requirements, parking utilisation, accessibility, traffic ingress/egress to each site, or other information that would be derived from a “detailed and professionally prepared traffic and parking study”.

In our opinion, the lack of information available to PwC and the assumptions they used to evaluate the parking and cost criteria, unfairly biased their ranking against the Downtown site. The cost analysis undertaken by PwC was conducted at far too high a level and undertaken without supporting infrastructure or geotechnical studies. It could not reasonably have been so precise as to allow for a ranking of one site ahead of another on the basis of a 1% very generalized cost differential. Similarly, the parking analysis appears to have been undertaken without reference to information in studies that even PwC had earlier indicated should be conducted. It excluded numerous data that could have easily yielded alternative results.

Had the PwC analysis appropriately ranked the downtown site equal to the Kingsway site in terms of cost and had taken all of the above noted factors into account for the parking analysis, the downtown site would have been ranked highest not only overall, but also in terms of those criteria identified as of highest importance to Council.

6.0 The Relocation of the Arena Would Harm Businesses Within the Downtown Core

A key piece of information that has been lacking from the arena location analysis is the impact on the Downtown should the arena be moved outside of the core. The arena is the largest visitor draw to the downtown and supports numerous businesses in the downtown core

¹⁹ PwC June Report p. 47.

notably restaurants and pubs, as well as other retail and commercial establishments. In addition, as a prominent attraction, it provides additional exposure to the downtown core through marketing and advertising and adds prestige to the core.

The loss of this major facility will affect both specific businesses which rely on customers to the arena, as well as, the downtown core in general. Furthermore, we note that the construction of a new arena is also expected to involve the expansion of a range of major entertainment facilities. This includes potential new entertainment uses that are not currently located in Sudbury and—if relocated to, or expanded on the Kingsway site—could adversely affect the remaining food and entertainment uses located in the downtown. If these types of uses are ultimately concentrated at the Kingsway site, it would also be difficult for existing businesses in the downtown to ever recapture this level of attraction or draw.

In the case of Windsor, in 2008 the former downtown arena that was home to the Windsor Spitfire was closed and a new arena (WFCU Centre) was opened in a suburban location about 12 kilometres outside of the core. While there are many factors at play, Downtown Windsor has been in steady decline since 2000 and the loss of the traffic to the arena helped to hasten the issues facing the core. Since its closure, the former arena has been used for minor league and university hockey games, sat vacant and been used for salt storage for the municipal works department. There is currently a proposal to develop a school on the site for the Catholic School Board. Unlike downtown Sudbury, downtown Windsor has a relatively large resident population to support the eventually reuse of the site. If this redevelopment occurs, it would represent a 10-year span since the arena was vacated by its major tenant.

In our opinion, any decision to relocate the arena to a suburban location should not be made without examining the impact of this relocation on the downtown.

7.0 An Entertainment District including a New Casino Will Redirect Business Away from Other Parts of the Community

As noted above, the loss of a major attraction, such as the arena, will undoubtedly negatively impact Downtown Sudbury. A large-scale entertainment district with a casino will also draw commercial traffic away from other parts of the City. For example, as is typically the case in other communities, restaurants and other food services that are located in the casino often are able to outcompete similar businesses in other parts of the City on price and special offerings. The vision being promoted for the entertainment district also calls for shops and boutiques to be integrated in the concept. This could potentially impact established retail nodes that have already been designated in the Official Plan as important to serving the entire

city and beyond²⁰. A question that needs to be addressed as part of any examination of the arena relocation and establishment of a new entertainment district, is whether business losses in the downtown and other parts of the City will be offset by broader positive community benefits. This has not been addressed in the PwC analysis.

As per the current proposal, the arena would be relocated and situated on the Kingsway site as part of a concept for a “Kingsway Entertainment District” which is also planned to include a new casino (which would be relocated from Sudbury Downs), a hotel, restaurants, retail outlets, and other possible entertainment/recreation/convention uses.

Another key question that needs to be addressed, is whether there would be sufficient market growth or recapture to support an entertainment district. In our opinion, it is more likely that in the absence of another major draw in the downtown to replace these food and entertainment and retail functions, such a relocation would simply cannibalize expenditures that are already being made elsewhere in the City. The retail impact of the proposed Kingsway development on the existing commercial nodes should also be studied. Finally, with limited options available, it is unlikely that a new or different major draw could be introduced to the downtown in the coming years.

8.0 The Kingsway Proposal Would Jeopardize the City’s Planned Transformational Large Projects

In November 2012, the City invited its citizens to propose large scale projects that would be transformational to the City. At its meeting, on September 12, 2017, the City gave direction to staff to implement two of these projects – the Greater Sudbury Convention and Performance Centre and the Library/Art Gallery.

In evaluating the location for these important projects, the City determined that the re-use of the existing Arena was the most appropriate way to accommodate both projects. A City staff report dated November 15, 2017 analyzed a number of sites and ranked the existing Arena site as the best option.²¹

It is also important to recognize that this report was completed with the assumption that the Kingsway Entertainment District would be approved and constructed, as one of the reasons

²⁰ In addition to the Downtown, the Official Plan designates three Regional Centres, which are commercial centres serving a catchment area extending beyond the City. These commercial centres are permitted to expand to include other uses, as a means of utilizing existing infrastructure and achieving increased urban intensification.

²¹ City Council Report – Greater Sudbury Convention and Performance Centre /Library Art Gallery Update.

given for selecting the arena site was “It addresses community concerns about the future of this site after the Kingsway Event Centre opens”²².

In our opinion, the proposed Kingsway Entertainment District would, to no small extent, duplicate the function of a convention centre and a performance centre. At best, the proposed Kingsway Entertainment District would impede the market for these uses downtown, by offering discounted competitive facilities as an attractor to potential gaming patrons. Similarly, the transfer of hospitality infrastructure from the downtown to the Kingsway site would further reduce the viability of the performing arts centre and convention centre in the downtown.

At worst, the Kingsway Entertainment District would make a performing arts venue and convention centre in downtown redundant – thereby offering no comparable replacement for the Arena and substantially increasing the tourist and entertainment draw away from the core.

The City’s report discusses the vision for a hotel associated with the convention centre, but provides no analysis as to whether there is sufficient market for a new hotel, in addition to the hotel facilities being planned as part of the entertainment district, nor does it provide any analysis of how the convention centre would effectively compete with the Kingsway casino/arena/hotel development that would likely contain conference and meeting facilities in addition to having direct access to the arena space. Potential impacts on the existing hotels in the Downtown should also be studied, as they could be significant.

On the other hand, a convention centre and arena developed together in the downtown core in conjunction with a performing arts centre together with the library/art gallery, would transform the downtown into a vibrant entertainment/tourism hub that would support restaurants, hotels, and other local businesses. In particular, a downtown convention centre adjacent to the new arena would enable the City to compete for a wide range of conventions, consumer shows, business meetings, special events and other activities that would draw visitors and their expenditures into Sudbury and support a vibrant downtown core.

We would also note that the Kingsway development has already recognized the connection between the arena and convention centre and has produced a promotional video showing a convention centre as part of the Kingsway Entertainment Centre complex.

To date, no economic analysis has been undertaken to determine either the impact on downtown of relocating the arena to the proposed Kingsway entertainment district or the

²² Greater Sudbury Convention and Performance Centre/Library Art Gallery Update, November 15, 2017. 5th unnumbered page under “Analysis” section.

economic benefits that would be derived from the creation of a downtown hub including the Arena, a convention centre, a performing arts venue, a library and art gallery.

9.0 A Casino Would Not Have a Significant Impact on Tourism and Would Draw Heavily from within the City of Greater Sudbury

Over time, as gaming has become more ubiquitous across North America, its uniqueness as a tourism draw has waned. The introduction of online gambling by numerous operators, including the Ontario Lottery and Gaming Corporation has further eroded the draw of physical casinos. In addition, casinos are not part of the entertainment regimen for the smart-phone savvy computer-gaming younger demographic²³.

Although we do not have direct data with regards to the geographic distribution of visitors to the OLG Slots in Sudbury, we have been able to obtain a reasonable approximation through analysing licence plates at the facility and data from cell phone usage. In February 2018, a licence plate survey of vehicles visiting the current Sudbury Downs casino site was undertaken under the direction of urbanMetrics. A description of the methodology and summary of the results has been provided in Appendix B. We would note that in our experience, licence plate surveys tend to over estimate persons travelling to a site from further away²⁴. Regardless, 74% of all vehicle plates recorded were from the City of Sudbury and 88% were from within a distance of 120 kilometres from the site (including North Bay). Based on the typical overcount of non-local customers, we would estimate that between 80% and 85% of visitors originated from the City and some 90% to 95% originated from within 120 kilometres.

This estimate was corroborated through the analysis of cell phone usage data at OLG Slots in July, August and September 2017 and in February 2018. (See Appendix C) These dates were chosen to mimic the high summer tourism season and the same period covered by the licence plate survey. Visitation patterns by month were very similar, and on average some 90% of visitors arrived from within 120 kilometres of the site plus North Bay and 84% originated from within the City of Greater Sudbury. Only 9% originated from outside of Northern Ontario.

²³ Canadian Gaming Business. "Demographic Dilemma – The Challenge of Connecting with Today's Player", Spring 2017.

²⁴ For example, licence plate surveys would not capture persons arriving by means other than their private vehicle (e.g. taxis or persons being dropped off), they would not be capable of distinguishing a person who had moved to the local area, but had not changed their address on their drivers licence, they cannot distinguish the ownership of leased vehicles (i.e. someone driving a vehicle leased by their company) etc. These factors tend to inflate non-local visitation between 5% and 15%.

This is consistent with other evidence which indicates that Northern Ontario casinos do not draw heavily outside of their own communities. A 2006 survey by the Ontario Problem Gambling Research Centre determined that the two Northern Ontario Casinos in Thunder Bay and Sault Ste. Marie attracted some 90% and 86.5% of visitors from within their own communities. Only about 5% of visitors to the Sault Ste. Marie casino were from outside of Ontario and only 2% of Thunder Bay casino patrons were from outside of the Province. As a smaller slots-only facility not close to an international border and with extensive and growing gaming competition serving the GTA, we would not expect Sudbury to differ from the experience of these other Northern gaming facilities.

Based on 2014 Statistics Canada Tourism data commissioned by the City of Greater Sudbury²⁵, the Sudbury Tourism market is oriented towards persons visiting from North Eastern Ontario, and persons travelling to Sudbury to visit friends and relatives and for personal appointments. The pleasure market represents only about 21% of trips to Sudbury. Persons engaging in casino gaming (i.e. OLG Slots) represent a miniscule proportion of the market. The following summarizes the current Sudbury tourism market:

- 60% of current tourists are from Northern Ontario and 93% are from within the Province.
- 70% of visitors to Sudbury come either to visit friends and relatives or are visiting for a specific personal reason (e.g. to shop, doctors/dentist appointment, etc.).
- The pleasure travel market represents only 23% of visitors to Sudbury.
- Only 1% of visitors reported visiting a casino as part of their trip. The most common activities by Sudbury Visitors were visiting friends and relatives; outdoor sporting activities; shopping and medical/dental appointments.
- 54% of visitors did not stay over night.
- 52% of nights stayed were at a private home. Only about 25% were at a hotel, motel, commercial cabin, or other commercial property.

In our opinion, the current tourism market is not well predisposed to gaming activities. There is not a large pleasure market seeking alternative entertainment options. The pleasure market currently makes up less than about one-quarter of a relatively small tourism base with a strong orientation towards outdoor activities vs. night life/dining/urban entertainment. There may be potential to attract persons visiting friends and relatives, however, at least part of this would comprise transfers of expenditures from other parts of the City, and it likely

²⁵ 2014 Sudbury Tourism Profile based on Statistics Canada microdata which contain anonymised data collected in the Travel Survey of Residents of Canada and the International Travel Survey.

would not result in increased lengths of stay or additional nights in commercial accommodations.

Attracting tourists to a casino in Sudbury would likely require tapping into new markets not currently visiting Sudbury. The difficulty with this is that Ontario is significantly increasing its gaming infrastructure across the Province, and particularly in the GTA, which represents the foremost tourist market for Ontario attractions. In other words, a casino in an event centre in Sudbury would have to compete with expanding casinos that are much larger and much closer to the audience it is trying to attract. The US market in Sudbury is very small and is already served by larger casinos at the major border crossings.

In our opinion, while the proposed entertainment centre would be able to expand the visitors and revenues generated by a casino, the vast majority of growth will be derived from Sudbury residents.

10.0 Growth in Gaming Revenues from an Expanded Casino Will Be Derived Mainly from Sudbury Residents.

Gaming in Sudbury until recently operated as OLG Slots Sudbury²⁶, and was a slots-only facility. The Ontario Lottery and Gaming Modernization program, however, has changed the gaming landscape across the Province. Following a competitive bidding process, OLG has entered into agreements with private gaming companies to operate geographically defined gaming bundles, which involve among other aspects the creation of new gaming sites, the expansion of existing sites, and the establishment of table games at locations that had previously operated as slots-only facilities. As part of its Modernization plan, OLG entered into 20-year agreements with Gateway Casinos and Entertainment – a British Columbia-based gaming company owned by a Toronto private equity investment firm²⁷ to operate the Northern and Southwest Ontario Gaming Bundles.

The Northern Ontario Bundle includes the existing casinos in Sault Ste. Marie and Thunder Bay, OLG Slots Sudbury currently operating at Sudbury Downs, and a new casino location in North Bay. Following the acquisition of the Northern Bundle, OLG Slots Sudbury has been rebranded as Gateway Casinos Sudbury and can now include table games. As OLG Slots Sudbury, the facility offered 407 slot machines and was staffed by 141 full and part-time employees.

²⁶ Prior to that it was known as The Slots at Sudbury Downs, when it co-existed with the horse race track.

²⁷ The Catalyst Capital Group

The current proposal by Gateway would be to relocate the casino from the Sudbury Downs site to the Gateway site as part of their concept for an entertainment district that would also include the relocated arena and other hospitality and entertainment facilities, including restaurants and likely retail outlets. Gateway has announced that it would invest \$60 million in the new casino property. The company has not specified, the extent to which it would expand its gaming offering, however, its agreement with OLG allows for the operation of up to 600 slot machines and 180 table positions (the equivalent of 30 table games).

The relocation to the Gateway site would require approval of both OLG and the City. The Ontario Lottery and Gaming Corporation Act regulations require that public input is required before the municipality can approve a new gaming site. It is our understanding that the required public input into the Gateway site has not yet been provided and OLG has not yet approved the Kingsway site for a casino. Furthermore, the proposed Kingsway Entertainment District would be contrary to the policies of the City's Official Plan, the Northern Ontario Growth Plan, as well as, the policy direction and actions prescribed to the City by the Downtown Master Plan and its *From the Ground Up* Economic Development Strategy.

In order to properly inform the public about the merits of an expanded and relocated casino, an economic impact study should be conducted to more fully understand the economic and financial implications to the City. To our knowledge, this has not yet been undertaken by the City. To better understand the implications of an expanded casino, we have been able to analyze some operational data available from OLG.

During the fiscal 2016-17 year the Slots at Sudbury Downs attracted 400,000 visits²⁸.

Based on the City's 5.25% share of Slots revenue reported as \$2.2 million in 2016/17, the total facility "win" would be approximately \$42 million. We have undertaken a detailed analysis of the performance of the Sudbury slots facility and compared it to other OLG Slots and Casinos across the Province in order to estimate the casino win if the gaming facility were to be relocated to the Kingsway site. The detailed data supporting our conclusions are found in Appendix A. In our opinion, a casino on the Kingsway site would generate approximately \$75 to \$80 million in slots and table win. The following summarizes the logic behind this estimate.

- The Kingsway site is better positioned with respect to the general Sudbury population than the current Sudbury Downs site and could expect to have a greater draw from within the City.
- Similarly, the casino would have the ability to draw on the additional crowd attracted to the site on game and event days.

²⁸ 2016-17 OLG Community Benefit Summary.

- The four OLG operated (non-resort casinos) draw more relative to the size of their Primary market population than the Slots only facilities. In 2016-17, they attracted 2.07 visits per resident within 40 km compared to only 0.8 visits for slots-only facilities. This, however, is partly due to the fact that the casinos are situated within urbanized areas, whereas the slots facilities tend to be situated on racetrack sites in rural settings. Furthermore, average casino performance is skewed by the Thunder Bay casino, which is one of only two gaming sites that currently have no other gaming competition within a 40-kilometre radius (The other being the OLG Slots Sudbury)²⁹.
- The win per resident within 40 km is also significantly higher for casinos than for slots-only facilities. On average casinos attract about 74% more slot win per capita than slots-only facilities.
- There is a positive correlation between the number of slot machines and the slot win per slot facility visit. The five slots-only facilities with 252 or fewer slots machines averaged \$75 in win per visit, where as the seven facilities with 738 or more slots machines generated an average of \$111 per visit. Sudbury, however, is an anomaly, in that its current 407, and potential for 600, machines fall within a sizable gap relative to the other slots-only facilities (the next largest is London with 738 slots and the next smallest is Centre Wellington with 252 slots). While it is not possible to definitively conclude that an increase of about 200 slot machines in Sudbury would generate higher revenues per visitor, it is likely given the data from slots facilities across the province.

These factors would suggest that the relocation of the facility and its conversion to a casino with up to 600 slots would result in an increased win for the new facility. However, there are some other factors that will serve to dampen the potential increase in win.

- The current Primary market population for the OLG Slots Sudbury (i.e. the population within 40 kilometres) is 162,000, while the Secondary market population (i.e. the population between 40 km and 120 km plus North Bay) amounts to 108,000, as per 2016 Census data. The Primary market population will not change with the relocation to the Kingsway site. The Secondary market population however will be substantially reduced after the opening of a casino in North Bay – declining from 108,000 to just 29,000.

²⁹ The Sault Ste. Marie Casino has no Canadian competition within 40 kilometres, but the much larger Kewadin Casino is situated within a 10-kilometre drive from the OLG casino in Sault Ste. Marie, Michigan and the Bay Mills Casino and Resort also in Michigan is about 40 kilometres from the OLG casino. Similarly, the OLG Slots at Rideau Raceway in Ottawa has no Ontario competition within 40 kilometres, but is within 25 kilometres of the Casino du Lac-Leamy in Gatineau, Quebec.

- Tourism to Sudbury is discussed further below. In our opinion, gaming by tourists outside of the 120-kilometre radius from the Kingsway site is not expected to be a significant factor affecting the win. The GTA market is already well served by major gaming venues, including Woodbine, Innisfil (Georgian Downs), Casino Rama Resort Casino and to a lesser extent Ajax and Great Blue Heron, as well as, Milton, Hamilton and the two Niagara Resort Casinos. The conversion of the current slots-only facilities (Woodbine, Innisfil, Ajax, Milton and Hamilton) to casinos with table games, and the planned expansions of Woodbine and Great Blue Heron, as part of OLG's modernization programme will further strengthen the GTA gaming infrastructure. In addition, major US border crossings are already served by casino gaming sites, both on the Canadian and the US side. It is unlikely that the smaller scale of the casino in Sudbury would be able to attract a significant number of new tourists to the community and would most likely simply draw on existing residents and tourists already attracted to the City for reasons other than gaming.
- Revenue per visit and slot revenue per machine/day are lower at casinos than slots-only facilities. This is likely because table games compete with slots for player revenue and because a portion of casino visitors are attracted predominantly to table games. In addition, as the casinos tend to be in urban locations, unlike the slots-only facilities, it is expected that the casinos generate more frequent visitation with lower spending per visit. The average slot win per machine per day was estimated at \$201 at casinos and \$416 at slots-only facilities. The win per visit was \$70 at casinos and \$103 at slots-only facilities.
- The OLG Slots Sudbury already generate very high revenues and visitation based on its population within 40 km. The 2.46 visitors per population within 40 kilometers is well above the average of 0.8 for slots facilities and 2.07 for casinos. Its win per capita of \$258 is second highest of all slots-only facilities and only lower than Thunder Bay and Sault Ste. Marie among the four casinos. This is due to the fact that the OLG Slots Sudbury currently has no competition within about 250 kilometres and serves the North Bay market which does not yet have a gaming facility³⁰. However, with the opening of a casino in North Bay, its market share from east of the City will be reduced significantly.
- Our revenue estimates are based on the following assumptions:

³⁰ The nearest gaming facilities to Sudbury are Casino Rama to the south and the Sault Ste. Marie casino to the west both approximately 250 kilometres from the City.

- The number of visits to the Sudbury facility on the Kingsway site will double from 400,000 to 800,000 due to a larger facility, cross visitation on hockey game and event nights, and closer access for many Sudbury residents. This represents approximately 5 visits per population within 40 kilometres – an increase over the current level of 2.46. This would be comparable to the draw of the Sault Ste. Marie Casino and well above any current slots-only facilities.
- The slot win per visit will be reduced from a current level of \$110 to between \$65 and \$70. This recognizes that reduced slot revenue per visit will result from the introduction of table games and increased frequency of visitation by the local population (i.e. patrons will visit more often, but spend less per visit).
- We have estimated that casino table win will represent approximately 30% of overall casino win which is consistent with existing resorts and other casinos in Ontario³¹.

These assumptions would result in an increase in casino win from a current level of \$42 million to between \$75 and \$80 million. This represents an increase of between \$31 and \$36 million. Based on our analysis, the vast majority of which will be the result of increased spending by Sudbury residents.

11.0 The Majority of Money Spent at the Casino Will Leave Sudbury?

One of the most important considerations in determining the economic impact of an investment is understanding where expenditures are made and how revenues are ultimately distributed. A labour-intensive tourist attraction near an international border will typically draw more revenues from outside of the community than monies flowing outside of the community in terms of corporate profits, specialized labour and equipment, administrative costs, etc.

This is not necessarily true of a casino in an internal site that generates far more in revenues than it pays in annual wages and may not have access to a large tourism market. In the case of the OLG Slots Sudbury, during the 2016/17 corporate year the facility generated revenues of \$42 million. Assuming that Sudbury was similar to Sault Ste. Marie in terms of visitation from outside of the community, then 85% of these revenues or \$35.7 million would be

³¹ Ernst & Young reported that on average Ontario resort casinos generate between \$1.0 and \$1.1 million per table and \$100,000 per slot, which they indicate is consistent with Las Vegas casinos. (E&Y Commercial Casino in Toronto, October 2012. p. 36). Based on these levels urbanMetrics has calculated that the four resort casinos in Ontario would generate between 29% and 30% of their revenues from table games. This is consistent with our experience.

derived from Sudbury residents and just \$6.3 million would be derived from persons living outside Sudbury. Based on the unadjusted licence plate survey results, which likely over state the volume from outside of the City, 75% of these revenues or \$31.5 million would be derived from within the City with about \$10 million being derived from outside.

As reported by OLG, the monies specifically spent in Sudbury (and surrounding region) include:

- \$8.0 million in wages and benefits for gaming employees;
- \$1.4 million in purchases from local and regional vendors;
- \$2.2 million as the City of Sudbury's share of slots revenue; and,
- Just under \$50,000 in sponsorship of local festivals and events³².

This totals just over \$11.6 million. In addition to this, there would be a small amount paid for rent to the owner of Sudbury Downs that could be deemed to stay within the community. In other words, OLG Slots would draw in only \$6 to \$10 million from outside of Sudbury and distribute \$30 million outside of the community. Effectively, \$20 to 24 million is drawn out of the City's economy each year by the current slots facility.

What this means is that moneys that could otherwise have been spent in other entertainment, retail, restaurant and hospitality venues in the City would have been drawn to the slots, where they would flow outside of the City to the Provincial government.

However, it is important to note that revenues from casinos and slots go into the Province's Consolidated Revenue Fund, which is the general fund through which most of the government's revenues flow. From these revenues, the Province pays for many community benefits, such as hospitals, amateur sports, community services, etc. The Province also supports the Ontario Trillium Fund, which provides funding for charitable and not-for-profit organizations. So, some of these funds may and likely do flow back into the City. However, there is no way of knowing (a) whether more gaming funds are channelled back to the City than are taken from it; (b) whether the Province would spend any less in Sudbury if it didn't have the slots facility; and (c) how much money generated by a casino in Sudbury is being used to fund projects in communities without gaming facilities.

There is little doubt that the current slots facility is drawing more money out of the community than is directly spent in the community through wages, the City's share, etc. How much, if any, of these revenues that are reinvested in Sudbury is now controlled by the Province.

³² OLG Community Benefits Summaries 2016/17.

Going forward, the situation is likely to be less favourable to the City, as significantly more gaming expenditures will be drawn from Sudbury residents and future profits will now be shared between the Province and the private operator – which is a BC Company whose principal shareholder is a Toronto investment firm. Unlike the Province who has a duty to the people of Ontario, Gateway Casinos is a private company obligated to its shareholders and is under no obligation to invest its profits in the local community.

While Gateway Casinos has indicated that it plans to invest \$60 million into a new casino on the Gateway site, this is less than the net casino revenues that are projected to be generated in the first full year of operation. The company has indicated that this construction project would generate 700 years of construction employment. This would be the equivalent of about 16 full time permanent jobs³³. While most of this employment will be derived from within the City, some may need to be sourced from outside depending on the local availability of labour and the specialization of construction skills required.

While a \$60 million investment would be important to Sudbury, it is relatively small in comparison to the net revenues that will be flowing to the Province and the new operator on an annual basis.

In our opinion, an economic impact analysis that fully examines whether the City will benefit from the proposed casino has not been undertaken. This study would be key to the community's understanding of the implications of a casino prior to providing public input into the proposed Gateway site.

12.0 The Kingsway Entertainment District May Not Result in a Significant Net Employment Gain for the City

While the proposed Kingsway Entertainment District will be a relatively large employer within Sudbury, it will not likely generate many actual new jobs within the community. This is true for several reasons:

- The largest proportion of jobs will simply be transferred from the OLG Slots at Sudbury Downs and the Sudbury Community Arena to the new site and will not represent new jobs;
- The growth in casino win, for the most part, will be derived from Sudbury residents, who would otherwise have spent their money elsewhere in the local economy and would otherwise be supporting jobs elsewhere in the community.

³³ Based on a 45 year average working career.

- Casinos and slot facilities are not efficient generators of local employment relative to their revenues, and relative to other hospitality and entertainment businesses, such as hotels and restaurants. For example, \$1,000,000 spent in a restaurant will generate significantly more jobs than \$1,000,000 spent in a casino. Every dollar transferred from restaurants and other hospitality venues in Sudbury to the Casino, represents a net loss in employment. This is largely related to the large profits taken by casinos and their lower staffing cost to revenue ratio.

Transfer of Jobs from Existing Facilities

The proposed Entertainment District would encompass the Sudbury Community Arena, a casino, a hotel, restaurants, and potentially other unspecified retail, hospitality and entertainment uses. The arena would have a slightly larger capacity than the existing downtown arena, so it may employ a small number of additional employees. However, the bulk of employees would simply be transferred from the existing arena. Most importantly, an arena on the Kingsway site would likely not employ any additional employees than if it were redeveloped in the downtown core. So, with respect to the arena, the Kingsway site would not result in any additional jobs to the community.

Gateway Casinos has announced that it would employ up to 400 employees³⁴. However, there are currently some 141 formerly OLG employees at the Sudbury Downs site and another 50 workers employed by the race track owner in maintenance, janitorial, security and other positions. So that the net additional employment would be approximately 210 persons. As the casino would include a significant increase in bar and restaurant facilities over the former slots facility, we estimate that about two-thirds of these new jobs would be related to the food service and gift shop facilities³⁵.

A hotel could also be included as part of the concept. We would note, however, that the concept for the downtown entertainment centre/arena also included a hotel, so that if the local market demand was available to support a new hotel, the Kingsway Entertainment District would simply be transferring this employment opportunity from the downtown.

Transfer of Employment from Other Local Sectors

As the bulk of new casino expenditures (gaming and non-gaming) will be derived from Sudbury residents, the vast majority of employment at the casino would be created from

³⁴ News release by Gateway Casinos June 13, 2017 and Statement by Gateway Casinos January 3, 2018.

³⁵ OLG Non-resort casinos currently generate approximately 15% of their income from non-gaming. Assuming that the casino generates \$80 million in revenues this would result in approximately \$14 million in non-gaming revenues. In full-service restaurants, salaries comprise 30% to 35% of sales. At 30%, this would amount to \$4.2 million in wages and salaries. At an average (full and part-time) salary of \$25,000 this would result in 168 employees. At \$30,000 average salary this would result in 140 employees.

revenues that would have otherwise have been spend elsewhere in Sudbury. For example, if a couple decided to go to have dinner and gamble at the casino, whereas prior to the casino's opening, they would have gone to a local restaurant and a movie, their expenditures would simply be lost to the local restaurant and movie theatre. As this occurs on a broader scale, other local commercial operations will reduce their employment, dampening or eliminating the employment benefits of the casino.

Casinos are Not Efficient Local Employment Generators

Based on the revenues they take in, casinos are not efficient employment generators compared to other hospitality and entertainment businesses. This is because a very large share of revenues are paid out in profits to the operators and not paid to employees in wages. For example, in 2017 the former OLG slots Sudbury employed some 141 OLG employees, with some 50 other employees and generated gaming revenue of \$42 million and a marginal amount of non-gaming revenue. This amounts to only some 4.5 employees per \$1,000,000 in revenues. Based on the Gateway Casino estimate of 400 employees and assuming \$80 million in gaming revenues and 15% non-gaming revenues, the proposed new casino would generate only 4.2 jobs per million dollars revenue. In comparison, by industry standards restaurant and fast food facilities would employ some 10 to 12 employees per million in revenues.

So, any sales transfers from other parts of Sudbury from more efficient employment generators, such as restaurants, to the casino complex, would represent a net loss in employees for the community.

13.0 The Additional Revenues to Sudbury from The Kingsway Entertainment District Will Not Be Significant

The two principal sources of ongoing revenue the City would receive from the development of the Kingsway Entertainment District would be the share of gaming revenues Sudbury would receive from the casino and property taxes.

Share of Casino Revenues to the Municipality

Under the Municipal Contribution Agreement that OLG signs with host municipalities, Sudbury receives 5.25% of total slot win up to the first \$65 million, 3% on the next \$135 million and lower percentages thereafter. In addition, the City would receive 4% of the table win. As of 2016/17, the City received \$2.2 million in revenues from the OLG Slots facility. With a full-scale casino and expanded slots facilities proposed on the Kingsway site, the revenues available to the City would increase.

As indicated on Figure 1, a new casino generating a win of between \$75 and \$80 million would increase municipal revenues by between about \$1.5 and \$1.7 million annually.

Figure 1: Additional Share of Gaming Revenues from Kingsway Site Casino

	\$75 Million			\$80 Million		
	Revenue	Municipal Share		Revenue	Municipal Share	
		%	\$		%	\$
Slots	\$ 52,000,000	5.25%	\$ 2,730,000	\$ 56,000,000	5.25%	\$ 2,940,000
Tables	\$ 23,000,000	4.00%	\$ 920,000	\$ 24,000,000	4.00%	\$ 960,000
TOTAL	\$ 75,000,000		\$ 3,650,000	\$ 80,000,000		\$ 3,900,000
Less: Existing Revenues			\$ 2,200,000			\$ 2,200,000
Net Additional Revenues			\$ 1,450,000			\$ 1,700,000

Property Tax Revenues

Property taxes would be available from the casino, the hotel and other hospitality facilities that would be developed on the site. Sudbury Community Arena is currently classified for Property Tax purposes as Code 721 – Non-Commercial Sports Complex. As such it is almost entirely tax exempt with the exception of a small amount classified as commercial and payment in lieu. The municipal share of property taxes (excluding the Education share) is approximately \$8,000. If the arena remains at its current status for property tax purposes, the annual tax revenues would not change significantly if it were to relocate to the Kingsway site. The principal source of property tax revenue would come from the casino and ancillary hospitality facilities (i.e. hotel and restaurants).

In order to appreciate the impact of a new facility, such as the proposed entertainment complex, on tax revenues to the City, it is necessary to understand how the property tax system in Ontario works. A new development project does not simply add new taxes to the City, but rather causes a redistribution of funds the City deems it must collect from taxes. Ultimately, the tax rates are set each year based on the total assessment base in the City and the amount of money it determines, through its budget process, must be collected in taxes. A new development project does not provide the City with new money, but rather can reduce the tax burden on the rest of the community.

In the case of the proposed Kingsway Entertainment District, the assessment of the tax benefits to the City must also take into consideration the tax losses from other parts of the City, as well as, the costs that the City will have to bear as a result of any new development.

For example, the City will lose the tax revenue or payment in lieu currently generated by the casino at Sudbury Downs. As an OLG Slots facility at Sudbury Downs, the facility was assessed differently than it would as a full-scale casino, which could be developed on the existing site. The assessed value of the OLG Slots facility as of the 2018 assessment year³⁶ was \$2,309,000. Based on the commercial tax rate in Sudbury, this would generate just under \$80,000 in property taxes, of which two-thirds would be available to the City and the remainder would be for education. We would note that the current assessed value is extremely low in comparison to other gaming facilities in the Province. For example, the Casino in Sault Ste. Marie, which generates a lower win than the OLG Slots Sudbury, is assessed at over \$12,000,000. Similarly, the casino in Thunder Bay, which generates net revenues about 60% more than those of the Sudbury casino slots facility is assessed at \$47 million – over 23 times the value of the Sudbury facility. The conversion of the OLG Slots facility to a privately operated full casino will likely result in a change in assessment methodology and ultimately assessed value; regardless of whether the casino remains on the Sudbury Downs site, is relocated to the Gateway site or elsewhere. An assessment of property tax revenues to Sudbury must take this into account.

In addition, in our opinion, the relocation of the arena will cause some closure or displacement of businesses from the downtown, particularly restaurants, bars and eating establishments that are supported by attendees of hockey games. The casino and associated hospitality components will also draw business away from other parts of the City. To the extent that this causes business losses and/or vacancies in other commercial businesses and hotels, this will also result in reduced property assessments and taxes. Again, these must be deducted from potential Entertainment District taxes to fully understand the true tax impact.

Finally, property taxes are not “free money” to a municipality but come with the obligation of providing municipal services to the building owners, tenants, and employees. A development such as the Kingsway Entertainment Centre will require ongoing municipal services that will consume taxes, such as road maintenance, police, fire and paramedics services, social services, waste disposal services, planning services, general administrative services and other services. A detailed fiscal impact analysis would be required to determine whether the property taxes generated by the Kingsway site would be sufficient to offset the municipal costs required to support the facility.

In summary, while the proposed Kingsway development may generate additional property taxes and gaming revenue to the City, without a detailed fiscal analysis, it is not possible to determine whether these would actually provide a net surplus to the City or represent a loss.

³⁶ Even though the facility had been transferred over to Gateway Casinos in May, 2017, it was still being assessed as a racetrack with slot facility based on MPAC PropertyLine reports.

Clearly, simply examining the gross taxes and other revenues available to the City from the Kingsway project would significantly overstate the net fiscal impact.

14.0 Social and Public Health Impacts Must Also Be Recognized

In addition to economic impacts, there are a range of potential social and public health issues associated with casino gaming that remain to be addressed with respect to the establishment of a new casino in Sudbury. A recent report from the Sudbury Health Unit, as well as other similar and supporting research undertaken by Toronto Public Health, identify a number of specific concerns relating to a possible increase in the prevalence of “problem gambling”. This research further identifies a number of mitigation strategies to be considered as to the location and required operating conditions of a new casino.³⁷

These are questions that have not yet been answered in either the PwC reports or elsewhere and should be addressed prior to making a decision on this project.

15.0 Economic Analysis Required Prior to Approving the Relocation of the Arena

In our opinion, a more detailed economic analysis is required to better understand the true impacts of relocating the arena outside of Downtown Sudbury to a proposed entertainment district, beside a casino, on the Kingsway. Some key questions that should be addressed include:

- What will be the loss of business and jobs in the downtown if the arena were to be relocated to the Kingsway?
- What would be the loss in attractiveness of the downtown as a business and residential location if the arena were to be relocated to the Kingsway?
- What new development (residential, office, retail, other “employment” type uses, etc.) could be attracted to the downtown with the development of a new arena?
- Will an entertainment district on the Kingsway site, including an arena, casino, hotel, restaurants and retail, etc. increase Sudbury’s draw from outside of the region?
- Is there sufficient market to support the proposed entertainment district on the Kingsway site?
- To what extent will the proposed entertainment district on the Kingsway site cannibalize existing businesses in Sudbury?

³⁷ Sudbury & District Health Unit Briefing Note, Re: The Health Impact of Gambling Expansion in Greater Sudbury (February 14, 2013)

- To what extent will the proposed entertainment district draw revenues away from commercial areas designated in the Sudbury Official Plan?
- Will there be sufficient economic benefits from relocating the arena to the Kingsway site to offset the loss of businesses to and attractiveness of downtown Sudbury?
- What is actually required in terms of site preparation and servicing with regards to the Kingsway site?
- What is the precise cost differential between developing the Kingsway site and the downtown site taking into consideration actual site preparation, servicing and site acquisition costs?
- How much parking would be required to support arenas in the downtown and the Kingsway site? Similarly, are there any other long-term municipal infrastructure costs related to the Kingsway site that have not yet been identified (e.g., street maintenance, public transit, etc.)?
- Is sufficient existing parking already available downtown to support the proposed arena and how far a walk would it be to reach the required parking amount? What would the difference in walking distance to parking be at the Kingsway site?
- Would the construction of additional parking in the downtown, as proposed, enhance the attractiveness of the downtown site?
- Would there be differences in traffic delays leaving an event between the downtown and Kingsway sites?
- To what extent would the casino, as part of an entertainment district, rely on local expenditures and to what extent would it enhance expenditures from outside of the community?
- What is the market for a hotel on the Kingsway site? Would a hotel on the Kingsway site cause the closure of other hotels in the City? Would a hotel on the Kingsway site impede the market for a new downtown hotel?
- How will the relocation of the Community Arena to the Kingsway site impact the market for a convention centre downtown?
- How will the Kingsway Entertainment District impact the market for a performing arts centre in Downtown Sudbury?
- Would a casino, as part of an entertainment district, detract from the City's ability to draw knowledge and creative workers and investment to the community?
- Would increased investment in the downtown, including an arena/events centre be better able to attract knowledge and creative workers and businesses to the community?

In addition to the various unanswered questions above, the production of more detailed financial data and other information is needed to prepare a proper economic impact study that considers all of the factors identified.

In our opinion, the redevelopment of the Sudbury Arena will have profound impacts on the community and the location decision will have an immediate and lasting impact on the local economy. If the arena is moved outside of the core, it will also shift economic prosperity outside of the downtown to another part of the City. If the Kingsway entertainment site is ultimately selected, the impact will be to transfer wealth from the downtown core, where it is enjoyed by a myriad of downtown businesses to a single landowner. Similarly, recognizing the remote location of Sudbury and the proximity to other existing/proposed casinos throughout Northern Ontario, a new and expanded casino complex at the Kingsway site is expected to derive the majority of its spending from local residents. This suggests that most revenues at the complex would simply be diverted from other parts of the City in terms of food, retail, accommodation and entertainment type expenditures, rather than relying on additional, or “net new” growth in revenues from visitors to the community from beyond the Region, as is the case with other major border casinos (e.g., Niagara Falls, Windsor, etc.).

While the economic and financial work that has been conducted to date provides a very general overview of the requirements of a new arena, questions remain as to the accuracy of some of the assumptions and data considered as part of the analyses prepared to date. Consequently, there is insufficient information to enable and support City Council in making an informed decision on the most appropriate location for this very important community resource.

The above questions need to be more fully answered as part of an economic and feasibility study related to the redevelopment and relocation of the Sudbury Arena, the relocation of the Gateway Casino and the proposal for the Kingsway Entertainment District.

In conclusion, the Proposed Kingsway Entertainment District has many economic drawbacks for the City and it is likely that its economic and financial costs would outweigh its benefits. As a result, we would strongly recommend that a more detailed economic analysis be undertaken, before additional staff and financial resources are invested by the City towards this proposal.

Appendix A: Background Gaming Data

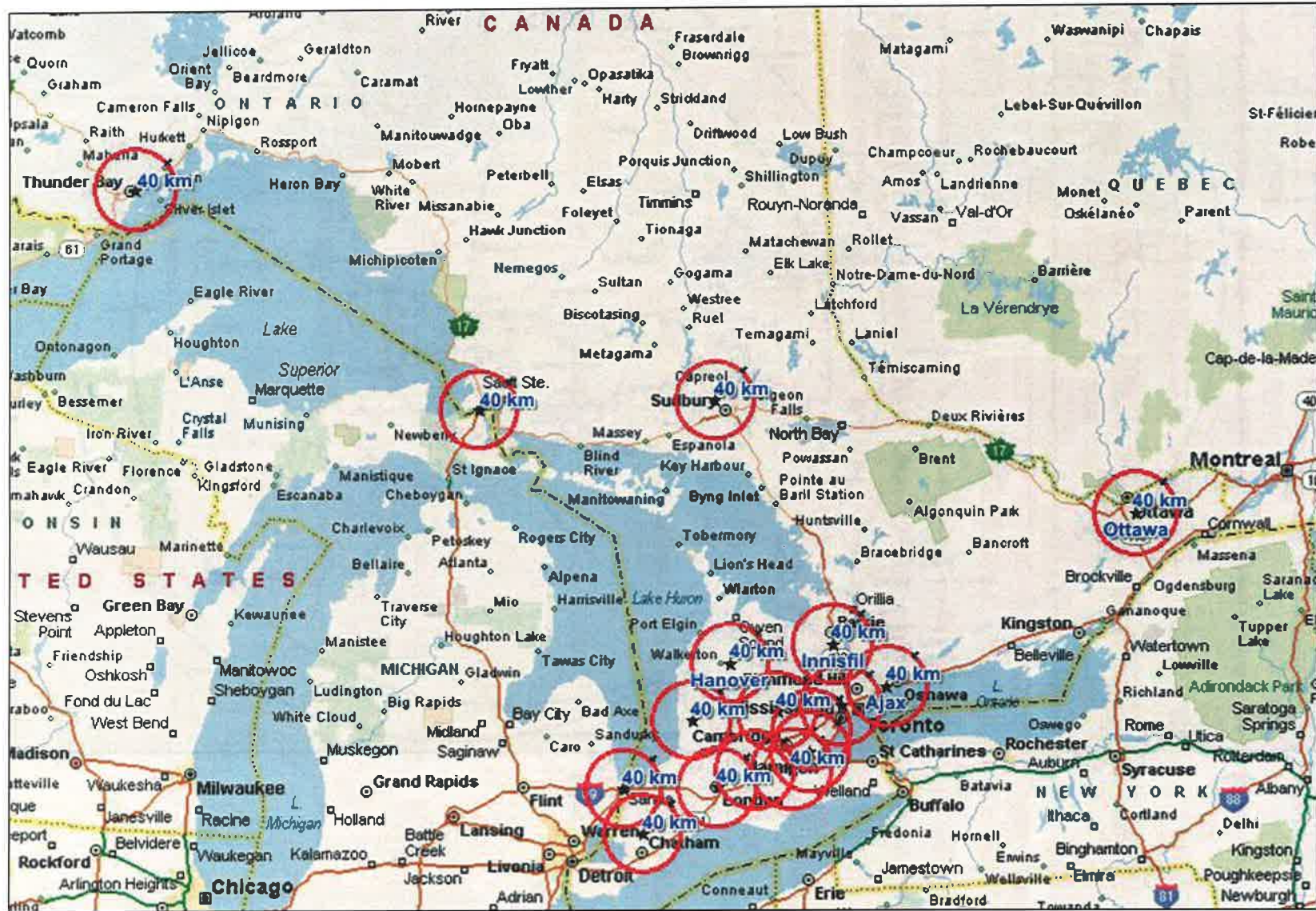


Appendix A: Background Gaming Data

	Gaming Type	Slots	Tables	Estimated Casino or Slots		Visits	Canadian	US	Total	Visits Per	Slot Win Per		Total Win Per Population
				Population within 40 km Radius	Population within 40 Km Radius		Population within 40 Km Radius	Population within 40 km	Total Win Per Visit	Day Per Machine			
Brantford	Casino	861	58	\$ 101,000,000		1,300,000	1,070,322		1,070,322	1.21	\$ 78	\$ 225	\$ 94
Point Edward	Casino	450	21	\$ 49,000,000		600,000	110,207	178,894	289,101	2.08	\$ 82	\$ 209	\$ 169
Sault St. Marie	Casino	434	11	\$ 29,000,000		600,000	84,626	26,276	110,902	5.41	\$ 48	\$ 128	\$ 261
Thunder Bay	Casino	450	11	\$ 51,000,000		800,000	123,999		123,999	6.45	\$ 64	\$ 217	\$ 411
Average		549	25	\$ 57,500,000		825,000	347,289			2.07	\$ 70	\$ 201	\$ 144
Ajax	Slots	880	0	\$ 209,500,000		1,800,000	3,118,074		3,118,074	0.58	\$ 116	\$ 652	\$ 67
Central Huron	Slots	123	0	\$ 11,000,000		200,000	66,846		66,846	2.99	\$ 55	\$ 245	\$ 165
Centre Wellington	Slots	252	0	\$ 42,000,000		500,000	806,408		806,408	0.62	\$ 84	\$ 457	\$ 52
Chatham-Kent	Slots	148	0	\$ 13,000,000		200,000	121,133	51,169	172,302	1.16	\$ 65	\$ 241	\$ 75
Hamilton	Slots	804	0	\$ 121,000,000		1,000,000	1,832,722		1,832,722	0.55	\$ 121	\$ 412	\$ 66
Hanover	Slots	196	0	\$ 23,000,000		300,000	82,222		82,222	3.65	\$ 77	\$ 321	\$ 280
Innisfil	Slots	996	0	\$ 125,000,000		1,100,000	586,212		586,212	1.88	\$ 114	\$ 344	\$ 213
London	Slots	738	0	\$ 105,000,000		1,100,000	565,269		565,269	1.95	\$ 95	\$ 390	\$ 186
Milton	Slots	925	0	\$ 151,000,000		1,100,000	2,896,686		2,896,686	0.38	\$ 137	\$ 447	\$ 52
Ottawa	Slots	1,236	0	\$ 118,000,000		1,200,000	1,808,326		1,808,326	0.66	\$ 98	\$ 262	\$ 65
Sudbury	Slots	407	0	\$ 42,000,000		400,000	162,490		162,490	2.46	\$ 105	\$ 283	\$ 258
Toronto (Woodbine)	Slots	2,995	0	\$ 521,000,000		5,400,000	5,543,677		5,543,677	0.97	\$ 96	\$ 477	\$ 94
Woodstock	Slots	236	0	\$ 27,000,000		300,000	552,213		552,213	0.54	\$ 90	\$ 313	\$ 49
Average		764		\$ 116,038,462		1,123,077	1,395,560		1,399,496	0.80	\$ 103	\$ 416	\$ 83

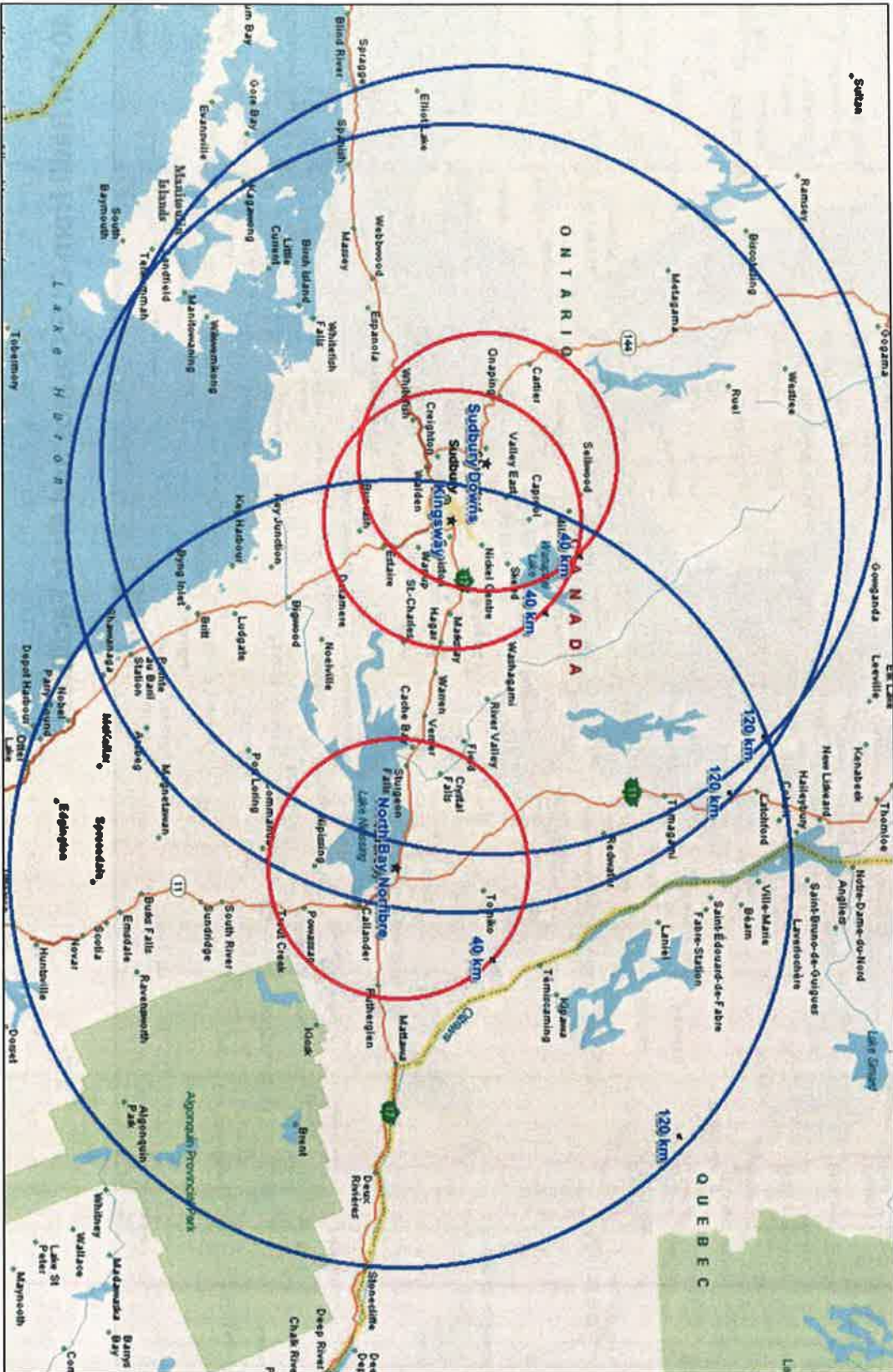
Source: Based on Data from OLG 2016/17 Community Benefit Summaries. Win calculated by urbanMetrics based on the municipal share as reported in the OLG Community Benefits Summaries and the share formula.

40 KM Radii from OLG Casinos and Slots Facilities



Kingsway Entertainment District and Arena Economic Impact

40 and 120 Km Radii from Sudbury Downs Gateway Site and the Proposed Kingsway and North Bay Sites



Appendix B: Licence Plate Survey

urbanMetrics inc. was provided with license plate data from Sudbury Downs, the site of Gateway Casino Sudbury (formerly OLG Slots Sudbury) for four days in February of 2018 – Thursday February 8th, Friday February 9th, Saturday February 10th and Sunday February 11th. These were collected at during various time intervals throughout each day, from 6am to 12am. A total of 600 license plates were collected, allocated as follows:

- Thursday – 100 plates
- Friday – 150 plates
- Saturday – 200 plates
- Sunday – 150 plates

The output was then sent to the Ministry of Transportation (MTO), to sort based on Dissemination Area. After processing, MTO returned a total of 574 entries to urbanMetrics for analysis. These findings were plotted both by geography and distance from Gateway Casino Sudbury. The findings produced are shown in the table below:

Municipality	Number of Records	% Breakdown
Sudbury Census Subdivision (includes Chelmsford)	426	74.2%
West of Sudbury to Sault Ste. Marie (includes Elliot Lake and Manitoulin Islands)	54	9.4%
East of Sudbury to North Bay	32	5.6%
Greater Ottawa	8	1.4%
GTA	16	2.8%
All Other	38	6.6%
Total Plotted	574	100.0%

As shown, the overwhelming majority of visitors to the casino arrive from Sudbury, some 74.2%.

Kingsway Entertainment District and Arena Economic Impact

The table below shows the results presented as a function of distance from Gateway Casino:

Boundary	Number of Records	% of Total
Within 40km	426	74.2%
Within 120km and North Bay	505	88.0%
Beyond 120km	69	12.0%

As shown, 74.2% of visitors come from within 40km of Gateway Casino. A total of 88.0% of visitors come from within a 120km radius, or from the City of North Bay.

	Thursday		Friday		Saturday		Sunday	
	Number of Records	% of Total	Number of Records	% of Total	Number of Records	% of Total	Number of Records	% of Total
Within 40km	70	74.5%	97	70.3%	142	72.8%	117	79.6%
Within 120km and municipal boundary of North Bay	79	84.0%	120	87.0%	170	87.2%	136	92.5%
Beyond 120km	15	16.0%	18	13.0%	25	12.8%	11	7.5%

Additionally, as shown, the breakdown of visitors across the various dates surveyed was relatively consistent.

Appendix C: Cell Phone Data

Geofencing is a new technology that is being used by market researchers as an alternative to licence plate surveys and on-site surveys. It makes use of cell phone usage within a geographic area. Typically this involves identifying a small geographic area and tracking cell phone activity within the area. Different types of information can be obtained through this technology, including visitation patterns, place of origin and demographic data.

Through data available from the Bell cellular network, urbanMetrics was able to obtain data related to the home municipality of patrons visiting OLG Slots Sudbury (Now Gateway Casinos Sudbury). The data excluded employees at the site.

The data included persons visiting the site during the summer of 2017 (July, August, and September) and in February 2018. The summer data was used to mimic a period with high volumes of tourists to the Sudbury area, while the February data was used as a comparison with the licence plate survey results.

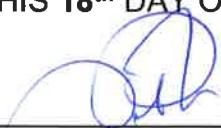
The data is more comprehensive than the licence plate survey data, in that it includes all patrons on the same cellular network, regardless of how they arrived at the facility and avoids many of the biases of the licence plate surveys that tend to over estimate non-local visitation.

Over the study period, the sample included some 2,637 patrons, of which 84% live within the City of Greater Sudbury and 90% live within 120 kilometres of the site.

OLG Slots Sudbury (Gateway Casinos Sudbury) Customer Place of Origin from Cell Phone Usage

	July 2017		August 2017		September 2017		Feb 8-11 2018		TOTAL	
	Total	Percent	Total	Percent	Total	Percent	Total	Percent	Total	Percent
Greater Sudbury	676	85%	657	82%	799	86%	83	81%	2,215	84%
Other Within 120 Km + North Bay	49	6%	46	6%	48	5%	13	13%	156	6%
Elliot Lake	8	1%	7	1%	11	1%	3	3%	29	1%
Espanola	5	1%	6	1%	3	0%	2	2%	16	1%
North Bay	13	2%	12	1%	12	1%	4	4%	41	2%
Other	23	3%	21	3%	22	2%	4	4%	70	3%
TOTAL WITHIN 120 KM	725	91%	703	88%	847	91%	96	94%	2,371	90%
Outside 120 Km	74	9%	100	12%	86	9%	6	6%	266	10%
GRAND TOTAL	799	100%	803	100%	933	100%	102	100%	2,637	100%
Total Northern Ontario	733	92%	714	89%	868	93%	97	95%	2,412	91%

THIS IS **EXHIBIT "C"** TO THE AFFIDAVIT
OF **ROWAN FALUDI**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.



20 March 2018

Municipal Law Chambers
 Royal Building
 277 Lakeshore Road East
 Oakville, ON
 L6J 6J3

Attention: Mr. Gordon Petch

Dear Mr. Petch

**RE: Proposed Sudbury Arena and Casino Development
 Planning and Development Applications for Rezoning and Official
 Plan Amendment
 City File Nos. 751-6/17-27, 751-6/17-24 & 701-6/17-9, 751-6/17-26
 Gateway Casino and Entertainment Limited and 1916596 Ontario
 Limited
 City of Greater Sudbury
 WND File 17.685**

As requested we have prepared our report to provide our analysis and conclusions with respect to the above referenced applications which have been filed seeking approvals for zoning change to allow for the development of a new arena/event centre (a Recreation and Community Centre), additional parking lots, and an Official Plan Amendment and Zoning Change to allow for the development of a gaming casino (place of amusement) with hotel and ancillary related activities on lands located north of Ramsey Road and Levesque Street in the Jack Nicholas Business and Innovation Industrial Park on the north side of The Kingsway.

Our firm has extensive experience in the land use planning field working with private and public-sector clients in Ontario, and we are, or have been involved, in a number of the initiatives in the Province related to the reorganization and locational distribution of gaming facilities (casinos in Peterborough, Toronto and Milton).

Our background research of the proposals in the City of Greater Sudbury ("City") involved the review of the materials related to the arena facility and the selection of the proposed development site, the City's Official Plan and zoning bylaw, the Provincial Policy Statement 2014 and the Growth Plan for Northern Ontario (2011), the Downtown Sudbury Master Plan, the City's Economic Development Strategy ("From the Ground Up 2015- 2025"), the PWC February Arena Business Analysis, the PWC June 2017 Arena Site Selection Analysis, the Sudbury Health Unit "Briefing Note" of February 14, 2013, the applicant's supporting materials (planning, traffic etc.), and the preliminary City reports released prior to the first of

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two public meetings and the City's final Staff Report where these applications will be considered by Planning Committee on March 26 and 28, 2018.

We have also consulted with the economic consultant (urbanMetrics Inc.) retained by you in respect to this matter, including the urbanMetrics work dated March 2018 and that work has been used in formulating my preliminary findings with respect to the applications.

In preparing this reporting it became clear to me that there are a number of sub-headings that would be useful in presenting our preliminary findings, some of which can be commented in final form pending receipt or availability of additional information.

The Applications

There are three applications which will be presented to the Planning Committee on March 26 and 28, 2018. In terms of process, the three applications are distinguished as one requiring a rezoning only (the arena/event centre (recreation and community centre), one requiring a rezoning only (parking lots), and one involving an amendment to the Official Plan and zoning amendment for the casino (the place of amusement).

Notwithstanding that there is a separate Planning Act application for the casino and the arena/event centre and additional parking it is important, from a planning perspective to analyse the overall proposed development and not to consider each component in isolation. The entire development is consistently described by the proponents as a major new "Entertainment District" for the City and it should be assessed as such.

The applications are all located within the same approved draft plan of subdivision which remains unchanged or not in need of change according to the filings submitted by the applicants' consultants. The draft plan of subdivision has not been registered and the approvals will lapse in late 2018 if not further extended by Council.

The Proposed Development

The overall development is shown on the Conceptual Kingsway Integrated Site Plan (Drawing A110 prepared by Cumulus Architects and dated 15/11/17). The lands subject to the rezoning application proposes a recreation and community centre in the form of a public arena/event centre with a seating capacity of 5,800 for major sports and entertainment, recreation and community centre, with 1,250 parking spaces are proposed on lands bounded by the loop formed by Streets A and C on the draft plan of subdivision. The 11.96ha (29.56 ac) site is proposed to have three points of access on north/south Street C and four points of access on east/west Street A, in shown in the draft plan of subdivision. Streets A and C each are proposed to intersect with The Kingsway as the primary means of access to the proposal.

The ownership of the arena/event centre is municipal with the primary use and operation to be operated privately on a for profit basis by a private operator.

The arena/event centre is proposed to be developed immediately adjacent to and integrated with the proposed 7,696 m² (82,839 sq. ft.) casino and 15 storey hotel projects with 825 parking spaces on a 6.96 ha (17.2 ac) site. The casino and hotel would be to be physically connected, via an enclosed pedestrian bridge, to the recreation and community centre. The combined development is designed to around a shared outdoor multi purpose amenity and commercial area referred to as "Festival Square".

The proposed casino is described in the applicant's submissions as a three-storey casino of 5,854 sq.m. (58,545 sq.ft.), with a 15-storey hotel of approximately 18,488 sq.m. (184,885 sq.ft.), with parking fields to the south and west. A large area (not dimensioned in plans accompanying the application) of the block including the casino/hotel along The Kingsway would remain vacant.

The proposed parking lot use on +/- 23.5ha (58.07ac) is intended to augment the expected parking required for the arena, casino and hotel (3,365 parking spaces). These additional parking spaces represents an increase of the parking supply shown in the Conceptual Kingsway Integrated Site Plan by nearly 270%.

The applicant's development plan does not provide any information related to the nature and scale of retail commercial uses or other amenities and services to be included as part of the overall development proposal which reasonably can be anticipated

The land subject to the Official Plan amendment and rezoning application is designated General Industrial. The General Industrial designation allows for a range of industrial activities, primarily of a manufacturing and process nature. The application for Official Plan Amendment seeks to amend the General Industrial designation to permit a "Place of Amusement" (casino) and other accessory uses, including an open-air plaza ("Festival Square"). The casino lands are placed in the M1-1, Business Industrial Zone and the requested amendment would add the "place of amusement" as an additional use in the M1-1 Zone for these lands.

The land subject to the rezoning application for the arena/event centre is designated General Industrial in the City's Official Plan. The land subject to this application is placed in the M1-1, Business Industrial and "M2", Light Industrial zones in the City Comprehensive Zoning By-law 2010-100Z. These zones permit a variety of land uses but do not permit a recreation and community centre and, as such, the applicant is requesting a site specific rezoning to "M1-1(S)", Business Industrial Special to permit a recreation and community centre. The application requests an exception to permit a building height of 55 m (180.45 ft) in the M1-1 Zone where the maximum building height permitted in the by-law is 12.0 m (39.37 ft.) and an additional exception to permit a minimum interior side yard of 0 m where the minimum interior side yard required in the by-law is 3.0 m (9.84 ft).

The land subject to the zoning application for the required parking fields to support the entertainment complex area designated General Industrial in the City's Official Plan. The land subject to this parking application permission is placed in the "M2" Light Industrial and "M3" Heavy Industrial Zones on the City's Comprehensive Zoning By-law 2010-100Z. These zones do not permit parking as a primary use in the zone.

As noted above, all three applications are clearly related, and anticipated based on descriptions in reports and shown on concept plans and the changes proposed in the zoning by-law amendment application, to be connected, integrated and function, according to the Dillon Planning Justification Report submitted in support of the applications, as a "regional facility" to serve as "the catalyst to a new area for Entertainment to service residents and tourists alike" (page 14, Section 3.9).

In total, the proposed new "Entertainment District", as discussed in the end of the three applications involves an area of 41.97ha (103 ac).

The City of Greater Sudbury Official Plan

The City of Greater Sudbury Official Plan (in force and effect) establishes two primary areas for development—Living Areas 1 and 2 and the Employment Areas, in which there as many as eight subcategories to distinguish areas for land use distribution.

The City's Official Plan policies for the Employment Areas designations provides for a broad spectrum of employment activities to be realized, including commercial centres, institutional and industrial uses, and mineral aggregate operations in recognition of the range of employment activities contemplated in each of these areas. Under the umbrella of the Employment Areas designation, there are specific sub-categories (designations) which thereby geographically distinguish the location of employment areas. In doing so the City's Official Plan identifies and acknowledges that all areas of employment contribute to the overall supply of jobs and opportunities, and that each of those sub- categories (designations) of employment as a matter of policy carry forward a different array of land use permissions. If this were not the case, there would be no distinction at a policy level between various geographic areas of the City in terms of the distribution of land use, the distinction between lands uses and the municipal priority for land use decision making and public and private investment.

In the case of the applications now under consideration, the arena/event centre and parking proposal is considered by City staff and the applicant to be something which can proceed by way of a zoning by-law amendment only, primarily on the basis that the proposed facility will be owned by the City with a private operator and as such is considered to be a public/private initiative.

Institutional Areas are addressed in Section 4.4 of the Official Plan and indicates that Institutional uses, which include community facilities intended for public use, are permitted throughout the municipality in accordance with the needs of area residents. Institutional Area Policy 2 contained in Section 4.4 indicates that:

"In considering the establishment of new institutional uses or the expansion of existing facilities on lands not specifically designated for institutional purposes, Council will ensure that:

- a. sewer and water services are adequate to service the site;*
- b. adequate traffic circulation can be provided;*
- c. adequate parking for the public is provided on-site;*
- d. public transit services can be provided economically for the site;*
- e. the proposed institutional use can be integrated into the area and is compatible with surrounding uses; and,*
- f. adequate buffering and landscaping is provided."*

As a very technical interpretation, institutional uses are permitted throughout the municipality; however, these policy considerations are rather limited to an analysis of any site's ability to accommodate the proposed use, rather than a more global review of all Official Plan policies.

The proposed arena/event centre in this case, as part of a contextually large entertainment, gaming and sports complex is not simply a use that would be permitted in all land use designations. The City staff's interpretation of the land use allowances in the Official Plan, as it relates to the arena/event centre component of the overall proposal does not fully account for the nature, scale and role of the arena/event centre as both a major sports and entertainment venue, as proposed. The proposed arena in this case is unlike the nature or role of the institutional uses (community facilities, community centres and arenas)

contemplated for local or even larger city-wide community and recreation facilities, most if not all of which would not have the physical building capacity to accommodate 5,000 to 6,000 patrons for sporting events (in this case the home for the Sudbury Wolves Junior A hockey team) or entertainment events (concerts, religious assemblies, trade shows and the like). As discussed later in this reporting letter, it is my opinion that the arena/event centre is a major component of the overall proposal that should be addressed in conjunction with the casino proposal as a single Official Plan amendment.

In the case of the casino (place of amusement), there is no doubt of the need to amend the Official Plan designation to add the use, which would allow for the zoning to change to accommodate the overall gaming and entertainment facility and associated retail uses.

Much of the supporting material submitted by the applicant draws heavily on the benefit of the proposed complex of uses from a tourist perspective. On its face, the introduction of a casino anywhere in the City could be argued to have that potential benefit in terms of job creation, diversification of the economy and so on. Those submissions, in my view, need to be considered against the following:

- Official Plans are a matter of municipal policy in relation to the appropriate location of land uses. The Official Plan is the guide to the planning for the City and identifies “what and where” activities should occur. The current Official Plan designation for the casino proposal is an Industrial Area designation which has as its intended role, as a sub-category of the spectrum of Employment Areas designations, the land use allowances to provide for industrial activities, with limited complementary land uses. The nature and type of uses in the Industrial Area designations was intended to provide a “safe haven” for industrial and related uses or uses ancillary to and serving the industrial area.
- Has there been sufficient consideration to alternative locations, suitably designated in the Official Plan, as a matter of priority for land use decisions by the City given that the Official Plan should be read as the guide for the priority assigned to the designations in the Official Plan?

and

- Has there been sufficient consideration to the economic and planning impact to the implications of relocating a significant function and activity generator (the arena) from the Downtown of the City?

The proposed casino and the complex of uses within the overall integrated proposal is a complex of uses which are of the nature, scale and type which, as matter of Official Plan policy, could be located in the Downtown (the primary Centre among those identified within the designations under the Employment Areas designation) and provide for the synergies sought by the Official Plan for the Downtown of the City.

Given the potential for this new Entertainment complex to form a new regional tourist based destination, including an array of commercial and related uses (hotel, entertainment venue, restaurants and retail) this development approval has the potential to significantly alter the structure of the overall City Plan and should be assessed on the basis of the impact to the overall thrust of the plan, particularly in respect to the Downtown and the ongoing efforts to revitalize and rejuvenate the Downtown.

Having considered the assessment undertaken in the urbanMetrics and their observations and findings it is clear that the proposed complex as a whole and the central components of the complex (arena relocation, entertainment complex and casino) are uses which could reasonably be considered for the

Downtown area particularly given the experience elsewhere with the location and relocation of such major facilities to the established urban cores of other municipalities in Ontario and elsewhere. In addition, the assessment by urbanMetrics presents serious concerns respecting the potential economic impact of the proposals under consideration and specifically the effect to other major city initiatives in the Downtown (“the cannibalizing effect”) such as the arena/events centre which forms a significant element of the City’s efforts to rejuvenate and activate the Downtown core area. The arena/events centre is an initiative identified in the City Long-Term Financial Plan. In my opinion and taken in the context of Section 19 of the City’s Official Plan (Finance) which provides that the policies of the Official Plan are to be implemented with an “examination of the financial impacts” of all major development projects to ensure that they are financially sustainable, with precedence to programs “which further Official Plan objectives and policies” (Section 19.2.1 a. and b.).

In the context of the City’s Official Plan, an economic impact analysis, in my opinion, is a requirement for any official plan amendment for an entertainment complex of this nature and scale, and in particular the central components of this complex given the economic implications of a significant redirection of land use policy and investment and investment outside of the Downtown of the City.

The Provincial Policy Statement 2014 (PPS)

Section 3(6)(a) of Planning Act requires that all those who are providing comments or making recommendations must take into account and consider the PPS issues and render a recommendation “consistent with “the identified PPS policy, and all decisions of Council and any appeal tribunal must render decisions that are consistent with the identified PPS policy.

Part V, Section 1.0 of the PPS is titled “Building Strong Healthy Communities”. There are two relevant subsections to be taken into consideration in the review of these applications:

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) Promoting efficient development and land use patters which sustain the financial well- being of the Province and municipalities over the long term;
- b) n/a
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- d) n/a
- e) promoting cost effective development patterns and standards to minimize land consumption and servicing costs.

1.7 “Long Term Economic Prosperity” and in particular S.1.7.b. dealing with “maintaining and where possible enhancing the vitality and viability of downtowns and mainstreets”;

To date I have not been able to uncover for review anything from the applicant’s supporting materials or from the municipality dealing with the economic impact issues on the Downtown. The only analysis conducted was related to the relative costs of alternative arena locations under consideration.

To date I have not been able to uncover for review anything from the applicant's supporting materials or from the municipality addressing the public health and social issues issue of gambling specific to Sudbury. There is the Sudbury Public Health report expressing concerns respecting gambling, but no response from the applicant. The City staff position on this may address these issues in a final report, but this was not identified in the staff reporting to date.

In my opinion, the proposed Official Plan Amendment to the Industrial Area designation to allow for the casino is not consistent with the PPS and is tantamount to a conversion of employment lands.

The definition of Employment area in the PPS

"means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities."

As stated in Section 1.3.2.2 of the PPS:

"Planning authorities may permit conversion of lands within employment areas to non-employment uses through a **comprehensive review**, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion".

The PPS further defines Comprehensive Review as follows:

Comprehensive Review: means a) for the purposes of policies 1.1.3.8 and 1.3.2.2, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority.

As the comprehensive must be municipally initiated I have reviewed the City's web site and have been unable to determine if such **comprehensive review** has been undertaken or initiated. At this time, I can advise that should the casino be considered and involve the redesignation of land for a non-employment use this can only be accomplished following a municipally initiated city-wide review of employment lands. In my opinion a casino and entertainment complex are not employment uses as defined by the PPS. It is not manufacturing, warehousing, offices and in no way could be accounted for as associated retail and ancillary facilities. Those associated retail and ancillary facilities are meant to be complementary to, limited in scale and intended to provide support services to the employment area.

The Growth Plan for Northern Ontario

All decisions and comments have to "conform with" ..or "not conflict with" the Growth Plan for Northern Ontario ("GPNO").

The "GPNO" as noted in the preamble (which is officially not part of the plan) is "in part an economic development plan, an infrastructure plan, a labour market plan and a land use plan". These are all relevant issues to the review of both the arena and the casino individually, but also as combined integrated complex outside the Downtown

The Purpose of the GPNO is set out in Section 1.2) is to:

- a) *"enable decisions to be made about growth to be made in ways that sustain a robust economy, build strong economies and promote a healthy environment and culture of conservation;"*

- b) *To promote a rational and balanced approach to decisions about growth that builds on community priorities, strengths and opportunities and makes efficient use of infrastructure;”*
- c) *n/a*
- d) *“to ensure that a long-term vision and long-term goals guide decision making growth and provide for the co-ordination of growth policies among all levels of government;”*

The very purpose of the GPNO directs that there be serious consideration to the goals and objectives of the municipality in considering land use decisions, particularly involving decisions that could significantly impact the long-term goals with respect to important elements of the Official Plan, and in particular in these applications where a significant commercial and entertainment complex will be developed well beyond the limits of the Downtown. The decision to relocate the arena from the Downtown alone is one which would be contrary to the long-term vision for the Downtown area, and one which is entirely under the control of the municipality as the owner of the current arena. Public investment in the Downtown of Sudbury, and in many Ontario municipalities is critical to the success of these areas in the long term, not only in terms of infrastructure but in maintaining and reinforcing the activities necessary to the development of a vibrant and healthy core.

Section 2.3.10 and other sections of the GPNO speak to the vital importance of tourism to the northern economy. This is an obvious objective and while it could be applied to development anywhere in the municipality, a key takeaway from these policies is to maintain AND build upon the successful tourist businesses and industry and would suggest that it would be necessary, or at a minimum prudent, to address by proper review and analysis the potential impacts to the priority areas, including the Downtown. I have not been able to review any material from the applicant’s supporting documentation in respect to this and this should be part of the City staff review. The Terms of Reference in the urbanMetrics report prepared by Mr. Faludi would be the type of review I would think necessary and appropriate to a complete understanding of the implications of the proposed integrated arena/casino complex.

In the preamble to Part 4 of the GPNO (Communities) in Section. 4.1 emphasizes the vital importance of the public involvement in the creation of long term strategic plans for their community. The GPNO identifies the importance of this and looks to the “Official Plans, community economic plans and participation in community planning efforts”. To guide the consideration of the current applications, there is an Official Plan in place that promotes and describes the importance of the Downtown, including the arena as a key component as well as City initiated Economic and Downtown strategies discussed below.

“From the Ground Up 2015-2025”

This report is “A Community Economic Development Strategic Plan” which involved some 2,300 persons as stakeholders in its preparation including the City Economic Corporations and City Staff. This strategy contains numerous statements of the importance of the Downtown to Sudbury and the stated Objective in s. 4.1, (page 32) to attract investment, infrastructure improvements and capital investment, targeting business retention and strengthening development opportunities all as part of a revitalization program. At page 43 of this report the strategy specifically speaks to a new arena/entertainment complex for the City and in the next bullet speaks to the need to promoting tourism in the Downtown Core and “creating destination attractions” as described in the Downtown Master Plan.

At page 44 of the report, the “Required Action” in Section. 7.1.1 is to “Develop a multi-purpose facility (or facilities) for arts, culture, business and sport in the Downtown core, with consideration for the following high priority uses:

- Conference facilities
- Performing arts centre
- Arena/sports complex
- Art gallery
- Accommodation

The Downtown Sudbury Master Plan, Downtown Sudbury, A Plan for the Future (March 2012)

This report contains many observations and comments on the importance of the Downtown and the message that “a struggling downtown sends a negative message to future residents, businesses and investors” (Section 1.0, pg. 2).

The report further states (page 9 (S. 4.0) of the Executive Summary) that:

“As Sudbury’s economy continues to evolve and its cultural offer develops further the Downtown will play an increasingly important role in providing the place for that continued economic and cultural growth. The success of the Downtown will be fundamental in helping the community cement its role as the economic and cultural ‘Centre of the North’. The strategy for creating a Downtown that is a destination for the City and the Region is supported by the follow objectives:

- *Grow Employment in the Downtown*
- *Create Destination Attractions in the Downtown*
- *Make the Downtown a Centre for Learning*
- *Make the Downtown a Centre for Living”*

At page 10 of the report and as shown on the map following is shown:

- Invest in the infrastructure necessary to support growth in the Downtown
- Build a “multi-use Recreation and Conference complex/hotel” and
- “Sudbury Arena Improvements”

The report also stresses (page 79, Section 5.10) that the Downtown Arena is supported by dispersed parking, which is important in “host (ing) regional sporting events, theatre and festivals at the Sudbury Arena and (abutting) Sudbury Theatre Centre’ with the surrounding “popular local establishments including restaurants, a coffee shop and a bakery, a fire station, some low rise apartments, a cluster of shops and galleries on Elgin Street and a selection of social services...”. It is abundantly clear in reviewing these materials that there is considerable effort and interest in the significance of the Downtown and its economic performance of the Downtown and the importance of the arena to the complex of activities in the Downtown area.

The report (page 118, Section 6.2.1) recommends amendments to the Official Plan further express and implement the recommendations and focus capital investment into the downtown, directing office employment to the Downtown and further economic policies to strengthen the role of the Downtown. While these recommendations have not made their way into an amendment to the Official Plan the report is helpful to an appreciation of the relevance of the Downtown and the interest in protecting and

strengthening the area as a major destination, including the major sports arena and other activities in the Downtown.

Parking

The supply of parking for facilities of this type, particularly the place of amusement/casino is a significant consideration particularly within a business park environment where there will be little if any other facilities in the area which will be able to provide additional parking, certainly not on public streets as would likely be the case in other commercial locations.

While we are not transportation experts, our understanding from work elsewhere is that casino (gaming operations) typically require a substantial number of parking spaces based either on the number of gaming positions or by way of general floor area . The application for the rezoning for the parking use reinforces the need to properly address the implications of the proposed overall entertainment complex both from the perspective of the policy implications of the proposal to the physical consumption of land within the business park, and the transportation related implications of the complex of uses, including parking generation, and impacts to surrounding streets and traffic operations in general.

In my opinion, the full extent of the parking required for these proposals should be reviewed carefully given the context and the level of publicly available transit options. This is particularly necessary to determine the extent to which these uses in combination will consume Employment lands which do not carry forward permission or allowances for the combined entertainment complex and casino use within the applicable land use designation.

Conclusions

In summary, it is my opinion that the integrated arena/event centre and casino/hotel complex and associated required parking fields should be dealt with in the context of a singular development proposal, all of which should require an amendment to the City's Official Plan.

Any amendment to the Official Plan to allow for the casino component, the integrated arena/event facility, and the associated required parking fields within the General Industrial land use designation should only be evaluated in the context of a municipally initiated comprehensive review of the employment lands designations through a City-wide process. Failing this would be contrary to the PPS and GNOP. Given the nature, scale and type of the primary entertainment uses sought to be approved in these applications (major sports and entertainment venue, casino and non-employment related uses) together with a pre-zoned hotel which reasonably would operate as a hotel/convention facility, such are not employment uses under the PPS.

Should a determination be made through the comprehensive review process required under the PPS that the lands subject to these applications are not required to fulfill the need for employment lands in the Sudbury area, any amendment to the Official Plan should be evaluated against the impact of a proposal of this nature, type and scale to the planned commercial areas, including the economic and potential land use impacts to the Downtown area of Sudbury. This should include the impact on the City's planned "Transitional Large" projects for the Downtown.

Each of the site-specific applications for Official Plan amendment and rezoning of the lands should not be approved pending the completion of a comprehensive review of employment lands as mandated under the PPS.

The applicant's development plan should be further detailed and assessed in the context of and provide supportable levels of retail and other amenities included as part of the overall development.

Should an amendment to the Official Plan be advanced for a casino (place of amusement) policy considerations should be advanced beyond a simple "notwithstanding" clause in the amendment.

Policies should include a requirement for measures to be developed with City staff and the Sudbury Medical Officer of Health to implement harm mitigation measures to address the negative impacts of problem gambling and to require the proponent to implement those measures prior to any zoning approval.

The proposed rezoning for the required parking fields to support an entertainment complex is not a transitional land use. The request for a parking lots is not indicated to be a temporary in nature and constitutes a main use of the lot. It is also noted that by definition in the City By-law a "Parking Lot" is defined as "*A parking area which constitutes a main use on a lot and where vehicles are parked for remuneration*".

While surface parking is considered transitional in nature, by City staff in their report on this application, it nonetheless is a permanent use of the land if approved.

Finally, and as presented in the urbanMetrics Report of March 2018 sets out, there is need for additional study to address the potential economic impacts to the Downtown prior to the approval of this new regional scale entertainment and gaming complex in order to comply with the above noted relevant provisions of the PPS, Growth Plan for Norther Ontario and the City's Official Plan.

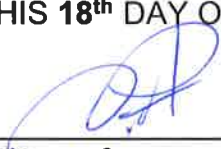
Yours very truly,

WND associates
planning + urban design

A handwritten signature in black ink, appearing to read "Robert A. Dragicevic". The signature is fluid and cursive, with a large, sweeping initial "R".

Robert A. Dragicevic, MCIP, RPP
Senior Principal

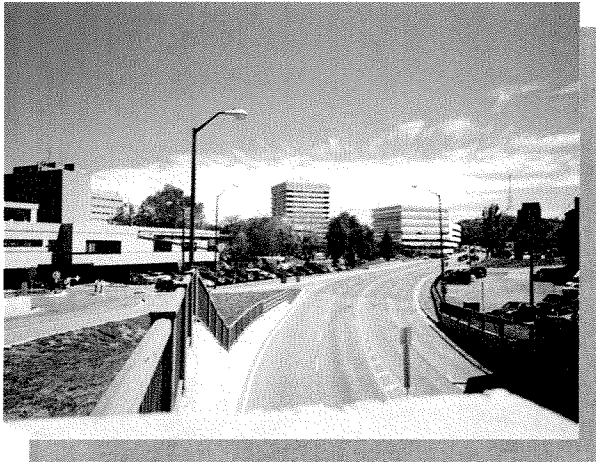
THIS IS **EXHIBIT "D"** TO THE AFFIDAVIT
OF **ROWAN FALUDI**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

Long Term Financial Plan

Final Report & Recommendations



Hemson Consulting Ltd.

November 2002

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for the future repair and replacement of City facilities. The funding gap for buildings represents the difference between identified immediate expenditure needs for buildings and full life cycle costing (life cycle costing is the process of setting funds aside annually to provide for future capital expenditures thus avoiding significant fluctuations in future capital expenditures). The building gap therefore differs from other identified gaps as it is not driven by an immediate expenditure need but reflects sound long term financial planning principles. For this reason, and in light of the size of the financing gap facing the City, consideration could be given to delaying the implementation of full life cycle costing for buildings until some of the more immediate pressures facing the City have been dealt with. In the interim the City could undertake a thorough review of all its facilities and develop a more accurate estimate of annual life cycle provisions based on recognized industry standards.

The financing gap for Transit and Fleet provisions provide for the replacement of the existing Transit garage, electronic fare boxes and full life cycle costing for all city vehicles and equipment, including Transit, Fire, Police and Public Works. While similar to the Building provision, the fleet requirements represent an immediate need. The

annual requirements are based on the remaining useful life of vehicles and identified replacement requirements over the next ten years to maintain the City's vehicles and equipment in a state of good repair.

The balance of the Capital funding gap relates to Corporate Services, Citizen and Leisure, Economic Development, Fire and Police Services.

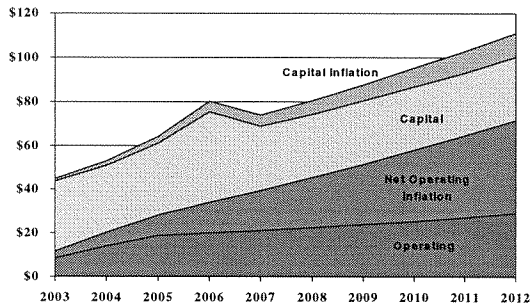
Tables 9 through 14 in the Financial Appendix provide a detailed breakdown of the required Capital expenditures by department, current funding available from subsidies, reserves, and existing capital envelopes, and the resulting financing gap by program.

4. Projection Of The Total Ten Year Financing Gap

When the projected Operating Budget and Capital Budget Financing Gaps are combined the City would potentially face a projected annual gap of \$106.5 million by 2012. Exhibit 18 illustrates the components of this gap, based on the detail provided in Exhibit 13.

ANNUAL FUNDING GAP

Exhibit 18



By 2012, the annual operating gap totals \$29.1 million. When inflation of \$37.8 million is considered the annual operating gap grows to \$66.9 million. The annual Capital gap in 2012 totals \$39.6 million, comprised of \$28 million for identified capital needs in excess of current capital envelopes and inflation of \$10.9 million. The resulting total annual financing gap is therefore projected to be \$106.5 million in 2012. To offset this gap the City would require a total tax levy of \$220.2 million in 2012 (Exhibit 12 - Line 16) compared to a tax levy of \$119.7 million in 2002.

Clearly, the City potentially faces significant financial pressures. These financial pressures will challenge City Council and the City Administration to make decisions related to program delivery, priorities and service levels. The Principles and Policies developed and recommended in this Long Term Financial Plan are designed to guide the City in making these decisions. Section IV of this report recommends the key steps for Council to take to implement the plan and discusses the proposed long term financial policies recommended for Council adoption. The following presents a number of options to be considered in addressing funding for the additional capital requirements. These options are based on the principles and polices contained in Section IV.

5. Capital Gap Financing Options

As discussed in part B ii and iii, the City is facing a major capital funding gap. Many communities in Ontario are facing major financial pressures due to a growing infrastructure deficit. As their infrastructure ages, expenditures associated with maintaining it in a "state-of-good-repair" increase. One of the long term policies recommended for Council adoption is to "maintain the City's required infrastructure in a 'state-of-good-repair' by implementing life cycle costing to provide for the future rehabilitation/replacement of assets." Due to the size of the capital financing gap,

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Coming Of Age In The 21st Century

An Economic Development
Strategic Plan for Greater Sudbury 2015

June 2003





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Prepared jointly by:

The Greater Sudbury Development Corporation
and
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Mississauga, Ontario
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lpickard@pickardlaws.com



Executive Summary

The updating of the economic development strategic plan for Greater Sudbury was a collaborative effort

The Greater Sudbury Development Corporation (GSDC) embarked on a community-based strategic planning process in August 2002 to guide the city in its economic development over the next decade. Over 300 community leaders participated in a variety of forums to assess Greater Sudbury's prospects for wealth creation and to define a roadmap for achieving success.

The deliberations produced a new "strategic story" for Greater Sudbury and a greater understanding of the requirements for increasing the city's prosperity. Central to moving forward will be GSDC's role as a steward of the process in concert with many partners.

Increasing global turbulence requires community leaders in Greater Sudbury to embrace new ways of thinking and working together to create prosperity

GSDC recognized that the 21st century is a world of greater turbulence in which the "rules of the game" keep changing:

- globalization creates unexpected and sudden changes that upset stability and tradition and force new ways of thinking and working together;
- the rise of urban mega-centres in Canada and elsewhere intensifies the competition among all cities for talent and financial capital;
- innovation -- the basis of growth -- depends increasingly on a culturally diverse, competitively-educated workforce that collaborates and forms coalitions within and across industries;
- sustainable community development, although a long-term project for any city, is a necessary foundation for attracting and retaining the talent essential to drive wealth creation -- the younger, environmentally-sensitive, technologically savvy and educated generation.

The ability of Greater Sudbury to adapt to the realities of the new economic order will determine its wealth trajectory. To understand how to do so, community leaders examined how cities in developed countries are re-inventing themselves. The "lessons learned" from the experiences of Halifax, Pittsburgh, Rochester, Manchester and others revealed four key criteria:

- ***quality of place*** -- natural, cultural and lifestyle amenities -- is the #1 factor in attracting and keeping talent;
- ***local strength*** is the place from which to start and build in a global economy
- ***work together, learn together*** in order to spin webs of excellence, clusters of interdependent organizations and people who become renowned in various areas of expertise;
- ***insist on government leadership***. Partner with government leaders. All city renewal efforts require committed and involved political leadership for financial, infrastructure and policy support.



Five Grassroots Task Forces will spearhead the action

Groups of community leaders from a cross-section of organizations worked with GSDC to map out priorities for each of these vision engines. They struck five task forces to begin the next stage -- rolling out action plans based on the immediate requirements for stimulating economic development.

The GSDC will “carry the flag” for the unfolding process of economic development. It will be a challenging and critical team leadership role. By working with and through community leaders, the GSDC will incubate civic entrepreneurship and stimulate the continuous development of a dynamic and healthy city.



Local strength is the place from which to start and build in a global economy.

Every city, no matter where located, has special strengths because of its heritage. Acknowledge and celebrate local assets and find imaginative ways to leverage them into the future. Be strategic in improving the educational literacy of the existing population. Enable the city's population to compete better in the knowledge economy. The world will beat a path to such a city's door.

Work together, learn together.

Get out of those silos as they impede wealth creation for everyone in a city-region. Take advantage of proximity to each other to meet in real time and find ways to grow together for mutual benefit. Recognize that each is dependant on the other even as competitors. Think and collaborate regionally and provincially. Spin webs of excellence -- clusters of interdependent organizations and people -- to become renowned in areas of enterprise. Work both sides at the same time: on the mature and developing industries.

Insist on government leadership. Partner with government leaders.

No city renewal efforts are possible without committed and involved political leadership. Government leaders help find resources to re-build, to alter policies that impede growth and to promote the virtues of living, visiting and doing business in their cities. Equally so, success is easier and more certain when community leaders reach out to and work with politicians and city staff to attain their dreams.

The GSDC invited broad community consultation...

Keeping these important lessons in mind, the Greater Sudbury Development Corporation (GSDC) composed of business leaders, city councillors and city staff, launched the strategic planning initiative in August 2002. At the outset, the GSDC decided that broad input from Sudbury's leaders was essential. The process and the product go hand-in-hand with commitment and prosperity. They reasoned that in an economy of constant change, collaboration or co-evolution were as important as healthy competition. Seeing Sudbury as a "business ecosystem" was fundamental to drawing the vision.

To that end, the GSDC designed an inclusive planning process that encouraged the questioning of assumptions and exploring imaginative options for the future. In total, a representative cross-section of over 300 leaders, working with the GSDC, contributed to the new strategic plan.

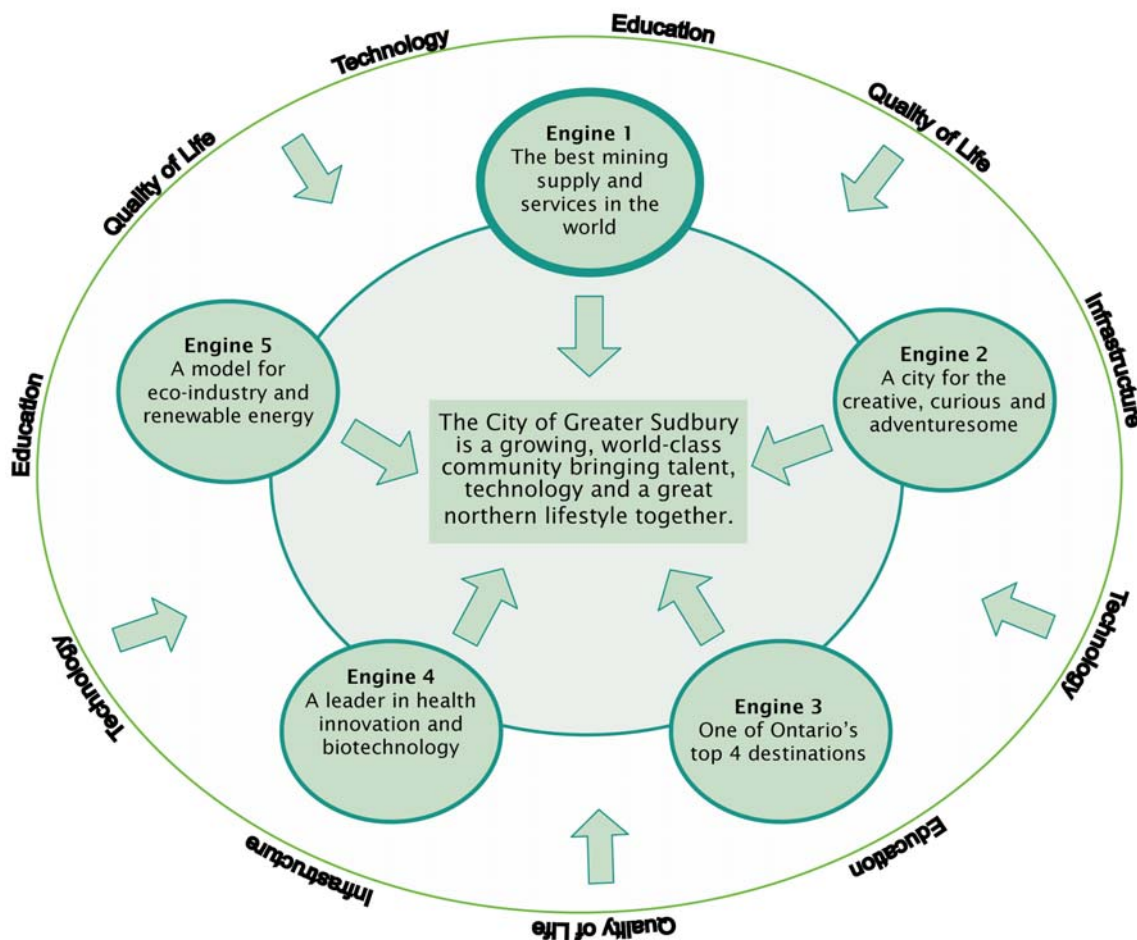


Igniter #4: The time is opportune to 'pitch' the virtues of Sudbury's quality of life...

The experience of other cities that have been successful in creating economically prosperous regions underlines the importance of quality of place, especially for the “creative class”. Richard Florida’s seminal work on this topic identifies the importance of recreation, arts and culture for attracting and retaining the intellectual talent that will build the economic prosperity of a region.²³ Sudbury has abundant outdoor natural amenities, but may not be leveraging these assets in a co-ordinated way. While Sudbury is blessed with vibrant ethnic and cultural activities and organizations, it lacks sufficient infrastructure with which to showcase local and visiting talent. In addition, there are not enough signals that Sudbury is a youth-friendly city. For example, in the online survey, the under 35s were more likely than other age groups to request that retail hours improve to better reflect their lifestyle (46%).

These conditions for wealth -- infrastructure, education, technology and quality of life -- are the “igniters” for the growth engines depicted in Figure 1. Enhancing and improving infrastructure and education, and leveraging the existing strengths in both technology and quality of life, are integrated into the development strategies for each growth engine.

Figure 1: A Vision for 2015---the Engines of Growth





Engine #2: A city for the creative, curious and adventuresome

Greater Sudbury will become a “people” place that welcomes and encourages talented individuals of diverse cultural backgrounds and lifestyles. The under 35 generation will experience Sudbury as a “youth-friendly” city with a dynamic urban environment. It will cater to a range of interests, provide a supportive educational, technological, policy and financial infrastructure for entrepreneurialism and offer an enviable quality of life.

Strategies to Develop Engine

- Stimulate the cultural scene: entertainment, theatre, restaurants, cafes...(63%)
- Build stronger networks and supports to incubate innovation and technology development
- Attract new immigrants and those with diverse cultural backgrounds to the city
- Build on Youth Strategy to become more youth-friendly, attract more students, and retain more young talent
- Stimulate a thriving, vibrant downtown core

Tactics to Achieve the Strategies*

- Initiate a downtown revitalization program to encourage investment in the city’s core (53%)
- Improve the accessibility, affordability and scheduling of public transportation (33%)
- Develop marketing strategy to attract new immigrants to settle in and develop new businesses in Sudbury (30%)

* The numbers in brackets represent the percent of online survey respondents that identified this as a priority for action.



Reports Reviewed

In the development of this strategic plan, many reports were reviewed that represent the work of past government and community groups to develop strategies and plans for the economic prosperity of the region. The current strategic plan builds on this previous work as it is represented in these documents:

Sudbury Tomorrow – The New Way

Forming Economic Opportunities into the Next Millennium – Sudbury Regional Development Corporation

Key Facts About Sudbury

2002 Residential Survey Findings – The State of the Community

Sudbury Smart Communities Technology Cluster

SRDC Planning Session – January 20, 2000

Creating a Sustainable Medical Research Community

Mapping the Vision for the City of Greater Sudbury

Taking Flight – An Economic Development Action Plan – Town of Walden, March 1999

Patterns for Prosperity : Final Report of the Next Ten Years Project, Sudbury Regional Development Corporation, April 1993

Facing the Millennium: Establishing the Plan

Labour Market Trends and Training Needs – Environmental Scan Update



References

- ¹ Florida, R. (2002). *The Rise of the Creative Class and How It's Transforming Work, Leisure, Community and Everyday Life*. New York: Basic Books.
- ² Homer-Dixon, T. (2000). *The ingenuity gap*. New York: Alfred A. Knopf.
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- ⁶ Strong, M. (2001). *Where on earth are we going?* Toronto: Vintage Canada.
- ⁷ Hurst, D. (1995). *Crisis and Renewal*. Boston: Harvard Business School Press.
- ⁸ Task Force on Competitiveness, Productivity & Economic Progress. (November 2002). *Closing the prosperity gap*. First annual report prepared for the Government of Ontario.
- ⁹ Gollub, J.O. (2001). Regional cluster strategy and successful science and technology park. *Commentary*, Winter, 26-32.
- ¹⁰ *Key Facts on Sudbury*. (2003). Available at <http://www.city.greatersudbury.on.ca>.
- ¹¹ Calculated from Statistics Canada. (2003). *Migration Estimates, 2001 Census*. Cat.#91C0025
- ¹² *A View of Ontario: Ontario's Clusters of Innovation*. (April, 2002) The Institute for Competitiveness and Prosperity, Working Paper No. I Available at <http://www.competeprosper.ca>.
- ¹³ *Key Facts on Sudbury*. (2003). Available at <http://www.city.greatersudbury.on.ca>
- ¹⁴ Gertler, M.S. , Florida, R., Gates, G., & Vinodrai, T. (November, 2002). *Competing on Creativity: Placing Ontario's Cities in North American Context*. A report prepared for the Ontario Ministry of Enterprise, Opportunity and Innovation and the Institute for Competitiveness and Prosperity. Available at <http://www.competeprosper.ca>.
- ¹⁵ Statistics Canada. (2003). *Migration Estimates, 2001 Census*. Cat. #91C0025.
- ¹⁶ De Marco, R. (2003). *Personal communication*. CFIB District Manager.
- ¹⁷ *Key Facts on Sudbury*. (2003). Available at <http://www.city.greatersudbury.on.ca>
- ¹⁸ Gertler, M.S. , Florida, R., Gates, G., & Vinodrai, T. (November, 2002). *Competing on Creativity: Placing Ontario's Cities in North American Context*. A report prepared for the Ontario Ministry of Enterprise, Opportunity and Innovation and the Institute for Competitiveness and Prosperity. Available at <http://www.competeprosper.ca>.
- ¹⁹ *Key Facts on Sudbury*. (2003). Available at <http://www.city.greatersudbury.on.ca>
- ²⁰ Porter, M. & Stern, S. (2001). Innovation: location matters. *MIT Sloan Management Review*, 42 (4), 28.
- ²¹ Porter, M. (2000). Location, competition, and economic development: Local clusters in a global economy. *Economic Development Quarterly*, 14 (1), 16.
- ²² Statistics Canada. (2003). *Migration Estimates, 2001 Census*. Cat.#91C0025.
- ²³ Florida, R. (2002). *The Rise of the Creative Class and How It's Transforming Work, Leisure, Community and Everyday Life*. New York: Basic Books.
- ²⁴ Wolfe, D. Social capital and cluster development in learning regions. Forthcoming in *Knowledge, clusters and learning regions*, ed. J. Adam Holbrook and David A. Wolfe. Kingston: School of Policy Studies, Queen's University, pg. 3.

THIS IS **EXHIBIT "F"** TO THE AFFIDAVIT
OF **ROWAN FALUDI**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

**THE FIFTY-FOURTH MEETING OF THE COUNCIL
OF THE CITY OF GREATER SUDBURY**

**Committee Room C-11
Tom Davies Square**

**Thursday, June 26th, 2003
Commencement: 5:40 p.m.**

DEPUTY MAYOR LOUISE PORTELANCE, IN THE CHAIR

Present Councillors Bradley; Callaghan; Courtemanche; Craig; Davey; Dupuis; Gainer (A6:00 pm); Kilgour; Lalonde; McIntaggart (A5:46 pm); Mayor Gordon

City Officials M. Mieto, Chief Administrative Officer; T. Beadman, Acting General Manager, Emergency Services; D. Belisle, General Manager of Public Works; C. Hallsworth, General Manager of Citizen & Leisure Services; C. Sandblom, General Manager of Health & Social Services; D. Wuksinic, General Manager, Corporate Services; R. Swiddle, Director of Legal Services/City Solicitor; C. Mahaffy, Manager of Financial Planning and Policy; A. Dagostino, Roads and Drainage Engineer; C. Riutta, Administrative Assistant to the Mayor; C. Caporale, Secretary; T. Mowry, City Clerk; G. Ward, Council Secretary

Declarations of Pecuniary Interest None declared.

"In Camera" 2003-291 Bradley/Dupuis: THAT we move "In Camera" to deal with property matters in accordance with Article 15.5 of the City of Greater Sudbury Procedure By-law 2002-202 and the Municipal Act, 2001, s.239(2)(f).

CARRIED

Recess At 6:50 p.m., Council recessed.

Reconvene At 7:02 p.m., Council moved to the **Council Chamber** to continue the regular meeting.

Chair **HIS WORSHIP MAYOR JAMES GORDON, IN THE CHAIR**

Present Councillors Bradley; Callaghan; Courtemanche; Craig; Davey (A7:07 pm); Dupuis; Gainer; Kilgour; Lalonde; McIntaggart; Portelance

City Officials M. Mieto, Chief Administrative Officer; T. Beadman, General Manager, Emergency Services; D. Belisle, General Manager of Public Works; J. Cunningham, Deputy Chief of Police, Sudbury Police Service; C. Hallsworth, General Manager of Citizen & Leisure Services; D. Nadorozny, General Manager of Economic Development & Planning Services; C. Sandblom, General Manager of Health & Social Services; D. Wuksinic, General Manager, Corporate Services; R. Swiddle, Director of Legal Services/City Solicitor; J.P. Graham, Plants Engineer; N. Charette, Manager of

City Officials
(Continued)

Corporate Communications and French-language Services; C. Riutta, Administrative Assistant to the Mayor; K. Bowschar-Lische, Law Clerk; T. Mowry, City Clerk; G. Ward, Council Secretary

News Media

My Town; CIGM; Sudbury Star; Northern Life; Le Voyageur

Declarations of Pecuniary Interest

None declared.

PRESENTATIONS

Item 4
Civic Awards - Volunteerism

Report dated 2003-06-17 from the General Manager of Citizen & Leisure Services regarding Civic Awards for Volunteerism was received for information.

Mayor Gordon presented the following recipients with the 2003 Civic Award for Volunteerism:

Susan Turgeon
Bill St. Louis
Gilles Dubois
Volunteers of the Canadian Cancer Society -
Cancer Centre

Item 5
Community Service Awards - Ontario Medical Association

Letter dated 2003-05-06 from Dr. R. Koka regarding presentation of Community Service Awards of the Ontario Medical Association was received for information.

Dr. R. Koka and Dr. D. Reich presented the Community Service Award to M. Mieto, Chief Administrative Officer, City of Greater Sudbury.

Item 6
Economic Development Strategic Plan

Reports entitled "Coming of Age in the 21st Century - An Economic Development Strategic Plan for Greater Sudbury 2015" and "Strategic Actions and Initiatives", Greater Sudbury Development Corporation (GSDC) were received.

Mr. D. Nadorozny, General Manager of Economic Development & Planning Services and Mr. J. Caruso, Chair, Greater Sudbury Development Corporation Board of Directors addressed Council with an electronic presentation of the economic development strategic plan.

The following resolution was presented:

2003-292 Dupuis/Bradley: WHEREAS the mandate of the Greater Sudbury Development Corporation (GSDC) is to promote community economic development with the co-operation and participation of the community by encouraging, facilitating and supporting community strategic planning and increasing self reliance, investment and job creation within the community;

Item 6
(Continued)

AND WHEREAS the GSDC has completed an economic development planning process through broad consultation and involvement from community stakeholders;

AND WHEREAS the final report entitled "Coming of Age in the 21st Century, An Economic Development Strategic Plan for Greater Sudbury 2015: identifies five economic engines and four igniters;

AND WHEREAS the GSDC has prepared an action plan which is inclusive, practical and focused on the five economic engines and four igniters identified;

AND WHEREAS the GSDC has approved the economic development strategic plan and requested City Council's endorsement;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Greater Sudbury approve the economic development strategic plan recommended by the GSDC and direct the GSDC to use it as a guide for the purposes of carrying out its mandate.

RECORDED VOTE:

<u>YEAS</u>	<u>NAYS</u>
Bradley Callaghan Courtemanche Craig Davey Dupuis Gainer Kilgour Lalonde McIntaggart Portelance Gordon	

CARRIED

Item 7
City of Tomorrow

Report dated 2003-06-17, with attachment (Summary of Community Input - June 4th, 2003 Community Workshop) from the Chief Administrative Officer regarding The City of Tomorrow was received.

The Chief Administrative Officer addressed Council with an electronic presentation regarding the "City of Tomorrow" community input, strategies regarding funding and future opportunities.

The following resolution was presented:

2003-293 Bradley/Dupuis: WHEREAS the City of Greater Sudbury must cope with fiscal pressures and changing demographics;

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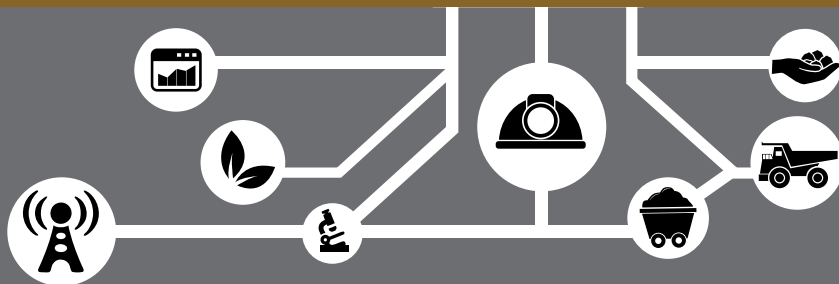


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from the
ground
up



2015-2025

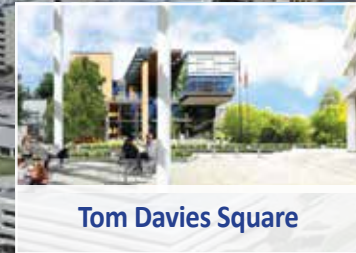


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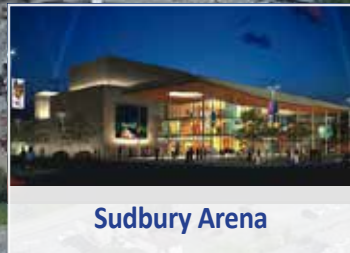
By the year 2025, Greater Sudbury has come a long way, exceeding even our own expectations. As one of Canada's top 10 best places to live, our city has achieved a positive "triple bottom line" with significant advances in social, economic and environmental development. We are proud of our dynamic and vibrant downtown, now known as the "Heart District", where we celebrate our rich culture and lifestyle. In fact, we just celebrated the five-year anniversary of the opening of our multi-purpose facility for arts, culture and sport. The city's downtown is easily accessible via numerous modes of transportation, including public transit and the Elgin Greenway. People flock to the "Heart District" – drawn by the wide array of retail, entertainment and housing developments that have taken place over the past ten years.



Laurentian School of
architecture



Tom Davies Square



Sudbury Arena



The Market

Goal Four: A quality of place and lifestyle that is second to none.

Cities and communities have turned to creating an elevated quality of place and lifestyle to gain an advantage, in the increasingly difficult search for highly skilled and educated talent. This approach will help reinforce Greater Sudbury as a regional capital, foster the growth of new creative enterprises and attract the knowledge-based workforce and investment to the community that will be necessary to help realize our goal of 10,000 net new jobs by 2025.

Creative placemaking is one strategy that intentionally leverages the power of the arts, culture and creativity to serve a community's interests while driving a broader agenda for growth and transformation in a way that builds character and quality of place. It involves public, private, not-for-profit and community stakeholders partnering together to strategically shape the physical and social character of neighbourhoods, towns, or regions around arts and cultural activities.

The process of creative placemaking can provide Greater Sudbury with the potential to rejuvenate structures and streetscapes, improve the viability of local business and bring people together to celebrate the communities they live in. It is a process rooted in the local values, history, culture and the natural environment that are unique to the area. Greater Sudbury is a beautiful city with character and charm that matches its place as the capital of northern Ontario.

The attributes of a community are an important consideration in the attraction and retention of both businesses and highly skilled talent. The quality of a downtown; the quality and availability of housing stock; access to recreation and cultural amenities; and, community and retail services all factor into their decision making. Greater Sudbury recognizes that downtowns are important and that they represent the historic and symbolic heart of the community. A healthy, active, successful downtown makes a positive statement about the prosperity of the city and sends a positive message to future residents, businesses and investors.



Objective 4.1: REVITALIZE AND REDEVELOP DOWNTOWN SUDBURY AS A KEY INDICATOR OF THE COMMUNITY’S QUALITY OF PLACE.

Required Actions	Timing	Potential Partners
4.1.1 Attract investment in retail, arts, culture, food, and hospitality, to the downtown by implementing the Retail Attraction Strategy as supplemented to the Downtown Master Plan	Short	Downtown Sudbury BIA, CGS – Economic Development, DVDC, Chamber, TNO/NEONT
4.1.2 Investigate and promote opportunities for new, diverse, and innovative multi-residential and mixed-use development in the downtown core	Short	CGS – Growth and Development, DVDC
4.1.3 Develop policies that incorporate design thinking into future infrastructure and development projects in the Downtown core	Medium	CGS – Growth and Development, DVDC, Downtown Sudbury BIA, LAL
4.1.4 Implement a business retention and expansion (BR+E) program specifically targeting the businesses located in the downtown	Short	Downtown Sudbury BIA, CGS – Economic Development, DVDC
4.1.5 Implement transportation/active transportation infrastructure investments recommended in the Downtown Master Plan	Medium	CGS – Infrastructure Services, CGS - Growth and Development
4.1.6 Develop public spaces, buildings and infrastructure as a catalyst for revitalization and private sector investment in the Downtown	Medium	CGS, GSDC

Goal Seven: One of Ontario's top tourism destinations

Tourism is an important part of both the global and national economies. In 2013, travel and tourism were among the top performing sectors globally, generating growth of 5% and over \$1 trillion (USD) in annual revenues. Tourism is also an important sector of Greater Sudbury's economy, and all citizens have the opportunity to be good ambassadors, promoting the beauty of our city and encouraging visitors to come. From the latest tourism statistics provided by the Ontario Ministry of Tourism, Culture and Sport, total visitor spending in Greater Sudbury has grown year after year, to approximately \$200 million in 2012. Nearly 1.1 million people visit our community every year for both business and leisure purposes; year round, they have the opportunity to take in its natural heritage and outdoor recreation options, learn from its industrial past through science centre attractions, enjoy the variety of retail options not available in other northern Ontario communities, and take in the unique cultural heritage experiences and nationally recognized events on offer.

The community also has two quality assets in Science North and Dynamic Earth, which are the second- and eighth-largest science centres in Canada and the largest in northern Ontario. These niche opportunities for Greater Sudbury and should continue to be developed and supported to make the region a tourist destination of choice.

One of the key priorities for Greater Sudbury in the tourism sector is based on the range of events that the community offers. The city, with its reputation as regional capital, has had success hosting a series of festivals throughout the year. Some of these include: Cinéfest International Film Festival, one of Canada's largest film festivals with an annual audience of nearly 30,000 people; the Northern Lights Festival Boréal, Canada's longest running outdoor music festival attracting more than 10,000 people annually; and newly launched public arts and music festival, UpFest.

During the consultation process it was suggested that the development of a new arena/entertainment complex could help unlock the potential for the continued growth and economic prosperity of the community. This would complement Greater Sudbury's existing festivals with an additional venue for other concerts, entertainment events, live performances, and sporting events, not to mention its potential for expanded convention business.

There are still a number of opportunities that exist in the tourism sector that Greater Sudbury can leverage to help make it one of Ontario's top destinations. For example, the Downtown Sudbury Master Plan calls for promoting tourism in the downtown core and creating destination attractions such as a "Signature Arts District" that will draw visitors from across the region. Consideration should be paid to investing in the necessary infrastructure to support the added visitors to the area. Continued growth and diversification of the region's retail sector will also maintain and enhance Greater Sudbury's regional capital status as well.



▶ Objective 7.1: INVEST IN FACILITIES, SPACES, AND INITIATIVES NEEDED TO SUPPORT THE GROWTH OF TOURISM

Required Actions	Timing	Potential Partners
<p>7.1.1 Develop a multi-purpose facility (or facilities) for arts, culture, business and sport in the Downtown core, with consideration for the following high-priority uses:</p> <ul style="list-style-type: none"> • conference facilities • performing arts centre • arena/sports complex • art gallery • accommodations 	Medium	CGS – Growth & Development, CGS - Citizen & Leisure Services, Arts organizations, BIA
<p>7.1.2 Facilitate the development of a multi-faceted motorsports and entertainment facility</p>	Short	CGS – Economic Development, Private sector
<p>7.1.3 Prioritize attraction efforts for meetings, conventions, sporting and other events/business to the community</p>	Short	CGS – Economic Development, Sudbury Tourism Partnership, SportLink, CGS – Leisure Services

▶ Objective 7.2: STRENGTHEN THE TOURISM INDUSTRY THROUGH PROACTIVE DESTINATION DEVELOPMENT

Required Actions	Timing	Potential Partners
<p>7.2.1 Expand membership of the Sudbury Tourism Partnership, and strengthen the coordination of member activities on networking, joint marketing, collaboration, and bundling/packaging of products</p>	Short	CGS – Economic Development, TNO/NEONT
<p>7.2.2 Explore and develop new sources of revenue for tourism projects and promotional initiatives</p>	Medium	CGS – Economic Development, Sudbury Tourism Partnership, MTCS
<p>7.2.3 Explore and collaborate on new sources of data (e.g. data mining, telephone or onsite customer surveys, “guerilla” engagement) to capture visitor and prospect information, and disseminate to tourism industry on a semi-annual basis (e.g. visitor intercepts at attractions)</p>	Medium	CGS – Economic Development, TNO/NEONT, Ontario Tourism, MTCS, Science North
<p>7.2.4 Establish a prioritized list of market gaps, and proactively engage local and regional partners on the development of new tourism and cultural products (e.g. Aboriginal, francophone, culinary, trails, outdoor recreation)</p>	Short	CGS – Economic Development, TNO/NEONT, Sudbury Tourism Partnership
<p>7.2.5 Develop tourism orientation sessions, training programs, and familiarization excursions for all front line tourism and hospitality personnel and volunteers in order to provide a high quality customer experience</p>	Short	CGS – Economic Development, TNO/NEONT, Sudbury Tourism Partnership



Required Actions	Timing	Potential Partners
7.2.6 Implement Tourism Northern Ontario’s Tourism Excellence North (TEN) program in Greater Sudbury BEST PRACTICES: Mining Supply and Services Export Assistance Program (MSSEAP)	Medium	Sudbury Tourism Partnership, TNO/NEONT, Chamber of Commerce
7.2.7 Facilitate and encourage the development of attractions (e.g. galleries, festivals, zip line, water park, waterfront facilities) in tourism destination development initiatives	Long	CGS – Economic Development, TNO/NEONT, Sudbury Tourism Partnership
7.2.8 Work with Transit and other agencies to improve choice and quality of connections between attractions	Medium	CGS – Economic Development, Greater Sudbury Transit, Rainbow Routes

▶ Objective 7.3: IMPLEMENT RESEARCH-BASED MARKETING AND PROMOTION INITIATIVES TO KEY MARKET SEGMENTS

Required Actions	Timing	Potential Partners
7.3.1 Promote the “scenic sights, urban delights” brand for Sudbury Tourism in order to distinguish the city from its competitors in Ontario	Short	CGS – Economic Development, Sudbury Tourism Partnership, TNO/NEONT, tourism operators
7.3.2 Coordinate marketing and communications activities at the local and regional levels, providing directions on key messages, key markets, and key strategies to be used by public and private sector partners about Greater Sudbury	Short	CGS – Economic Development, TNO/NEONT, Sudbury Tourism Partnership, tourism operators, Chamber
7.3.3 Implement a local strategy for digital and social media marketing, promotions, and communications, providing direction to public and private sector partners, and content/messaging to be leveraged in online marketing and social media initiatives	Short	CGS – Economic Development, Sudbury Tourism Partnership, TNO/NEONT, Chamber
7.3.4 Integrate local arts, culture, and heritage offerings into local and regional tourism promotion strategies	Short	CGS – Economic Development, Arts organizations, CGS – Community Development, TNO/ NEONT, CAC
7.3.5 Continue to build strategic partnerships and alliances with external tourism partners across Ontario (i.e. Georgian Bay Destination Development Partnership, Ontario Tourism Marketing Partnership Corp.)	Short	CGS – Economic Development, TNO/NEONT

Regional Retail Sector

- Sudbury is being seen as a regional hub, especially with growth of stores and hotels in the area
- Challenge finding and retaining skilled labour
- Challenge with high transit fees and scheduling staff around transit routes and schedules
- Would like to see more festivals and events to attract more tourists to the area
- City requires more diversity and variety of stores, especially in higher end

Tourism Sector

- Significant growth in the retail sector which helps maintain and augment our “regional capital” status
- Marketing needs to be done to change the perception of Sudbury within the community; many people just see mining and rocks and they can’t see past that; need to leverage existing positive perceptions across all sectors (i.e. re-greening, mining intelligence, health research, etc...How do we become ambassadors?)
- Leveraging tourism groups and working together to increase local awareness and attract visitors
- Arena and convention facility is the jewel in the crown, it unlocks the potential for our community; need to use funding more effectively and invest in ourselves
- Social media has been positive for the tourism sector, very cost effective and allows tourism organizations to market, who would otherwise not be able to be in the marketing game

Environmental Sector

- There’s definitely been an emergence of more of a critical mass in the development of environmental service firms that simply didn’t exist 10-15 years ago; is a potential to grow it into another mining supplies and services sector
- In addition to marketing Sudbury as a great lifestyle, let’s market it as a science city
- The School of Environment is brand new and is looking to develop professional, co-op and graduate studies options. The School of Engineering is looking to grow its program offerings (i.e. civil, environmental, etc)
- Energy reduction bears fruit for industry – not just because it’s “good” for the environment, but because it reduces energy costs. Waste management could have the same impact by reducing companies’ environmental liabilities while also allowing them to extract additional value. Why can’t we produce aggregates from mining?
- The Far North!! Represents huge opportunities for the future. What sorts of innovation (in mining and the environment) are huge opportunities for Sudbury? What solutions can we develop here in Sudbury that can be applied to solve the unique challenges associated with developing mines in the Far North

THIS IS **EXHIBIT "H"** TO THE AFFIDAVIT
OF **ROWAN FALUDI**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

**MEETING OF THE COUNCIL
OF THE CITY OF GREATER SUDBURY**

**Boardroom C-11
Tom Davies Square**

**Tuesday, November 3, 2015
Commencement: 4:02 p.m.**

DEPUTY MAYOR SIZER, IN THE CHAIR

Present

Councillors: Signoretti (A 4:08 p.m.), Vagnini (A 4:12 p.m.), Montpellier, Dutrisac, Kirwan, Jakubo, Sizer, McIntosh, Cormier, Reynolds, Landry-Altmann and Mayor Bigger

City Officials

Kevin Fowke, Interim Chief Administrative Officer/Deputy City Clerk; Caroline Hallsworth, Executive Director Administrative Services/City Clerk (D 4:45 p.m.)

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Closed Session

The following motion was presented:

CC2015-354 Kirwan/Montpellier: THAT the City of Greater Sudbury Council move to Closed Session to deal with one (1) Solicitor – Client Privilege matter (239(2)(f)) regarding the Deferral of Development Charges and one (1) Personal Matter (Identifiable Individual(s)) (239(2)(b)) regarding the Interim Managerial Structure, in accordance with the Municipal Act 2001.

CARRIED

At 4:04 p.m., Council moved into Closed Session.

Recess

At 5:00 p.m., Council recessed.

Reconvene

At 6:00 p.m., Council commenced the Open Session in the Council Chamber.

HIS WORSHIP MAYOR BRIAN BIGGER, IN THE CHAIR

Present

Councillor Signoretti, Vagnini, Montpellier, Dutrisac, Kirwan, Jakubo, Sizer, McIntosh, Cormier, Reynolds, Landry-Altmann, Mayor Bigger

City Officials

Kevin Fowke, Interim Chief Administrative Officer/ Director of Human Resources & Organizational Development; Tony Cecutti, General Manager of Infrastructure Services; Paul Baskcomb, General Manager of Growth & Development; Caroline Hallsworth, Executive Director, Administrative Services/City Clerk; Lorella Hayes,

City Council 2015-11-03

(1)

City Officials
(cont'd)

General Manager of Assets and Finance/Chief Financial Officer; Eric Labelle, Assistant City Solicitor; Ron Henderson, General Manager of Citizen and Leisure Services; Eliza Bennett, Manager of Corporate Communications & French Language Services; Trevor Bain, Chief of Fire and Paramedic Services; Vasu Balakrishnan, Interim Auditor General; Danielle Wicklander, Legislative Compliance Co-Ordinator; April Antoniazzi, Clerk's Services Assistant

MOMENT OF SILENT REFLECTION

ROLL CALL

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

PRESENTATIONS

Item 1
From the Ground Up – A
Community Economic
Development Strategic
Plan 2015-2025

Report dated October 20, 2015 from the General Manager of Growth & Development regarding From the Ground Up – A Community Economic Development Strategic Plan 2015-2025.

Jim Marchbank and Dr. Darren Stinson, Steering Committee Co-Chairs and Ian Wood, Director of Economic Development provided an electronic presentation regarding From the Ground Up - A Community Economic Development Strategic Plan 2015-2025.

The following motion was presented:

CC2015-355 Montpellier/Kirwan: That the City of Greater Sudbury accepts "From the Ground Up - A Community Economic Development Strategic Plan 2015-2025," as presented by the Greater Sudbury Development Corporation.

CARRIED

MATTERS ARISING FROM THE CLOSED SESSION

Rise and Report

Deputy Mayor Sizer, as Chair of the Closed Session, reported that Council met in Closed Session to deal with one (1) Solicitor - Client Privilege matter (239(2)(f)) regarding the Deferral of Development Charges and one (1) Personal Matter (Identifiable Individual(s)) (239(2)(b)) regarding the Interim Managerial Structure in accordance with the *Municipal Act*, 2001, S.239(2) and that no directions or recommendations emanated from this meeting.

**THIS IS EXHIBIT "I" TO THE AFFIDAVIT
OF ROWAN FALUDI,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Downtown Sudbury
a plan for the future
going downtown growing downtown

Executive Summary

From Vision to Master Plan



Activity and Growth: Create a Downtown that is a Destination for the City and the Region

The Master Plan is an indication of what the Vision will look like ‘on the ground’. It translates the Downtown Vision from its ambitions and intentions, expressed through words, into a series of actions and concrete projects, expressed visually in the plan.

The Master Plan for Downtown Sudbury establishes a strategy to transform the core into an active, safe and diverse destination for people, businesses and new investment. It creates a downtown that is mixed in its character and function, is well integrated with surrounding communities and supports an authentic and unique identity.

The Master Plan is built around three complementary directives, each containing a bundle of initiatives that address different issues facing the Downtown. Directives include:

- > Activity and Growth
- > Access and Connectivity
- > Beauty and Pride

The City of Greater Sudbury is already the largest and, arguably, the most influential city in Northern Ontario. As Sudbury’s economy continues to evolve and its cultural offer develops further, the Downtown will play an increasingly important role in providing the place for that continued economic and cultural growth. The success of the downtown will be fundamental in helping the community cement its role as the economic and cultural ‘Centre of the North’. The strategy for creating a Downtown that is a destination for the City and the Region is supported by the following objectives:

Grow Employment in the Downtown

Create Destination Attractions in the Downtown

Make the Downtown a Centre for Learning

Make the Downtown a Centre for Living

From Vision to Master Plan

The Vision Statement captures the opportunities for Downtown Sudbury. Over the next decade, all actions and initiatives undertaken in the Downtown should contribute to the realization of this Vision.

The Master Plan is an indication of what the Vision will look like ‘on the ground’. It translates the Downtown Vision from its ambitions and intentions, expressed through words, into a series of actions and concrete projects, expressed visually in the plan.

The Master Plan for Downtown Sudbury establishes a strategy to transform the core into an active, safe and diverse destination for people, businesses, not-for-profits, agencies and new investment in all forms. It creates a downtown that is mixed in its character and function, is well integrated with surrounding communities and supports an authentic and unique identity.

The Master Plan is built around three complementary directives, each containing a bundle of initiatives that address different issues facing the Downtown today. These directives include:



Bundled under each directive is a series of large, medium and small initiatives. Initiatives may either stand alone as single improvement projects, or work together in bundles to deliver more transformative change across the Downtown.

Create a Downtown that is a Destination for the City and the Region

The City of Greater Sudbury is already the largest and, arguably, the most influential city in Northern Ontario. As Sudbury's economy continues to evolve and its cultural offer develops further, the Downtown will play an increasingly important role in providing the place for that continued economic and cultural growth. The success of the downtown will be fundamental in helping the community cement its role as the economic and cultural 'Centre of the North'.

The Vision for Downtown Sudbury is for it to be the urban playground for Northern Ontario. Sudbury should be the leading destination for business meetings, sports events and cultural and community festivals in the North. However, at present the city lacks many of the facilities necessary to assert this leadership role and many other cities are eager for this business. If Greater Sudbury is to remain competitive and firmly establish itself as the Centre of the North, it cannot remain static. The City must continue to invest strategically in its downtown and foster growth that will deliver wider benefit to the city as a whole.

The Official Plan recognizes the important role of Downtown as an employment centre within the City. The new Northern Growth Provincial Plan requires that municipalities develop strategies to encourage a significant portion of future residential and employment development locate in strategic core areas and other opportunity areas, such as brownfields. Building on these policy directions, the Master Plan proposes a program of public and private investment in the downtown necessary for it to achieve the self-sustaining critical mass and play its optimal role. One of the most important objectives of the Plan is to increase the activity level across the Downtown in order to spark a virtuous cycle of self-generated revitalization. The City should undertake further work to determine how to best direct growth as part of the upcoming review of its Official Plan Review.

To achieve this end, a number of large-scale initiatives are required. These initiatives – educational, cultural and business-oriented – will in turn create the market for retail, restaurant, recreation and other related activities. Importantly, they will set the required environment for residential investment, a critical strategy for downtown success.

To set this cycle of revitalization in motion, a number of major employment, educational and cultural activity generators are necessary. The strategy for creating a Downtown that is a destination for the City and the Region is supported by the following four objectives:

4.1.1 Grow Employment in the Downtown

4.1.2 Create Destination Attractions in the Downtown

4.1.3 Make the Downtown a Centre for Learning

4.1.4 Make the Downtown a Centre for Living

The Activity Strategy is supported by a more targeted Retail Retention and Growth Strategy, provided under separate cover.

04/ A Meeting Destination

One of the key strategies for Sudbury's future is to establish itself as the leading city in Northern Ontario for business meetings, trade events, sports, festivals and cultural events. Sudbury at present lacks a four-star hotel and major facility to meet these needs and the existing Arena does not compare well sports and event spaces found in many other cities.

The strategy proposes an upgraded Arena in combination with the construction of a new multi-use facility south of Brady Street with a four-star hotel overlooking Memorial Park. The multi-use facility should be developed with a minimum floorplate of 55,000 square feet. The existing Arena would be upgraded to more easily accommodate larger-scale concerts and conventions; any ice pads would be designed to have capacity for a range of smaller such events. The hotel would operate as the service and hospitality base for the complex. The location south of Brady works well. The complex will connect closely to the Tom Davies Square complex and to the shopping and restaurants on Elgin and Durham. It will be a prominent feature at a key entrance to the Downtown and a southern edge to Memorial Square.

The City should examine the funding partnerships that have been put in place for other such complexes in Ontario cities involving public investments and private sector partners. In the interim, a detailed examination of the land requirements for the complex should be undertaken. The Synergy Centre is an example of the type of multi-use facility contemplated. This project is supported by a prefeasibility study. A more detailed financial and operational feasibility study are also planned.



05/ A Shopping & Dining Destination

The retail vision for the Downtown is about improving the quality of the offer across three specific areas: hospitality; neighbourhood convenience (goods & services); and specialty shopping. From a retail offer, the future of downtown Sudbury should be about enhancing the quality of the existing offer, as opposed to significantly growing retail square footage. Improving the quality of the existing offer will increase sales productivity and generate further demand for quality products. To achieve this goal, the following actions are recommended:

1. Advocate for an increased residential population in downtown;
2. Build on downtown events to retain visitors;
3. Help retailers to achieve higher sales productivity, as opposed to more space;
4. Market Downtown Sudbury more broadly;
5. Increase repeat visitation from local catchment by providing new recreation and hospitality services;
6. Grow specialty based retailers appropriate for Sudbury's context, such as local food and drink, northern apparel, sporting goods, student lifestyle, arts, health services, etc.;
7. Advocate for an expansion of student life in the downtown; and
8. Create a program for retail recruitment and retention.

Additional details of the above strategy are provided in the Downtown Sudbury Retail Retention and Growth Strategy, provided under separate cover.



5.1 South District

The District Today

Today, the area south of Brady Street has two primary functions: first, to provide a significant amount of parking for downtown offices that utilize the land for long-term parking, and second, to host regional sporting events, theatre and festivals at the Sudbury Arena and the Sudbury Theatre Centre. Dispersed between parking areas are several popular local establishments including restaurants, a coffee house and a bakery, a fire station, some low rise apartment buildings, a cluster of shops and galleries on Elgin Street and a selection of social services, including the Samaritan Centre. Broad, busy Brady and Paris streets cut the district off from the rest of downtown and makes it feel isolated and separate from the rest of the 'downtown experience'. Due to the expanse of parking, limited amount of building fabric and isolation of the area, the identity of this District is weak.

The District Tomorrow

The role of this District as a regional destination for fun, arts, events and recreation will be amplified. Augmenting the Sudbury Arena and Theatre Centre will be an improved and expanded recreation complex, potentially offering additional rinks and flexible multi-purpose space able to accommodate conference facilities and community meetings/events. Bringing a superior level of hospitality service to the city, a new four star hotel will overlook Memorial Park and front onto a calmed and landscaped Brady Street. Capitalizing on a synergy with the Theatre Centre and proposed conference facilities, several publicly owned sites have been identified as suitable for new cultural uses.

To retain established destinations and keep the 'best of downtown', the redevelopment of this area must respect existing businesses. A priority will be placed on retaining existing uses. In the longer term, should existing businesses wish, they can be integrated into the design of new developments (on an ownership or lease basis), as illustrated in the view and plan below.



The spine of the District will be Minto Street, reinvented as a civic street with new landscaping, surface treatment, art and street furniture. Minto Street will provide a pleasant pedestrian experience that draws visitors from these important regional attractions into the heart of the Downtown. A relocated Farmers' Market could anchor Minto Street as part of Station Plaza and utilize the restored historic rail station.

To better integrate this District with the rest of the Downtown, improvements will be undertaken to Paris Street (landscaping), pedestrian crossings improved along Brady Street (at Minto), a lighting treatment and sidewalk expansion completed at the Elgin Street underpass (under the Bridge of Nations) and upgrades undertaken to the Riverside Pedestrian Tunnel. Work on the Tunnel will include the provision of additional security features and, in the longer term, shortening the tunnel so it connects directly with the Elgin Greenway.

Across the District, parking will be consolidated into a new structured car park that will serve city-wide 'destinations' as well as the office and retail uses further to the north. In the longer-term, the Sudbury Transit Terminal could be relocated to this district and integrated into the design of the parking structure. This would allow the terminal to expand operations; including Greyhound services; in close proximity to the Rail Station, creating a genuine multi-modal transit hub for the Downtown.

The ground and possibly lower floors of larger format new facilities must be designed in manner that creates a pedestrian-friendly scale, offers visual interest and works to animate the pedestrian environment.

projects

- 04 Multi-Use Recreation & Conference Complex
- 07 Cultural opportunity site
- 18 Riverside Pedestrian Tunnel Upgrade
- 24 Van Horne Street Realignment
- 26 South District Parkade
- 28 Transit Terminal Relocation
- 34 Brady Street Calming
- 35 Elgin Greenway
- 38 Minto Civic Corridor
- 39 Station Plaza

legend

- heritage buildings
- development parcels
- parking / servicing areas
- servicing access
- open spaces
- plazas
- office
- residential opportunity sites
- mixed use
- parking structure
- cultural and institutional opportunity sites
- hotel
- special treatment street
- key pedestrian crossings
- mews streets
- trails
- building frontage
- active frontage
- gateways



Design Considerations

uses and massing

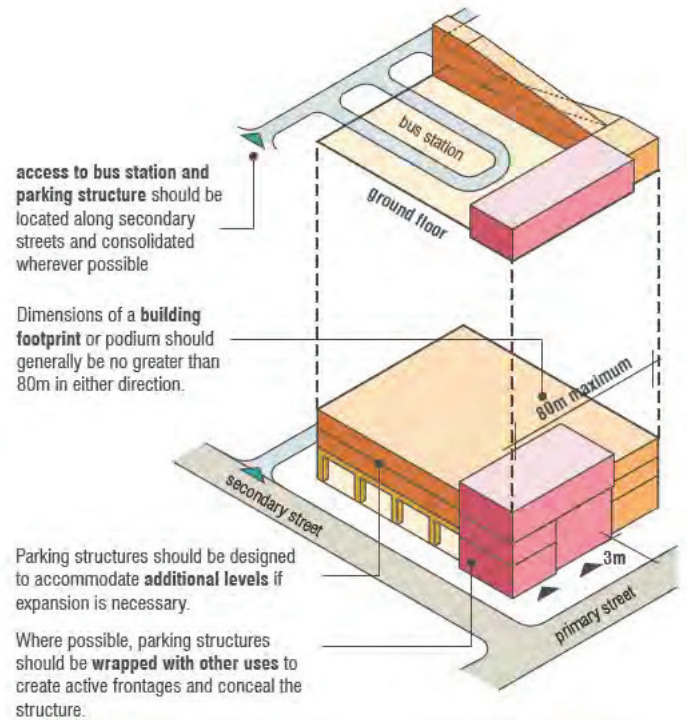
- This district represents the largest redevelopment potential. The multi-use Recreation/Conference/Hotel Complex consists of various program elements. Vertical integration of uses is key and a second level pedestrian bridge over Minto Street is proposed. The South District Parkade will integrate the relocated Bus Terminal into the parking structure, retaining the potential to expand to the east (fire station site) over the long-term.
- To balance these large uses, a pedestrian-scaled environment should extend to this District. This can be achieved through the introduction of buildings that feature articulated and animated ground floors that open onto primary streets.
- Located along the rail corridor and major arterials, this District is suitable for taller buildings.
- To help cultivate a finer grained character, existing uses should be respected and/or integrated into the design of new buildings, where possible.

siting and orientation

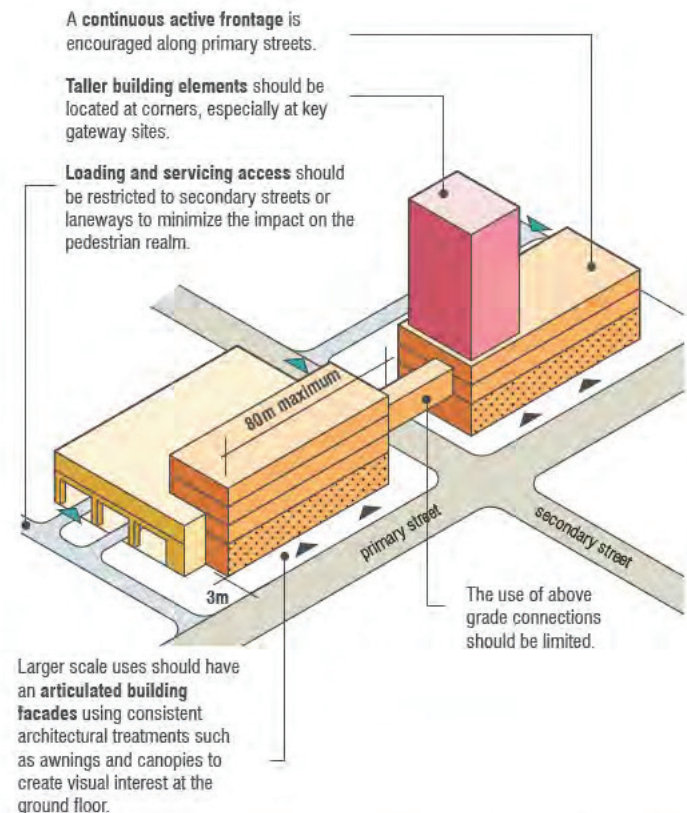
- Buildings should address Minto, Brady and Paris Streets and create consistent, animated street-walls. A generous setback along the west side of Paris Street (adjacent to Sudbury Theater Centre) offers an opportunity to create a distinct landscaping feature/park space.
- In the long-term Shaughnessy and Van Horne streets should become secondary streets providing access to building servicing and parking areas.
- Parking and servicing should be internal to large format uses.
- Servicing of Recreation/Conference/Hotel Complex should be shared.

connections and special moments

- Open spaces will help balance the larger uses in this area. Linked by the Minto Civic Corridor, smaller open spaces such as Station Plaza in front of the Rail Station and the retrofit of the Sudbury Arena Plaza will create spill-out spaces for venues.
- Both the Brady Street and Paris Street underpass are important gateways into the Downtown. Creative landscaping and lighting features should be introduced to mark the entrances.
- The Riverside Tunnel retrofit should tie into the regional trail/creek system.
- The Grotto should be tied more closely to the amenities of the downtown and the lake. To better incorporate this historic attraction into the downtown experience, a new pedestrian and cycle connection is proposed from Lourdes Street up to the Grotto. This will form a natural continuation of Nelson Street and be linked directly into the proposed Elgin Greenway. New signage is required at the Nelson Street Bridge to signpost the Grotto.
- Hugging the curve of the rail yards, Worthington Street is one of the few streets that connects through to Ramsey Lake and Bell Park without having to navigate Paris Street or the Bridge of Nations. A cycle route could be introduced along this street.
- Design the road network to allow for its extensions to the south once the rail yards have been relocated (longer term).



Parking structures can accommodate other types of uses and be designed to integrate with urban areas.



Design large multi-use complexes as a group of smaller, well articulated, well connected buildings.

The Action Strategy

The Downtown Sudbury Master Plan presents both a vision and an action strategy to enhance the role of Downtown as the centre of Northern Ontario through urban design, economic development and city planning. The Vision presented in the Master Plan anticipates incremental, long term change across much of the Downtown. Some changes can occur almost immediately, while other changes will take longer. This section presents the Action Strategy that will move the Master Plan from conceptual plan to reality. The strategy will be used to guide the City and its partners in focusing support, setting priorities and allocating budgets.

6.1.1 Phasing: A Ten Year Vision

The Downtown Master Plan sets out a multi-year agenda for improving the Downtown. The Ten Year Master Plan presented below highlights the more immediate opportunities for revitalizing Downtown Sudbury and maps out the major initiatives that could be realized by the City Council and the community over the next decade. These selected projects are considered to be catalytic interventions that have the capacity of bringing significant spin-off benefits across the Downtown. Realizing these interventions sets the foundation for the achievement of the longer-term Vision, as presented in Section 3.

To ensure that the Action Program is able to adapt to changing political and economic conditions, time frames must be flexible. Although the exact order of implementation will be dependent on availability of funding, private sector partners, technical requirements and community priorities, it is anticipated that improvements could be implemented in the following sequence:

Short Term (1 to 5 years)

- Elgin Greenway
- Tom Davies Square Retrofit
- Franklin Carmichael Art Gallery
- Paris Street planting
- Elm Street calming (landscape and on-street parking)
- Laurentian School of Architecture
- N'Swakamok Native Friendship Centre Retrofit
- Place des Arts
- CP at-grade rail crossing (discussions)
- Larch Street Plaza
- West District Parkade & Cedar Street pedestrian bridge
- Nelson Street Bridge retrofit/security upgrade
- Security upgrade/lighting Bridge of Nations Underpass
- Farmers' Market Relocation / Station Plaza
- Strategy development – public art, heritage, retail
- Residential incentive program
- Riverside Pedestrian Tunnel Upgrade
- Carleton Street Park
- Minto Civic Corridor (phase 1)

Medium Term (6 to 10 years)

- Durham Shared Street
- Larch Street Extension (West) and Rail Crossing
- South District Parkade
- Ste. Anne extension with cycle route
- Memorial Park expansion
- Brady Green Stair
- Grey Street Pedestrian Connection
- Larch Street Plaza (at Elgin)
- Nelson Street Park (south of bridge)
- Central Library
- Multi-Use Meeting/Conference Facility

On-going (anytime)

- Prestige Office Growth
- Downtown planting program
- Expansion of college presence
- Laneway Upgrade
- Rainbow Centre retrofit (Elm Street frontage)
- On-going residential infill
- Expansion of cycle network
- Gateway features installations

**THIS IS EXHIBIT "J" TO THE AFFIDAVIT
OF ROWAN FALUDI,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



Location:	Tom Davies Square
Commencement:	4:00 PM
Adjournment:	9:05 PM

**Minutes
For the City Council Meeting held
Tuesday, April 17, 2012**

Committee Room C-11

DEPUTY MAYOR JOSCELYNE LANDRY-ALTMANN, IN THE CHAIR

Present

Councillors Cimino; Barbeau; Berthiaume; Dutrisac (A4:05pm); Dupuis; Rivest; Kilgour (A4:05pm); Belli; Craig; Caldarelli; Kett (A4:05pm); Mayor Matichuk

City Officials

Doug Nadorozny, Chief Administrative Officer; Bill Lautenbach, General Manager, Growth and Development; Caroline Hallsworth, Executive Director, Administrative Services/City Clerk; Lorella Hayes, Chief Financial Officer/Treasurer; Kevin Fowke, Director of Human Resources and Organizational Development; Danielle Braney, Director of Asset Services; Guido Mazza, Director of Building Services/Chief Building Official; Jamie Canapini, City Solicitor; Brian Bigger, Auditor General; Tony Derro, Manager of Taxation; Keith Forrester, Real Estate Co-Ordinator

Declarations of Pecuniary Interest

None declared.

Closed Meeting

CC2012-103 Craig/Berthiaume: THAT the City of Greater Sudbury move to Closed Meeting to deal with one Acquisition or Disposition of Land Matter regarding Property on the Kingsway, one Personal Matter regarding an Identifiable Individual and one Labour Relations/Employee Negotiations Matter regarding Collective Bargaining in accordance with the Municipal Act, 2001, s.239(2).

CARRIED

Recess

At 4:57 p.m., Council recessed.

Reconvene

At 6:00 p.m., Council commenced the regular meeting in the Council Chamber.

HER WORSHIP MAYOR MARIANNE MATICHUK, IN THE CHAIR

Councillors Cimino; Barbeau; Berthiaume; Dutrisac (D8:48pm); Dupuis; Rivest; Kilgour; Belli; Craig; Caldarelli; Kett; Landry-Altmann

City Officials

Doug Nadorozny, Chief Administrative Officer; Greg Clausen, General Manager of Infrastructure Services; Catherine Matheson, General Manager of Community Development; Bill Lautenbach, General Manager of Growth & Development; Tim Beadman, Chief of Emergency Services; Todd Zimmerman, Acting Chief of Police; Caroline Hallsworth, Executive Director, Administrative Services/ City Clerk; Lorella Hayes, Chief Financial Officer/Treasurer; Jamie Canapini, City Solicitor; Franca Bortolussi, Council Secretary

Declarations of Pecuniary Interest

None declared.

Award Presentation

- 1 .. Mayor Matichuck, on behalf of His Excellency the Right Honourable David Johnston, Governor General of Canada, presented a Certificate of Commendation to Mr. Jason McKeddie, a resident of Greater Sudbury in recognition of his actions in the rescue of 15-year-old, Alex Rowe, who had fallen with his wheelchair from the dock at Ramsey Lake, on July 18, 2010.

Community Delegations

- 2 .. Municipal Red Tape 2012 Progress Report was distributed to Council Members under separate cover.
- Debbi Nicholson, President and Chief Executive Officer, Greater Sudbury Chamber of Commerce, made a verbal presentation summarizing the Municipal Red Tape 2012 Progress Report, noting what has been accomplished and the Chamber's recommendations for additional improvements.
- 3 .. Dominic Giroux, President, Laurentian University, introduced the matter and Dr. Terrance Galvin, Founding Director, Laurentian University School of Architecture, made an electronic presentation providing an overview of plans for the construction of the school, and describing the architecture program.

Presentations

- 4 .. Downtown Master Plan, Executive Summary and Supporting Reports were distributed to Council Members under separate cover.
- Two amended pages to the Downtown Master Plan were distributed to Council Members at the meeting.
- Scott Lund, Chair, Greater Sudbury Development Corporation, introduced the matter and Blaine Nicholls, Chair, Northern Ontario School of Architecture Project Steering Committee & Co-chair of the Downtown Master Plan Community Liaison Group, Stéphane Gauthier, Executive and Cultural Director, Carrefour francophone de Sudbury and Place des Arts, and Jason Ferrigan, Senior Planner, Community & Strategic Planning made an electronic presentation regarding the Downtown Master

Plan. They outlined the partnerships, vision and action strategy and concluded with the staff recommendations.

The following motion was presented:

CC2012-104 Belli/Dupuis: THAT the City of Greater Sudbury receive and endorse the Vision, Plan and Action Strategy for Downtown Sudbury, dated March, 2012;

AND THAT the City of Greater Sudbury direct staff to proceed with the relevant 25 "Year 1" Action Items recommended in the Vision, Plan and Action Strategy for Downtown Sudbury, dated March, 2012;

AND THAT the City of Greater Sudbury direct staff to prepare a 10 Year Implementation Plan for Council's consideration, prior to the 2013 Budget.

RECORDED VOTE:

YEAS

NAYS

Cimino
Barbeau
Berthiaume
Dutrisac
Dupuis
Rivest
Kilgour
Belli
Craig
Caldarelli
Kett
Landry-Altmann
Mayor Matichuk

CARRIED UNANIMOUSLY

Matters Arising from the Closed Meeting

..

Rise and Report

Deputy Mayor Landry-Altmann, as Chair of the Closed Meeting, reported that Council met in Closed Session to deal with one Acquisition or Disposition of Land Matter regarding Property on the Kingsway, one Personal Matter regarding an Identifiable Individual and one Labour Relations/Employee Negotiations Matter regarding Collective Bargaining in accordance with the Municipal Act, 2001, s.239(2) and that direction was given to staff regarding the three matters.

Matters Arising from the Planning Committee

..

Approval of Planning Committee Recommendations

Councillor Kilgour, as Chair of the Planning Committee, reported on the matters arising from the Planning Committee Meeting of March 26, 2012.

The following motion was presented:

CC2012-105 Dupuis/Belli: THAT the City of Greater Sudbury approve Planning Committee Recommendations PL2012-47 to PL2012-51 inclusive and PL2012-53 to PL2012-57 inclusive from the meeting of March 26, 2012.

CARRIED

The following are the Planning Committee recommendations:

THIS IS **EXHIBIT "K"** TO THE AFFIDAVIT
OF **ROWAN FALUDI**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.



Request for Decision

Downtown Sudbury Master Plan and Action Strategy - 10 Year Implementation Plan

Presented To:	City Council
Presented:	Tuesday, Aug 14, 2012
Report Date	Thursday, Aug 02, 2012
Type:	Presentations

Recommendation

It is recommended that the Council of the City of Greater Sudbury:

1. Receive the ten-year Implementation Plan, as described in the report dated August 1, 2012 from the General Manager of Growth and Development;
2. Direct staff to create a team of City Directors to resource and steer implementation of the Implementation Plan;
3. Refer the Implementation Plan to the 2013 Development Charge Study and By-law update for consideration as possible growth related capital costs; and,
4. Refer the Implementation Plan to the relevant city departments for inclusion in their respective multi-year capital planning.

Finance Implications

If approved, staff will continue to lobby senior levels of government for funding in addition to creating partnerships with other public organizations and the private sector. The City's share of expenditures will be funded from existing operating and capital budgets.

Background:

Since 2009, the City of Greater Sudbury and Greater Sudbury Development Corporation (GSDC), working in partnership with the community, prepared a new Master Plan and Action Strategy to guide the revitalization of Downtown Sudbury.

The Vision, Plan and Action Strategy paint a compelling picture of what Downtown could look like 30 years from now. This ambitious vision and plan is supported by a realistic strategy comprised of actionable projects that can spark Downtown's latent potential and create positive change.

Signed By

Report Prepared By

Jason Ferrigan
Senior Planner
Digitally Signed Aug 2, 12

Division Review

Paul Baskomb
Director of Planning Services
Digitally Signed Aug 2, 12

Recommended by the Department

Bill Lautenbach
General Manager of Growth and Development
Digitally Signed Aug 2, 12

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Aug 2, 12

This work was generously supported by FedNor, the Northern Ontario Heritage Fund Corporation, and le réseau de développement économique et d'employabilité de l'Ontario.

On April 27, 2012, Council of the City of Greater Sudbury considered the Downtown Sudbury Master Plan and Action Strategy and unanimously approved the following motion:

“CC2012-104 Belli/Dupuis: *THAT the City of Greater Sudbury receive and endorse the Vision, Plan and Action Strategy for Downtown Sudbury, dated March, 2012.*

AND THAT the City of Greater Sudbury direct staff to proceed with the relevant 25 “Year 1” Action Items recommended in the Vision, Plan and Action Strategy for Downtown Sudbury, dated March 2012;

AND THAT the City of Greater Sudbury direct staff to prepare a 10 Year Implementation Plan for Council’s consideration, prior to the 2013 Budget.”

Since this time, city staff and the community have made good progress on the 25 Year 1 Action Items. City staff has created a 10 Year Implementation Plan for City Council’s consideration. This work was done in consultation with the community and is consistent with Council’s priorities identified in the *City of Greater Sudbury’s Strategic Plan for 2012-2014*.

Purpose:

This report updates City Council on the progress made to date regarding the Year 1 Action Items. It also describes a flexible 10 Year Implementation Plan that the City and its partners can use to guide the ongoing revitalization of Downtown Sudbury.

Discussion:

25 “Year 1” Action Item Status

In the last three months, city staff and the community have made good progress towards implementing the 25 “Year 1” Action Items included in the Vision, Plan and Action Strategy. Six of the 25 projects are either complete or partially complete. Another 11 projects are underway. Some key highlights of the last two months include:

- Laurentian University continued to engage the community in the design of the School of Architecture Project;
- the City worked closely with the Market Square Renewal Advisory Panel to create a firm plan to relocate the market;
- the Art Gallery of Sudbury continued to make considerable progress on its site assessment;
- the Regroupement des organismes culturels de Sudbury (ROCS) is initiating a feasibility study for the Place des Arts project;
- Rainbow Routes, the Downtown Sudbury BIA and DVDC are planning the design phase for the Elgin Greenway Project; and,
- the City is moving forward with the concept of a shared parking facility by making a municipal parking facility available for overnight parking to support residential growth.

Attachment A includes a snapshot of the status of the 25 Year 1 Action Items.

The Downtown Sudbury Master Plan and Action Strategy

The Master Plan endorsed by City Council establishes a blueprint to transform the core into an active, safe and diverse destination for people, businesses, non-for-profits, agencies and investments in all forms. It calls for a downtown that is mixed in character and function, is well integrated with surrounding communities and supports and authentic and unique identity.

The Master Plan is built around three complementary ideas that are articulated through 11 implementing strategies:

Idea 1: Activity and Growth

- 1.1. Grow employment downtown
- 1.2. Create downtown attractions
- 1.3. Downtown as a centre for learning
- 1.4. Downtown as a centre for living

Idea 2: Access and Connectivity

- 2.1. Connect Downtown to the local neighbourhood and Greater Sudbury network
- 2.2. Create a more flexible and connected street network
- 2.3. Invest in infrastructure necessary to support growth

Idea 3: Beauty and Pride

- 3.1. Rediscover main streets as settings for investment
- 3.2. Create green downtown destinations
- 3.3. Create smaller moments of beauty and surprise
- 3.4. Reflect the Sudbury story

The Master Plan presents a long term strategy to improve the quality and character of Downtown Sudbury. It identifies more than 60 opportunities that can be undertaken by the City, community and private sector in the next 30 years. These projects are listed in Attachment B.

The Action Strategy endorsed by City Council provides a flexible blueprint to begin implementation. It maps out approximately 40 large, medium and small scale projects that can be undertaken in the next decade as opportunities emerge and subject to economic conditions. These interventions, which are listed in Attachment C, have the capacity to bring significant spin off benefits for downtown and the city.

The Implementation Plan

In the last three months, city staff and the Community Liaison Group met regularly to explore the Action Strategy and scope the projects to be included in the Implementation Plan.

The result is a focused plan that the city, senior levels of government, community and private sector can pursue to grow the level of activity downtown, better connect downtown to its surrounding neighbourhoods, rebalance key elements of the downtown street system and make downtown (and the city) look better.

The Implementation Plan includes 17 projects that can occur in the next ten years, including:

1. Laurentian School of Architecture
2. Market Square Relocation
3. Franklin Carmichael Art Gallery
4. Place des Arts
5. Inno-Tech Park
 1. Larch Street Extension
 2. Inno-Tech Common
 3. Parking Structure
 4. Cedar Street Pedestrian Bridge
 5. Office Developments
6. Elgin Greenway
 1. Elgin Greenway
 2. Riverside Pedestrian Tunnel
 3. Elgin Street Underpass
 4. Nelson Street Bridge Upgrade
 5. Nelson Street Parkette
7. Residential Incentives
8. Multi-use Centre/Hotel/Parking Structure
9. N'Swakamok Native Friendship Centre Expansion
10. New Central Library
11. Expand Cambrian College Presence
12. New Visitor Centre
13. St. Anne Extension and College Underpass
14. Civic Core
 1. TDS Upgrade
 2. Minto Civic Corridor - Phase 1
 3. Memorial Park Upgrade
 4. Brady Green Stair
 5. Grey Street Pedestrian Connection
15. Durham Shared Street
16. Streetscaping (Cedar, Larch, Lisgar, Young, Elgin North, Beech)
17. Other Strategies
 1. Retail
 2. Public Art
 3. Heritage

This Implementation Plan consists of good mix of small, medium and larger scale projects that are at different stages of development.

- Several projects are well underway including the Laurentian School of Architecture and Market Square Relocation.
- Some, such as the Franklin Carmichael Art Centre, are well-defined and strategically positioned for the next round of urban regeneration.
- Other projects, such as Place des Arts and the Elgin Greenway, are quickly coming into focus, and with some additional effort, can transform the face, character and life downtown.

The projects included in the Implementation Plan are more fully described in Attachment D, which speaks to the status, lead, timeframe, estimated investment and estimated return on investment, as well as the details

of each project.

The Implementation Plan is flexible. It is anticipated that the scope, cost and timing of these projects will evolve as new information becomes available. New projects not foreseen in the plan could emerge as well. Such projects should be considered on a case-by-case basis and tested against the framework and direction established in the Master Plan and Action Strategy.

The Implementation Plan is consistent with City Council's priorities outlined in the *City of Greater Sudbury Strategic Plan 2012-2014*. The Implementation Plan provides additional opportunities to advance City Council's five priorities – infrastructure, growth and jobs, image, tourism and healthy community – in Downtown Sudbury.

The Implementation Plan has the potential to generate approximately \$208 million in new investment. It is estimated that this investment would contribute at least \$85 million to the city's gross domestic product, generate \$53 million of labour income, and generate approximately 845 jobs. Many of the projects in the Implementation Plan are designed to improve the city's image and quality of place. Others will help draw new tourists to the city.

Given its transformative potential and strategic value, the Implementation Plan should be used to guide investment downtown for the next ten years. Should City Council concur, it should receive the Implementation Plan.

Moving Forward with the Implementation Plan

The Implementation Plan presents a series of opportunities that can be realized in the coming decade, as the city and its partners continue to move forward with strategic projects that advance downtown revitalization.

Roles and Responsibilities:

It is anticipated that the City of Greater Sudbury, Government of Canada, Province of Ontario, other relevant funding agencies (e.g. Federation of Canadian Municipalities), business groups (e.g. Downtown Sudbury BIA), community organizations (e.g. Art Gallery of Sudbury) and the private sector will all play a role in implementation.

The roles that these stakeholders play are expected to vary by project. For example, it is anticipated that the city will play a lead role in creating public infrastructure and a supporting or facilitating role on other projects, such as new office or residential projects. The possible roles that these stakeholders can play are described in Attachment D.

Given the wide scope of the projects included in the Implementation Plan, the City's efforts should be led by an interdepartmental team consisting of the Directors of Planning, Economic Development, Roads, Water and Wastewater, Leisure and Assets.

Timing:

As mentioned earlier, the Implementation Plan is flexible. However, a preliminary critical path and budget has been developed to illustrate how select projects can be phased in the coming decade. This preliminary critical path and budget is included in Attachment E.

Next Steps:

Next year we will see the opening of the first phase of the new Laurentian School of Architecture, as well as the relocated Market Square. The Art Gallery of Sudbury will continue to move forward with its relocation plans. The ROCS will complete a feasibility study for Place des Arts. Library Board staff indicate that they can proceed with a feasibility study for the new Central Library. The GSDC will move forward with its plans for a new Downtown Visitor Information Centre at Tom Davies Square and the Retail Strategy. The GSDC may also create a Public Art Policy.

At the same time, the City and community will continue to implement the previously approved 25 Year 1 Action Items. This includes continuing to develop baseline information and exploring the possibilities associated with two projects - the Multi-Use Centre/Hotel/Structured Parking Complex and Inno-Tech Park.

In addition, two community groups came forward during the 2013 Budget Community Consultation with requests to fund a detailed landscape design plan for the Elgin Greenway and a new residential incentive program. The funding possibilities for the Elgin Greenway are the subject of a separate report to City Council. The possible parameters of a residential incentive program are described in Attachment A.

Conclusion:

As directed by City Council last April, staff developed a 10 Year Implementation Plan that the City and its partners can use to guide the ongoing revitalization of Downtown Sudbury. This Plan is consistent with City Council's priorities for the City. It has the potential to significantly grow the economy, improve the image of the city and attract new tourists. It will also help create a healthier community.

Inno-Tech Park

Status:

Active

Lead

City of Greater Sudbury/Greater Sudbury Development Corporation/Landowners

Timeframe

Short Term (2013-2017)

Investment

Total:	\$80,400,000
Larch Street Extension:	\$1,400,000
Inno-Tech Common:	\$0
Parking Structure:	\$7,500,000
Cedar Street Pedestrian Bridge:	\$1,500,000
Private Office Development:	\$70,000,000

Return

Greater Sudbury GDP (direct, indirect, induced):	\$31,942,920
Labour Income (direct, indirect, induced):	\$19,900,000
Jobs (direct, indirect, induced):	319
Net Annual Municipal Tax Revenue:	\$1,144,000

Description

The City of Greater Sudbury, Greater Sudbury Development Corporation and area landowners can transform the 6.4 ha (15.8 acres) of land bounded by Lorne Street, Elm Street, the CP rail corridor and yard into a new destination for creative businesses and industries.

An early investment of approximately \$2,500,000 in infrastructure – namely the Cedar Street Pedestrian Bridge and Larch Street Extension – can open up the for substantial office development. Due diligence and preliminary engineering work to support this initiative is underway.

The Master Plan and Action Strategy envisages these lands to be redeveloped with up to 39,690 sm (430,000 sq.ft) of new office development in larger format office buildings in a campus like setting. It is expected that these buildings would be developed by the private sector, representing an approximately \$70,000,000 investment. When fully complete, Inno-Tech Park would significantly increase annual municipal tax revenues – from \$71,000 to approximately \$1 million. The City of Greater Sudbury and Greater Sudbury Development Corporation should continue their discussions with stakeholders on this important opportunity.

To meet parking demand associated with the new office development, a structured parking lot with integrated pedestrian bridge is planned for the eastern portion of the site. The Master Plan and Action Strategy envisages a 250-space facility, which could cost approximately \$7,500,000 to construct. The amount of parking spaces in this facility should be increased to better accommodate future demand associated with the new office development. The structure could be developed and operated by the City, the private sector, or the City and the private sector.

At the centre of the Inno-Tech Park is the Common, a new open space that will provide additional park amenity and a green setting for the office development. This new open space can be secured through the parkland dedication provisions of the *Planning Act*.

The Implementation Plan envisages the Cedar Street Pedestrian Bridge being installed in 2014 to improve access and connectivity. The new parking structure can be developed as early as 2015 to 2016, followed by office development.

Multi-Use Centre/Hotel/Parking Structure

Lead

Greater Sudbury Development Corporation

Timeframe

Short Term (2013-2017)

Investment

Total:	\$45,000,000
Multi-Use Centre:	\$15,330,000
Hotel:	\$22,117,000
Parking Structure:	\$7,500,000

Return

Greater Sudbury GDP (direct, indirect, induced):	\$17,878,500
Labour Income (direct, indirect, induced):	\$11,137,500
Jobs (direct, indirect, induced):	178

Description

The Greater Sudbury Development Corporation can advance one of the key strategies for Greater Sudbury's future – to establish the city as the leading destination in Northern Ontario for businesses, meetings, trade events, sports, festivals, cultural and entertainment events.

The Master Plan and Action Strategy recognizes the lack of a four-star hotel and major facility to meet these needs. It also recognizes that the Sudbury Community Arena does not compare well to sports and event spaces found in many other cities.

The Master Plan and Action Strategy proposes that the Sudbury Community Arena be upgraded in combination with the construction of a new multi-use facility south of Brady Street with a four-star hotel overlooking Memorial Park. The existing Arena would be upgraded to more easily accommodate larger-scale concerts and conventions. A new 3-storey, 80,000 square foot multi-use facility would be constructed on the Shaughnessy Parking lot. A new 10-storey, 99,500 square foot hotel would be built north of the Sudbury Community Arena on the existing parking lot. This complex will connect closely to the Tom Davies Square complex and to the shopping and restaurants on Elgin and Durham. It will be a prominent feature at a key entrance to the Downtown and a southern edge to Memorial Park. This configuration is flexible.

The City of Greater Sudbury is nearing completion of its Arena Renewal Strategy, which will provide long-term guidance regarding the Sudbury Community Arena. Building on this work, the Greater Sudbury Development Corporation should undertake a detailed examination of the land requirements for the type of complex envisaged in the plan and other similar uses. Based on the results of this examination, the Greater Sudbury Development Corporation and City of Greater Sudbury could make the site available to development through, for example, a Request for Proposals. The Implementation Plan sees this work occurring as early as 2013-2014.

**THIS IS EXHIBIT "L" TO THE AFFIDAVIT
OF ROWAN FALUDI,
SWORN THIS 18th DAY OF OCTOBER, 2019.**

A handwritten signature in blue ink, appearing to be 'RF', is written over a horizontal line.

A Commissioner, & etc.



Minutes For the City Council Meeting held Tuesday, August 14, 2012

Location:	Tom Davies Square
Commencement:	1:20 PM
Adjournment:	5:32 PM

Committee Room C-11

DEPUTY MAYOR LANDRY-ALTMANN, IN THE CHAIR

Present

Councillors Berthiaume; Dutrisac (D1:58pm, A2:07pm); Dupuis; Kilgour; Belli; Craig; Caldarelli; Kett (A1:28pm); Landry-Altmann; Mayor Matichuk

City Officials

Doug Nadorozny, Chief Administrative Officer; Guido Mazza, Acting General Manager of Growth & Development; Brigitte Sobush, Acting Executive Director, Administrative Services/City Clerk; Kevin Fowke, Director of Human Resources & Organizational Development; Danielle Braney, Director of Asset Services; Ian Wood, Director of Economic Development; Eric Taylor, Director of Planning Services; Jamie Canapini, City Solicitor; Carolyn Dawe, Assistant City Solicitor; Kristen Newman, Assistant City Solicitor; Jason Ferrigan, Senior Planner; Brian Bigger, Auditor General; Eliza Bennett, Manager of Communications & French Language Services

Declarations of Pecuniary Interest

None declared.

Closed Session

CC2012-263 Matichuk/Dupuis: THAT the City of Greater Sudbury Council move to Closed Session to deal with one Acquisition or Disposition of Land Matter regarding Property on Elgin Street, one Litigation or Potential Litigation and Solicitor-Client Privilege Matter regarding OMB Appeals, one Solicitor-Client Privilege Matter regarding a Closed Meeting Investigation and one Personal Matter regarding an Identifiable Individual in accordance with the *Municipal Act, 2001*, s.239(2).

CARRIED

Recess

At 2:20 p.m., Council recessed.

Reconvene

At 2:32 p.m., Council commenced the regular meeting in the Council Chamber.

HER WORSHIP MAYOR MARIANNE MATICHUK, IN THE CHAIR

Present

Councillors Barbeau; Berthiaume; Dutrisac; Dupuis; Kilgour; Belli; Craig; Caldarelli; Kett; Landry-Altman

City Officials

Doug Nadorozny, Chief Administrative Officer; Tony Cecutti, General Manager of Infrastructure Services; Catherine Matheson, General Manager of Community Development; Guido Mazza, Acting General Manager of Growth & Development; Joe Nicholls, Acting Chief of Emergency Services; Allan Lekun, Acting Chief of Police; Lorella Hayes, Chief Financial Officer/Treasurer; Kevin Fowke, Director of Human Resources & Organizational Development; David Shelsted, Director of Roads & Transportation Services; Ian Wood, Director of Economic Development; Jamie Canapini, City Solicitor; Jason Ferrigan, Senior Planner; Brigitte Sobush, Acting Executive Director, Administrative Services/City Clerk; Franca Bortolussi, Council Secretary

Declarations of Pecuniary Interest

None declared.

Welcome

Mayor Matichuk introduced and welcomed the new General Manager of Infrastructure Services, Tony Cecutti.

Presentations

1 .. Report dated August 2, 2012 was received from the General Manager of Growth and Development regarding Downtown Sudbury Master Plan and Action Strategy – 10 Year Implementation Plan.

Jason Ferrigan, Senior Planner, provided an electronic presentation regarding the proposed 10 year implementation plan for the Downtown Master Plan.

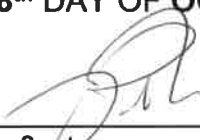
CC2012-264 Barbeau/Berthiaume: THAT the City of Greater Sudbury:

1. Receive the ten-year Implementation Plan, as described in the report dated August 2, 2012 from the General Manager of Growth and Development;
2. Direct staff to create a team of City Directors to resource and steer implementation of the Implementation Plan;
3. Refer the Implementation Plan to the 2013 Development Charge Study and By-law update for consideration as possible growth related capital costs; and,
4. Refer the Implementation Plan to the relevant city departments for inclusion in their respective multi-year capital planning.

CARRIED

2 .. Report dated August 2, 2012 was received from the General Manager of Growth and Development regarding City of Greater Sudbury Submission to OLG for Casino RFP. 1038

THIS IS EXHIBIT "M" TO THE AFFIDAVIT
OF ROWAN FALUDI,
SWORN THIS 18th DAY OF OCTOBER, 2019.

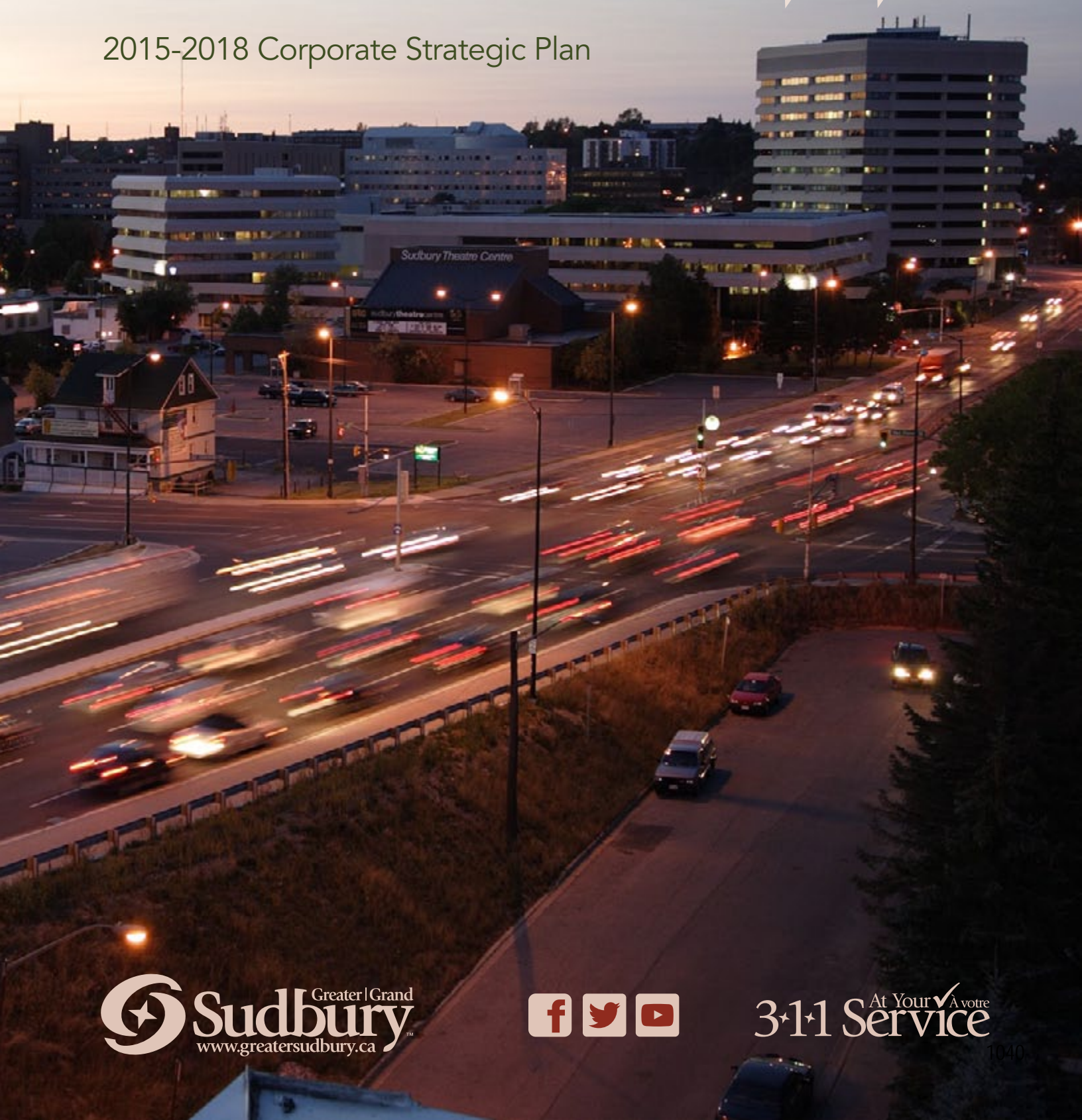


A Commissioner, & etc.

GREATER TOGETHER



2015-2018 Corporate Strategic Plan





Growth and Economic Development

Grow the economy and attract investment

- A. Implement the Downtown Master Plan and development of downtowns, and increase densification by conversion from commercial to residential.
- B. Implement or assist in implementing economic development related plans approved by Council, with the necessary resources to support them.
- C. Provide a welcoming environment that is conducive to investment and reduction of red tape, by removing barriers and attracting new business.
- D. Invest in large projects to stimulate growth and increase conferences, sports and events tourism, and celebrate cultural diversity.
- E. Build on our existing reputation to become the global centre for mining research, environmental restoration and innovation.
- F. Contribute to an economically stronger northern Ontario.



Quality of Life and Place

Strengthen the high quality of life we already know and love

- A. Create programs and services designed to improve the health and well-being of our youth, families and seniors.
- B. Maintain great public spaces and facilities to provide opportunities for everyone to enjoy.
- C. Promote a quality of life that attracts and retains youth and professionals, and encourages seniors to relocate to our community, taking into consideration all of Greater Sudbury.
- D. Focus on clean, green living and the environment, by investing in our future and celebrating how far we've come.

GROWTH AND ECONOMIC DEVELOPMENT

1042

Grow the economy and attract investment

Strategic Priorities 2015-2018

The City of Greater Sudbury will create a healthy, diverse economy and a welcoming environment which attracts high quality jobs, investment and entrepreneurship.

- A. Implement the Downtown Master Plan and development of downtowns, and increase densification by conversion from commercial to residential.**
 - a. Redefine downtown as downtown Greater Sudbury, and expand the thinking and geography of downtown (includes "square" of Kingsway, Barry Downe, Bell Park, etc.)

- B. Implement or assist in implementing economic development related plans approved by Council, with the necessary resources to support them, or continue planning to include the execution of:**
 - a. From the Ground Up #gs2025 plan of attracting and creating new jobs in the community
 - b. The Greater Sudbury Cultural Plan
 - c. Community Improvement Plans

- C. Provide a welcoming environment that is conducive to investment and reduction of red tape, by removing barriers and attracting new business.**
 - a. Create more open dialogue with the building community, facilitating the building process.
 - b. Perform a review of service delivery.
 - c. Create one point of contact for those wanting to invest.
 - d. Attracting industrial or manufacturing facilities, a medical park.

- D. Invest in large projects to stimulate growth and increase conferences, sports and events tourism, and celebrate cultural diversity. Some examples could include a self-sustaining multi-use centre, a motorsports park, an arts centre, conference centre, etc., depending on the will of Council.**
 - a. Hold a special meeting of Council to showcase all projects over \$1 million in capital requests from the City of Greater Sudbury, allowing for staff to review and provide recommendations and funding mechanisms.

- E. Build on our existing reputation to become the global centre for mining research, environmental restoration and innovation.**
 - a. Commercialize greening efforts with a specialized team to promote and sell the Greater Sudbury protocol.

- F. Contribute to an economically stronger northern Ontario.**
 - a. Host a strategic session on the Northern Growth Plan in Greater Sudbury.

1042

THIS IS **EXHIBIT "N"** TO THE AFFIDAVIT
OF **ROWAN FALUDI**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

MEETING OF THE COUNCIL OF THE CITY OF GREATER SUDBURY

Council Chamber
Tom Davies Square

Tuesday, March 31, 2015
Commencement: 6:00 p.m.

HIS WORSHIP MAYOR BRIAN BIGGER, IN THE CHAIR

Present

Councillors Signoretti, Vagnini, Dutrisac, Kirwan, Lapierre, Jakubo, Sizer, McIntosh, Cormier, Reynolds, Landry-Altmann, Mayor Bigger

City Officials

Doug Nadorozny, Chief Administrative Officer; Tony Cecutti, General Manager of Infrastructure Services; Real Carre, Acting General Manager of Community Development; Paul Baskcomb, Acting General Manager of Growth & Development; Tim Beadman, Chief of Fire and Paramedic Services; Caroline Hallsworth, Executive Director, Administrative Services/City Clerk; Lorella Hayes, Chief Financial Officer/City Treasurer; Kevin Fowke, Director of Human Resources & Organizational Development; Eliza Bennett, Manager of Corporate Communications & French Language Services; Greater Sudbury Police Services; Eric Taylor, Manager of Development Approvals; Guido Mazza, Director-Building Services/Chief Building Official; Ron Henderson, Director of Citizen Services; Tyler Campbell, Manager of Children's Services; Deanna Denis, Executive Assistant to the Executive Director, Administrative Services/City Clerk; April Antoniazzi, Committee Assistant

MOMENT OF SILENT REFLECTION

ROLL CALL

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Councillor Lapierre declared a pecuniary interest with by-law 2015-36 regarding Community Colleges, as his primary employer is a college.

PRESENTATIONS

Item 1
Open Government

Report dated March 25, 2015 from the Chief Administrative Officer regarding Open Government.

Doug Nadorozny, Chief Administrative Officer, and Caroline Hallsworth, Executive Director, Administrative Services/City Clerk, gave an electronic presentation regarding Open Government.

PRESENTATIONS (cont'd)

Item 1
Open Government
 (cont'd)

The following motion was presented:

CC2015-68 Lapierre/Landry-Altmann: WHEREAS Open Government is a concept recognized by all levels of government, internationally, federally, provincially and municipally;

AND WHEREAS Canada is a member of the Open Government Partnership and endorses the Open Government declaration;

AND WHEREAS in 2007 the City of Greater Sudbury adopted a Policy Regarding Accountability and Transparency which states in part that “the City of Greater Sudbury conducts business within the municipality in a way that is open, transparent and accountable to the public”;

AND WHEREAS Council, through the City of Greater Sudbury Charter has committed to “Act with transparency, openness, accountability and dedication to our citizens, consistent with the City’s Vision, Mission and Values and the City official motto”; “Build a climate of trust, openness and transparency that sets a standard for all the City’s goals and objectives”; and to “Ensure citizen engagement is encouraged and promoted”;

THEREFORE be it resolved that the Council of the City of Greater Sudbury work towards an Open Government model that is based on four basic principles, being: Open Information; Open Data; Open Dialogue; and Open Doors;

AND THAT staff be directed to communicate this model to all employees and the public and to report back to Council with action items as described in the report from the CAO dated March 24, 2015.

CARRIED

Item 2
Arena Renewal Strategy

Report dated March 31, 2015 from the General Manager of Community Development regarding Arena Renewal Strategy and Sudbury Community Arena – Renewal Options.

Micheal Renaud, Director, Special Projects, CBRE Limited, and Robert Allen, Principle, MacLennan Jaunkalns Miller Architects, gave an electronic presentation regarding Arena Renewal Strategy and Sudbury Community Arena – Renewal Options, for information only.

THIS IS **EXHIBIT "O"** TO THE AFFIDAVIT
OF **ROWAN FALUDI**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.



SUDBURY COMMUNITY ARENA

Presentation – March 31st, 2015

PREPARED FOR



SUDBURY COMMUNITY ARENA

Executive Summary

In order to compare a 'new build' OHL arena with a 'refurbished' Sudbury Community Arena, an analysis of the existing area was made, and investigations conducted, to determine what new program areas needed to be added, and what internal elements of the existing arena, needed to be resolved operationally, in order to accommodate a 'typical' OHL program.

Significant area and operational deficits were identified with the existing facility.

It was established that the Arena must be able to continue in operation during the hockey season – construction and renovation would be limited from May to August. This also means that extensive demolition of the main arena space would not be possible.

Investigation into the Downtown Sudbury Plan was undertaken to realize possible areas where the Arena could expand.

A space planning diagram was created to show how the components could be added in sequence.

Shortcomings of the diagrams were identified.

Costing and schedule exercises were undertaken to look at order of magnitude costs and time-frames of refurbished vs. new build vs. upgrades and retrofits.

Overview

Mandate

Refurbishment Features

Existing Community Arena Program

Existing Community Arena Usage

Characteristics of a Refurbished Program

Refurbishment - Cost & Schedule

Market Comparable Refurbishments

Market Comparable New Builds

Retrofit Option

Comparison Summary

Risks & Sacrifices

Next Steps



SUDBURY COMMUNITY ARENA

Comparison Summary

REFURBISHED	RETROFIT	NEW BUILD
Approx. \$50M	Approx. \$12M	Approx. \$55M to \$65M
Project > 5 years (Phased Construction 48 months)	Project > Over 10 years	Project > 2 1/2 to 3 1/2 years (Construction 24 - 30 months)
Significant Cost & Schedule Risk	Moderate Cost Risk	Normal Construction Cost and Schedule Risk
Construction Management	Construction Management & Design Bid Build	Design Bid Build or Design - Build (Comparable) or Public Private Partnership (PPP) (DBO-F-M)
New Construction Envelop Existing Building Envelop, Seating Structure & Refrigeration plant & ice pad	Building Condition Report <ul style="list-style-type: none"> • Life Safety • Capital Replacement • Accessibility 	PPP - Project Screening Required Value For Money Analysis (Go-No Go) Planning & Procurement 12 to 18 months lead time Construction same as Design - Build
Cost / Benefit Value Proposition Difficult to Justify	Remains primarily an Arena with limited event opportunity growth	Provides new opportunities for events – facility designed as multi-purpose



Risks & Sacrifices

RISKS	NEW BUILD	REFURBISHED RETROFIT
Financial	Some risk due to unforeseen issues – below grade issues etc.. – can be mitigated by comprehensive documentation	High risk due to unforeseen issues – can only be partially mitigated by comprehensive documentations. Greater number of unknown conditions
Schedule	Some risk due to unforeseen issues – labour disputes etc.	Some risk due to unforeseen issues – labour disputes etc.

SACRIFICES	NEW BUILD	REFURBISHED RETROFIT
Building Character	Building character can be established through the design process	Extensive renovations and additions can compromise character of existing facility
Building Features	Required building features can be established through the design process	Some existing features (clear height in arena) cannot be adjusted to optimal specifications

THIS IS **EXHIBIT "P"** TO THE AFFIDAVIT
OF **ROWAN FALUDI**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.



For Information Only

Downtown Master Plan Ten Year Implementation Plan Update

Presented To: City Council

Presented: Tuesday, Nov 24, 2015

Report Date: Wednesday, Nov 04, 2015

Type: Presentations

Resolution

For Information Only

Background

On November 3rd, Council passed the following motion:

“WHEREAS on April 17, 2012 the City of Greater Sudbury Council received and endorsed the Vision, Plan and Action Strategy for Downtown Sudbury, dated March, 2012;

WHEREAS on August 12, 2012 the City of Greater Sudbury Council received the ten-year implementation plan, as described in the report dated August 2nd, 2012 from the General Manager of Growth and Development;

THEREFORE BE IT RESOLVED THAT Staff be directed to deliver a presentation updating the City of Greater Sudbury Council on the progress made with respect to the Vision, Plan and Action Strategy for Downtown Sudbury at their meeting of November 24, 2015.

The purpose of this report is to provide Council with an overview of the Downtown Sudbury Master Plan and Action Strategy - 10 year Implementation Plan and an update on the status of several City led projects included in the Plan.

Downtown Master Plan and Ten Year Implementation Plan

The Downtown Sudbury Master Plan (Master Plan) is a document that functions as a framework to guide the revitalization of Downtown Sudbury over the next ten years and beyond. The Master Plan was developed over a 20 month period that featured a comprehensive examination of existing opportunities and constraints, a visioning exercise and detailed planning and design work. This process also involved active participation from a community liaison group that continues to meet. The Master Plan was received and endorsed by Council in April of 2012, who at the same time directed staff to prepare a 10 year implementation plan for the recommended action items.

In August of 2012, Council was presented with a ten year implementation plan (Implementation Plan) for the Master Plan (attached), which included a list of identified City, community and private sector projects from the Master Plan along with project descriptions, recommended implementation time frame and projected costs. The Implementation Plan was broken down into “year one action items”, medium term 10 year projects (that were further broken down into one to five year and six to ten year projects), long term 30 year Master Plan projects and ongoing projects.

The City is currently in the third year of the ten year Implementation Plan and a number of projects have been initiated, are proceeding or have been completed.

Signed By

Report Prepared By

Kris Longston
Acting Manager of
Community and Strategic
Planning
Digitally Signed Nov 4, 15

Division Review

Eric Taylor
Manager of Development
Approvals
Digitally Signed Nov 4, 15

Recommended by the Department

Paul Baskcomb
General Manager of Growth
& Development
Digitally Signed Nov 4, 15

Recommended by the C.A.O.

Kevin Fowke
Acting Chief Administrative
Officer
Digitally Signed Nov 12, 15

to the Junction Creek Waterway Park, Bell Park, Ramsey Lake and Science North. This would be achieved by widening Elgin Street (where feasible) and introducing a new two-way bike path, pedestrian path and native, drought resistant landscaping. The Elgin Greenway also involves upgrades to the Elgin-Riverside Pedestrian Tunnel, the Paris Street Bridge underpass, the Nelson Street foot bridge and the creation of a new neighbourhood parkette at the northeast corner of Nelson and Edmond Streets.

The conceptual plan for the Elgin Greenway was developed over a five month long process that involved considerable public consultation, including key informant interviews, focus groups, a design charette and a community open house. This process produced a conceptual design for the Greenway that will provide a green face to Elgin Street and features seven distinct areas including:

- Innovation Plaza;
- Arts and Entertainment Plaza;
- Community/Market Plaza;
- Green Plaza;
- Natural Heritage Plaza;
- Cultural Heritage Plaza; and
- Nelson Street Parkette

The Elgin Greenway is currently in the final detailed design stage working towards construction drawings and tender documents.

Additional Downtown Master Plan Projects - Downtown Parking /Parking Structure

An ongoing challenge with respect to development in the downtown is the availability of parking. In 2011, the City completed the "Strategic Parking Plan for the City of Greater Sudbury". This plan found that, currently, the overall parking system (including private and municipal spaces) appears to have sufficient capacity to meet parking demands in downtown Sudbury. However, the plan also found that in the mid to long term consideration should be given to planning for structured parking in the vicinity of the Sudbury Arena and Tom Davies Square.

One of the key supporting strategies of the Parking Plan is the promotion of transit, and transportation demand management (TDM), as alternatives to driving and parking downtown. Recent initiatives by the City to implement bike racks on buses and to implement the U-Pass have added to transit's ability to serve additional users. Other transit initiatives could also be explored to further reduce parking demand downtown.

The Master Plan includes a vision for the "south district" of the downtown as a regional destination for fun, arts, events and recreation, including an expanded recreation complex and multipurpose conference centre. As the City moves to realize this vision, the existing surface parking lots will come under pressure to be developed in the medium term and public parking on these lots will need to be accommodated elsewhere. To this end, the Master Plan calls for parking to be consolidated into a new structured car park that will serve city wide "destinations" as well as the office and retail uses further to the north.

Given the existing built form of the downtown, many of the elements included in the Master Plan (i.e. multi-use recreation and conference centre, cultural opportunity sites, Elgin Greenway, etc.) will likely result in the redevelopment of existing surface parking spaces. As this occurs over time, the City will have to address the future reduction in supply and increases in parking demand, either by partnering in, incentivizing or directly constructing a parking structure in the south district of downtown. The joint-development of public parking within private, mixed use projects is another possible strategy for providing additional off-street parking. Conversations with downtown partners to explore options are underway as part of a Downtown community improvement plan update.

Conclusion

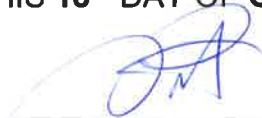
The Downtown Sudbury Master Plan and Action Strategy paints a compelling picture of what Downtown could look like 30 years from now. This ambitious vision and plan is supported by a 10 year implementation plan comprised of actionable projects that can spark Downtown's potential and create positive change. This report provides an overview and update of some of these projects for Council.

Heading into year four of the Implementation Plan, progress has been made on a number of these action items (i.e. Downtown Market, Elm Street Parking, Outdoor Patios, Residential Incentives, Public Art Strategy, TDS redesign and Elgin Greenway design) and in other cases, opportunities have presented themselves to enact other longer term action items (i.e. Brady Green Stair, Parking Structure analysis) in the near future.

Supporting Documents
<ol style="list-style-type: none">1. 10 Year Implementation Plan August 2012 (pdf)2. Presentation - Downtown Master Plan (pdf)

1. 10 Year Implementation Plan August 2012 (pdf)
2. Presentation - Downtown Master Plan (pdf)

THIS IS EXHIBIT "Q" TO THE AFFIDAVIT
OF ROWAN FALUDI,
SWORN THIS 18th DAY OF OCTOBER, 2019.

A handwritten signature in blue ink, appearing to be 'JMA', is written over a horizontal line.

A Commissioner, & etc.


Request for Decision
City Council



Type of Decision									
Meeting Date	April 12, 2016			Report Date	April 6, 2016				
Decision Requested		Yes	X	No	Priority		High		Low
	Direction Only				Type of Meeting	X	Open		Closed

Report Title
Summary and Analysis Report on Large Projects Session November 27, 2015

Budget Impact/Policy Implication	Resolution
<input checked="" type="checkbox"/> This report has been reviewed by the Finance Division and the funding source has been identified.	For Information Only
<div style="border: 1px solid black; height: 400px;"></div>	<div style="border: 1px solid black; height: 400px;"></div>
Background Attached	Resolution Continued

Recommended by the Department	Recommended by the C.A.O.
Name Title	 Kevin Fowke Interim Chief Administrative Officer



**Summary and Analysis Report on
Large Projects Presented at
Public Input Meeting of
November 27, 2015**

Prepared for: City Greater Sudbury Council

**Prepared by:
City of Greater Sudbury Economic Development Division**

April 6th, 2016

PROJECT 6 - TRUE NORTH STRONG CENTRE

Proponent: 1916596 Ontario Ltd. o/a Jack Nicholas Business & Innovation Park

PROJECT SUMMARY

A private entity is proposing to construct a 6,000+ seat multi-use sports, entertainment, and business centre on the North side of the Kingsway, east of 3rd Ave and west of Levesque St. The goal at this stage of the project is to initiate a request for proposal process or some sort of competitive bidding process to build a sports and entertainment complex.

According to the proponent, the proposed sports and entertainment centre is designed to be revenue generating. The model will succeed due to private sector and municipal partnerships in a profit sharing arrangement.

The ultimate goal is to build a modern sport and entertainment facility that is anticipated to be the new home of the Sudbury Wolves, as well as accommodate a number of other events as listed elsewhere in the report. The location offers an opportunity to build a complex that would maximize revenue opportunities, lower risk, and provide ample parking.

Another objective is to spur development of the Jack Nicholas Business Park and take advantage of recent infrastructure upgrades in that area.

ECONOMIC BENEFITS

According to numbers provided by the proponent, the expected economic impacts of the proposed \$60M event and entertainment centre are:

- Direct, indirect and induced gross output = \$130M
- Direct, indirect and induced value add = \$57M
- Direct, indirect and induced person years of employment = 675 (for construction)

The anticipated quantity of guests through the True North Strong Centre are expected to be between 400-500,000 visitors through a mix of more than 125 events include sport, entertainment and business type activities. More than 15-25% of these guests are expected to reside outside of the Sudbury Census Metropolitan Area.

Numerous other potential benefits of the TNS event centre were identified in the application by the proponent; from enhancing civic engagement and building social capital, including building community pride and belonging, to promoting and fostering human health and well being.

DETAILS OF REQUEST

- **Total Project Cost:** \$60M
- **Amount Requested from CGS:** Not defined
- **Timing of Funding:** Not defined
- **Type of Assistance Requested:** Support in the form of security/borrowing power available to the City

BACKGROUND

A private entity is proposing to construct a 6,000+ seat multi-use sports, entertainment, and business centre on the North side of the Kingsway, east of 3rd Ave and west of Levesque St.

The private group is made-up of prominent local business people, as well as prominent individuals with sector-specific expertise in terms of sports entertainment, and consultants with expertise in finance, project management, legal and architecture.

Based on the list of individuals identified in the application and listed below, the applicant appears to have the capacity and expertise to undertake the project, including the RFP process, and subsequent development, construction and operational phases.

President – Dario Zulich is also the CEO of TESC, a General Contracting Company that has operations through Ontario and Western Canada as well as being developer in Greater Sudbury with Zulich Enterprises.

Secretary/Treasurer – Perry Dellelce is Managing Partner for WildeboerDellelce LLP and Wildlaw Capital, Corporate Finance Advisory firm.

Manager – Andrew Dale is the managing partner for projects, marketing and development.

Experts:

Tom Anselmi, Former President Maple Leaf Sports Entertainment

PMX, Les Medd and Tom Finan, Project Management

KPMG, Oscar Poloni, Financial Consulting

HOK, Michael Day, Sports & Entertainment Infrastructure – Architectural Design

The proposed multi-use, state-of-the-art destination will cater to hosting 125 events annually, including conferences, sporting events, local youth sports at regional, provincial and national levels, large scale tournaments, live performances, a range of concerts, comedic acts, family entertainment shows and exhibitions, etc.

In addition to the private partner team members listed above, they indicate in their application as having strong relationships with management operating, event promotions and entertainment groups from across North America. They have also established contact with facility maintenance firms and food and beverage suppliers.

The proposed location is development-ready on land that is appropriately zoned, serviced, and located on or within close proximity to key intra- and inter-city transportation links.

The request by the proponents at this time is for the City to approve a procurement process (i.e. request for proposal) for the development of such a centre and replace the Sudbury Community Arena.

The proponents do not appear to have any specific preconceptions of the ownership structure, only that CGS be an 'active partner' in the development of the project, and potential on-going operations. They only mention that the City's borrowing power be leveraged for the capital component.

FEASIBILITY

Government funding (NOHFC/FedNor) is a critical piece to move forward, as well as involving the City as an 'active partner'. In addition, financing sourced through private lenders, as well as the potential for a public-private partnership model, may be required in order for the project to come to fruition.

The site is appropriately zoned with adequate capacity within the adjacent municipal water and wastewater systems to accommodate the proposed development.

CURRENT STATUS AND READINESS

Based on the identified members of their team, as well as the experts the proponents have engaged, they would appear to be ready to participate in a request for proposal, or other similar process.

RELATIONSHIP TO OTHER PROJECTS

Another proponent is proposing to build sports & entertainment complex of a similar size and scope in the City's South End.

Both developments identify the potential for other complementary uses such as hotels, retail establishments, restaurants, etc. Both of these projects also provide an opportunity to develop a coherent vision for development in the surrounding area and should be seen as a catalyst to accelerate the achievement of such a vision.

Future proposals for a new casino in Sudbury will likely include conference and performance facilities as ancillary to the casino. Potential bidders for a new casino have also indicated an interest in partnering in the development of a new sports & entertainment facility, if located in the immediate vicinity of the casino. If this occurs, the business case, costing model and municipal involvement may vary greatly. Moreover, the business case for the proposed Synergy Centre also changes drastically if a new casino includes conference and performance facilities.

FIT WITH PLANS

Relevance and relationship to Greater Together: Corporate Strategic Plan 2015-2018

- **Growth and economic development**
 - A sports & entertainment complex of this nature can help stimulate growth and increase conferences, sports and events tourism
 - It would also contribute to an economically stronger northern Ontario
- **Quality of life and place**
 - New facility would contribute to sense of community pride and raise profile of the city for external audiences
 - It would allow for the expansion of programs and services designed to improve the health and well-being of our youth, families and seniors
- **Responsive, fiscally prudent open governance**
 - A proper Request for Proposal (RFP) process will enable Council to focus on openness, transparency and accountability in making such an important decision
 - It will emphasize the relationship between governance, community engagement and information, in support of better decision-making
- **Sustainable infrastructure**
 - A new sports & entertainment complex may be more sustainable in relation to the ongoing physical and maintenance challenges currently faced by the Sudbury Community Arena

Relevance and relationship to From the Ground Up Economic Development Strategic Plan

- "One of Ontario's top tourism destinations"
 - Investing in this type of facility would support tourism growth
 - It would strengthen the tourism industry through proactive destination development
- "Quality of Place and Lifestyle that is Second to None"
 - Such an asset to the community helps make Sudbury a place where people want to live

STAFF ANALYSIS

The type of process required for the scale of such a significant facility – a once in a generation project – is quite complex. An investigation into a very recent Canadian example revealed a significant investment in both staff time at the senior management level, as well as outside expertise from consultants specializing in these sorts of developments with long-term implications for the municipality and community as a whole. The following outlines the general scope of work for each of the different types of consultants required for a sports & entertainment facility of this magnitude.

1. Market Analysis
 - Complete detailed market analysis confirming the ideal number of seats and type of ancillary uses that can be supported in a given region/market
 - Create a robust business case through the development of a pro-forma financial model
 - Incorporate various assumptions and inputs relevant to the viability of the commercial operations of the proposed sports & entertainment complex
2. General financial advisory services throughout the procurement process
 - Assist the municipality with the development and authoring of a detailed Request for Proposal document
 - Advise on engaging other outside expertise, as needed (e.g. Market Analysis, Legal Counsel, etc.)
 - Serve as a technical advisor during the RFP's open competition period
 - Participate in face-to-face meetings with the bidding proponents and city representatives during the RFP's open competition period
 - Participate in the RFP evaluation process, and
 - Provide recommendations to the City as to which proposal is in the City's best interests, from a design, operational, financial, technological, etc. perspective
3. Legal Counsel to assist the City's in-house legal team
 - Experienced legal advisors related to design, build and finance agreements of this scale
 - Advise on long-term (20-year) operating agreement, which form part of the RFP process
4. Other sub-consultant expertise engaged throughout the process
 - Project management and evaluation assistance to develop a Request for Pre-Qualification (RFQ) process
 - Sub-consultants acting as facilities and construction advisors

The investment made in this example to ensure the municipality's best interests were considered throughout the procurement process is in the order of over \$800,000, which represents less than 1% of the facility's overall construction value. This is in addition to key members of the senior management team spending 80% of their time during this process.

The timeframe in this example took approximately 5 years from a preliminary market analysis being presented to their Council, through to the RFP process, and a final decision to proceed to construction. Staff have learned that it also took approximately 5 years from market feasibility to start of construction in other examples in St. Catharines and Thunder Bay. Each city also expended significant dollars to ensure the city was well-advised throughout the process.

A properly defined Terms of Reference through an RFP process, however, is necessary to yield the information required in an open and transparent manner, allowing Council to make a decision on moving forward with a new event centre. Some preliminary areas for consideration include:

- Another proponent is proposing to build and sports & entertainment event centre in the City's South End (Algonquin near Regent St.)
- Consideration as to whether it is in the community's best interest to have such a facility in the downtown
- If not downtown, future consideration should be made with respect to potential uses for the existing Sudbury Community Arena
- Consideration for amenities complementary to a sports & entertainment facility need to form part of the decision process
- It is anticipated that the City will be expected to contribute to the project and be a partner in the development and on-going operation of the facility
- CGS's involvement is also critical in accessing funds from other agencies such as FedNor and NOHFC, for example

- A new arena and event centre, especially if it includes additional ice pads, may lead to a requirement to close other arenas in the City
- A complete market analysis has not been completed to examine our market potential, determine the number of seats ideal for our market size, location, complementary amenities, etc.

The key benefit to undertaking a properly defined request for proposal process is to allow the City to objectively assess the merits that different parties have to offer in terms of participating in a process to develop a multi-use sports and entertainment centre.

TRANSFORMATIONAL VALUE

As mentioned, the need for such a facility has been identified through various reports as well as Council and community discussions, master plans and strategic plans, etc. for a new sports and entertainment centre. Such a facility could boost tourism by enabling our community to host a variety of regional, provincial and national sporting events, as well as large-scale tournaments; it would attract more performances, shows, concerts; enhance community pride; increase the tax base; etc.

The proposed development is also a catalyst to developing the rest of the surrounding business/industrial park lands in the immediate vicinity of the event centre. This, in turn, increases the community's availability of prime employment lands and our attractiveness to future investment opportunities.

POTENTIAL NEXT STEPS

Should Council wish to prioritize this project, the following steps are recommended:

1. Direct staff to create a project working group comprised of senior staff from appropriate corporate divisions including CAO, Planning, Leisure Services, Purchasing, and Legal to oversee the development of this process.
2. Direct staff to proceed with engaging the services of a consultant on a staged scope of work (which may include a market analysis and pro forma), to assist Council and Senior staff to determine criteria for a new sports & entertainment complex (size, type, amenities, etc.), to review and decide on potential funding models and partnership structures, and ultimately to assist with the development of a Terms of Reference for and evaluation of an RFP for a competitive bidding process for this project.
3. Direct staff to identify a funding source for an allocation of up to \$275,000 to fund this initial phase.

PROJECT 14 - SOUTH REGENT SPORTS & ENTERTAINMENT COMPLEX

Proponent: Dalron Group Inc. and ICC International Coliseums Company

PROJECT SUMMARY

The intent is to create a new destination development in the South End of the City of Greater Sudbury. The proponents argue that not only does the existing Sudbury Community Arena need to be replaced, but the South End of the City needs some commercial critical mass in order to balance the City's tax base.

The proposed arena project would accomplish both goals by replacing the aged downtown arena with a new state-of-the-art facility that will be an attraction for all sorts of events such as concerts, major sporting events, conferences, etc.

Another outcome of the proposed sports & entertainment complex is the potential expansion of additional commercial development in the land surrounding lands such as hotels, restaurants and retail.

ECONOMIC BENEFITS

Economic benefits: Increases the tax assessment base, creates immediate jobs, uses existing infrastructure and amenities, boosts retail / service development and generates millions in dollars spent by attracting tourism spending.

Social benefits: Improves sense of place and pride in the city, supports other priority community social infrastructure projects, and builds on our reputation of being the center of Northern Ontario.

Environmental benefits: Demonstrates smart growth principles, allows for the use of modern environmentally sustainable methods of construction, removes an old inefficient building and replaces with a new structure with modern building systems and technologies.

DETAILS OF REQUEST

- **Total Project Cost:** \$74M
- **Amount Requested from CGS:** Some contribution towards the capital component and \$1.5M every year as an annual user fee
- **Timing of Funding:** Not defined
- **Type of Assistance Requested:** Capital contribution amount was not defined but it was suggested that CGS would contribute in some form (e.g. credit towards DCs, investing in the infrastructure that the municipality would ultimately own, direct contribution to the cost, etc.) Contribution to on-going operations in the amount of \$1.5M as an annual user fee

BACKGROUND

A consortium of private-sector companies is proposing to construct a 6,500+ seat multi-use sports, entertainment, and business centre in the City's South End off of a future extension of Remington Road from Regent St. to Algonquin Drive.

The private consortium is made-up of Dalron Group, a local developer and the owner of the proposed site, ICC International Coliseums Company, a company specializing in the development of event centres, and McCor Management, one of the largest real estate & property management companies in Canada.

Based on the list of individuals identified in the application and listed below, the proponents seem to have assembled a competent team capable of developing a multi-use sports & entertainment complex as proposed.

The governance structure is yet to be determined; however the group currently consists of: Dalron Group Ltd., Ron Arnold – President, John Arnold, ICC, Rick Kozuback – President, McCor Management Inc., Luc Comeli – President and Fabio Fiumana – Consultant for the project.

POTENTIAL NEXT STEPS

Should Council wish to prioritize this project, the following steps are recommended:

1. Direct staff to create a project working group comprised of senior staff from appropriate corporate divisions including CAO, Planning, Leisure Services, Purchasing, and Legal to oversee the development of this process.
3. Direct staff to proceed with engaging the services of a consultant on a staged scope of work (which may include a market analysis and pro forma), to assist Council and Senior staff to determine criteria for a new sports & entertainment complex (size, type, amenities, etc.), to review and decide on potential funding models and partnership structures, and ultimately to assist with the development of a Terms of Reference for and evaluation of an RFP for a competitive bidding process for this project.
4. Direct staff to identify a funding source for an allocation of up to \$275,000 to fund this initial phase.

THIS IS **EXHIBIT "R"** TO THE AFFIDAVIT
OF **ROWAN FALUDI**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

Type of Decision							
Meeting Date	April 26, 2016			Report Date	April 21, 2016		
Decision Requested	X	Yes	No	Priority		High	Low
	Direction Only			Type of Meeting	X	Open	Closed

Report Title
Large Projects Priority Session

Budget Impact/Policy Implication	Resolution
	<p>THAT the City of Greater Sudbury endorses the following projects as presented at the Public Input Session on November 27, 2015:</p> <ol style="list-style-type: none"> 1. _____ 2. _____ 3. _____ 4. _____ 5. _____ <p>AND THAT staff be directed to take the next steps in implementation for each of the projects listed above as described in the report titled, <i>Summary and Analysis Report on the Large Projects Session of November 27, 2015</i>, from the meeting of April 12, 2016;</p> <p>AND FURTHER THAT staff be directed to report back to Council as these next steps are completed;</p> <p>AND THAT any request for funds be brought to Council by resolution.</p>

4 - Cedar Street Parking Structure:

Should Council wish to prioritize this project, the following steps are recommended:

1. Direct staff to encourage the project proponent to make application to the current Community Improvement Program (CIP) to determine eligibility and potential support.
2. Direct staff to consider transition provisions in any revised or new Downtown CIP to ensure eligibility for applications submitted after April 1, 2016.
3. Review and consider the recommendations resulting from the ongoing Planning Department review of the CIP, with a view to strategically encouraging development in the downtown.
4. Consider additional investment to support the revised CIP and direct staff to explore opportunities to leverage such an investment with other agencies.

5 - Northern Ontario Film Studio:

Should Council wish to prioritize this project, the following steps are recommended:

1. Request that the GSDC Board undertake a due diligence review of this proposal and give consideration to additional options for the development of a film studio facility for Greater Sudbury. Options could include public-private partnerships as well as direct investment in a municipally-developed film production facility, either purpose-built or an upgrade and renovation of an existing building; such a facility could be rented or leased to film industry businesses in an incubator-style approach. The GSDC could also consider potential interest from other private sector investors within the industry. Feasibility of such a facility should include an assessment of market potential and usage by other film production businesses.

6 - True North Strong Centre:

Should Council wish to prioritize this project, the following steps are recommended:

1. Direct staff to create a project working group comprised of senior staff from appropriate corporate divisions including CAO, Planning, Leisure Services, Purchasing, and Legal to oversee the development of this process.
2. Direct staff to proceed with engaging the services of a consultant on a staged scope of work (which may include a market analysis and pro forma), to assist Council and Senior staff to determine criteria for a new sports & entertainment complex (size, type, amenities, etc.), to review and decide on potential funding models and partnership structures, and ultimately to assist with the development of a Terms of Reference for, and evaluation of, an RFP for a competitive bidding process for this project.
3. Direct staff to identify a funding source for an allocation of up to \$275,000 to fund this initial phase.

13 - Eat Local Sudbury (ELS) – Seed to Plate Commons:

Should Council wish to prioritize this project, the following steps are recommended:

1. Confirm the final design of the Eglin Greenway project.
2. Should the Greenway design be confirmed as currently envisioned, direct staff to work with Eat Local Sudbury to explore opportunities for an alternate location, including the potential use of the CP station building.
3. Request that the GSDC Board give full consideration to an Eat Local request for support to complete a functional program, engineering, detailed design and capital cost estimates for the project once a preferred location has been identified.
4. Based on the results of the previous steps, consider a budget option as part of the 2017 budget process in support of the capital request for the project.

14 - South Regent Sports & Entertainment Complex:

Should Council wish to prioritize this project, the following steps are recommended:

1. Direct staff to create a project working group comprised of senior staff from appropriate corporate divisions including CAO, Planning, Leisure Services, Purchasing, and Legal to oversee the development of this process.
2. Direct staff to proceed with engaging the services of a consultant on a staged scope of work (which may include a market analysis and pro forma), to assist Council and Senior staff to determine criteria for a new sports & entertainment complex (size, type, amenities, etc.), to review and decide on potential funding models and partnership structures, and ultimately to assist with the development of a Terms of Reference for and evaluation of an RFP for a competitive bidding process for this project.
3. Direct staff to identify a funding source for an allocation of up to \$275,000 to fund this initial phase.

15 - Synergy Centre:

Should Council wish to prioritize this project, the following steps are recommended:

1. Direct staff to work with the proponent and potential funding partners to refine the proposed scope of work and estimated costs to enhance the potential for a successful application
2. Request that the GSDC Board give full consideration to a revised proposal.

THIS IS **EXHIBIT "S"** TO THE AFFIDAVIT
OF **ROWAN FALUDI**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

Proposed Sports and Entertainment Centre Feasibility and Business Case Assessment

City of Greater Sudbury

February 21, 2017



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1. Introduction

Background

The City of Greater Sudbury (the “City”) has been considering a new sports and entertainment facility to replace the Sudbury Community Arena (“SCA”). While having served as viable home for the Sudbury Wolves of the Ontario Hockey League’ (“OHL”), as a venue for the staging of a broad range of spectator and community events and shows, in addition to being used by local minor sport organizations, the SCA is estimated to require some \$3.8 million in basic upgrades and repairs over the 2013-2023 period. Moreover, it has been reported that the SCA has an estimated probable cost in the range of \$50 million to bring it up to current “sports and entertainment complex” standards (i.e., to make it comparable to newer buildings which have been developed in markets such as St. Catharines, Moncton, Kingston, Windsor and Sault Ste. Marie).

A new multi-purpose Sports and Entertainment Centre (“SEC”) has been endorsed by Greater Sudbury City Council as one of its four priority projects. In support of this recommendation, the City retained PricewaterhouseCoopers Real Estate Inc. (“PwC”) to prepare a feasibility and business case assessment for a new sports and entertainment complex. This study is to include the following elements:

- A “Feasibility Study”, the purpose of which is to assess and make recommendations on the needs, including anticipated costs and benefits, of an SEC; and
- A “Business Case” assessment, the purpose of which is to identify the specifications that can form the basis for a Request for Proposals document for the procurement phase of a new multi-purpose SEC.

By completing a feasibility and business case assessment for a new SEC, it is anticipated that the City would be placed in a better position to evaluate its merit, and determine a go-forward strategy to determine its location and procurement process.

Scope of Review

The scope of PwC’s review included the following tasks:

- Held a preliminary meeting with City of Greater Sudbury officials to acquire background information;
- Completed a review of the Greater Sudbury market from a demographic and socio-economic perspective;
- Researched and obtained information on the operations of various mid-sized spectator facilities across Ontario and other Canadian markets;
- Researched and reviewed socio-economic data profiling other Ontario markets with OHL teams;
- Evaluated the potential “supportable” size of a new SEC in Sudbury;
- Identified the various design components and building areas which should be included within a new SEC;
- Identified location criteria for use in selecting a location for the SEC;
- Developed an estimate of potential costs for the SEC;
- Evaluated opportunities for business partnerships and government support;
- Identified a projected utilization and programming schedule;
- Developed a 10-year proforma operating budget for the Facility; and
- Evaluated the economic and social benefits of a proposed SEC.

Restrictions and Limitations

The intended use of this Report is an examination of the Greater Sudbury market and its ability to support a new Sports and Entertainment Centre. In completing aspects of this Study, PwC relied upon certain information provided in confidence which cannot be wholly disclosed.

The reader should note that the Study utilizes various assumptions (some of which are included in Appendix B) which are based on a set of economic conditions and / or possible courses of action that are reasonable and appropriate in PwC's judgment, are consistent with the purpose of this assignment, but which may not materialize as set out therein. These hypotheses represent plausible circumstances, but need not be, and may not be fully supported.

Since future events are not subject to precise projections, some assumptions will not materialize in the exact form presented by our analysis. In addition, other unanticipated events and circumstances will occur that will influence the future outcome and performance of a Sports and Entertainment Centre in Greater Sudbury. Therefore, actual results achieved in future operating periods will vary from the analysis of prospective market and financial conditions set out therein. While there is no recourse to predicting these matters with certainty apart from informed and reasoned judgments, it must be stated that future events will lead to variations in the building's operational performance which could materially alter results.

PwC does not warrant that actual results achieved will be the same, in whole or in part, as those shown in the Projection. The Projection is based on hypotheses and there is a significant risk that actual results will vary from the results projected.

This Report has been prepared at the request of the City of Greater Sudbury for advice and use in evaluating the feasibility and business case for a new Sports and Entertainment Centre. This Report has been commissioned to provide the City with input as it determines an appropriate go forward strategy; our Report is not intended to be used for any other purpose.

We do not assume any responsibility or liability for losses incurred by the City, its employees or by any other parties as a result of the circulation, publication, reproduction or use of this Report contrary to the provisions of the preceding paragraph.

We reserve the right to review all calculations included or referred to in our Report and if we consider it necessary, to revise our Report in the light of any information which becomes known to us after the date of this Report.

4. Sudbury Community Arena

Introduction

The Sudbury Community Arena (“SCA”) is the main spectator arena facility in the City of Greater Sudbury. Located in the city’s downtown core, the SCA was built in 1951 and includes 4,470 fixed seats and a total capacity of some 5,186 spectators.

Home to the Sudbury Wolves of the OHL, the venue was designed primarily as a hockey venue. In addition to some 40 Sudbury Wolves home games per season, the SCA has also hosted concerts, curling events (including the Tim Hortons’ Brier and Scott Tournament of Hearts), Canada Day and Remembrance Day celebrations, as well as other hockey events and flat floor trade and consumer shows and meetings.

While some 65 years old, the SCA has been periodically retrofitted to update some of its features. However, according to a January 2013 Arena Renewal Report, the SCA was then in immediate need of some \$2.375 million in repairs; an additional \$1.450 million was identified as also being required in the following five year period.

SCA operations

Over the past seven years (i.e., 2009 through 2015), the SCA has generated, on average, operating revenue of between \$680,000 and \$1.333 million from various sources including rent from the Sudbury Wolves and other events staged in the SCA, from the sale of concessions, ticket surcharges, box office revenue surcharges and ice rentals. In operating the building, the SCA has incurred, on average, expenses ranging between \$1.376 million and \$1.633 million, including expenses related to facility staffing, utilities, operations (including maintenance and repair), insurance and capital reserves. On a net basis, the SCA generates a net loss from operations ranging between \$280,000 and almost \$700,000 (see Figure 33, following).

The amount of operating revenue generated by the SCA is highly dependent upon the number of events held in the venue and on the number of tickets sold for those events. As can be inferred from Figure 33, declines in revenue attributable to events impact income received from ticket surcharges and box office revenues. The combined impact from a reduction in non-OHL events staged at the SCA in 2015 compared to prior years, is concluded to partially explain the drop in revenue (compared to 2014 and prior years) and the increase in net operating loss.

The operations of the SCA compares with the operations of other sports and entertainment / arena venues in Ontario, including the Essar Centre (Sault Ste. Marie), the Rogers K-Rock Centre (Kingston) and the Meridian Centre (St. Catharines). Figure 34, following provides a breakdown of operating revenue, operating costs and net operating obligations associated with these three venues compared with the operations of the SCA.

Based on the foregoing, it is worth noting the following:

- While it is useful to understand the net obligations associated with the operations of each venue, the terms and conditions associated with the use of the venue by its respective lead tenant (as defined in its facility lease) must also be understood (for example, the SCA generates no amount of revenue from advertising, sponsorships and suites compared to other venues; the Sudbury Wolves also pay significantly less in rent compared to OHL tenants in newer buildings).
- The operations of the Meridian Centre and Rogers K-Rock Centre are noted as having been negatively impacted by the low Canadian dollar (which impacts the ability to secure American touring artists). In addition, it is noted that the Meridian Centre is located in a highly competitive market which includes competitive venues in Buffalo New York, Hamilton and Toronto.

Figure 33
Sudbury Community Arena Operating Statement, 2009 – 2015

	2009	2010	2011	2012	2013	2014	2015
Revenue							
Lead Tenant (OHL Team)	\$28,243	\$32,007	\$20,985	\$28,647	\$34,307	\$39,524	\$17,843
Other Events	\$291,273	\$265,607	\$272,159	\$330,429	\$293,216	\$246,698	\$101,749
Net Concession Revenue and Novelties	\$186,833	\$182,096	\$182,585	\$198,312	\$219,627	\$196,438	\$186,909
Net Merchandise Revenue	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Net Advertising	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sponsorships	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Suites License Revenue	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Club Seats License Revenue	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Ticket Surcharge	\$89,515	\$56,395	\$107,178	\$155,678	\$181,376	\$79,907	\$51,671
Box Office Revenue	\$353,013	\$288,470	\$271,093	\$326,384	\$343,275	\$268,555	\$76,989
Ice Rental Revenue	\$259,163	\$245,820	\$272,131	\$246,074	\$250,596	\$247,638	\$238,006
Contribution from Reserve	\$0	\$16,000	\$24,000	\$27,781	\$10,192	\$8,000	\$8,000
Total Revenue	\$1,208,041	\$1,086,396	\$1,150,132	\$1,313,306	\$1,332,590	\$1,086,760	\$681,166
Facility Expenses							
Personnel Costs	\$633,034	\$672,553	\$640,521	\$654,682	\$722,155	\$676,202	\$668,813
Utilities	\$436,418	\$328,289	\$348,228	\$337,050	\$357,148	\$414,513	\$401,261
Operations, Maintenance, Repairs	\$437,217	\$291,107	\$410,304	\$470,038	\$470,955	\$383,624	\$229,846
Marketing	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Insurance (Property Taxes)	\$3,437	\$3,082	\$2,960	\$2,848	\$2,704	\$2,609	\$0
Other Misc Expenses (Internal Recoveries)	\$40,180	\$39,688	\$36,474	\$42,179	\$46,406	\$50,026	\$31,442
Capital Reserve (Contribution to Capital)	\$28,000	\$61,500	\$33,900	\$88,900	\$33,900	\$33,900	\$45,200
Management Fee	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenses	\$1,578,286	\$1,396,219	\$1,472,387	\$1,595,697	\$1,633,267	\$1,560,874	\$1,376,561
Net Operating Income	-\$370,245	-\$309,822	-\$322,255	-\$282,391	-\$300,677	-\$474,114	-\$695,395

Source: City of Greater Sudbury

Figure 34
Comparison of Net Operations, Sudbury Community Arena and Select Ontario Sports and Entertainment Centres

	Sudbury Community Arena		Essar Centre		Rogers K-Rock Centre		Meridian Centre	
	2014	2015	2015	2016	2015	2016	2015	2016
Gross Revenue	1,086,800	681,200	1,623,300	1,632,600	2,547,300	2,978,400	n/a	3,218,300
Operating Expenses	1,560,900	1,376,600	2,154,100	2,224,700	1,970,100	2,220,800	n/a	3,649,200
Net Operations	(474,100)	(695,400)	(530,800)	(592,100)	577,200	757,600	(735,000)	(430,900)

Source: City of Greater Sudbury, City of Sault. Ste. Marie, City of Kingston, City of St. Catharines

Sudbury Community Arena programming

Sudbury Wolves

As noted above, the Sudbury Wolves play their home games in the SCA. Over the past 16 seasons (i.e., since the 2000-01 season), the Wolves have attracted an average attendance of almost 3,900 fans game. Average yearly attendance has ranged from a low of approximately 3,100 fans per game during the most recently completed 2015-16 season, to a high of 4,600 fans per game during the 2005-06 season. With the exception of those two seasons, the Wolves have consistently attracted in the range of 3,700 to 3,900 fans per game per season (see Figure 35, following), and generally have ranked toward the middle of the league in terms of overall attendance.

Figure 35
Sudbury Wolves Attendance, 2000-01 to 2015-16 season

Sesaon	Average Attendance
2000-01	4,057.5
2001-02	3,851.0
2002-03	3,465.1
2003-04	3,397.6
2004-05	4,261.4
2005-06	4,610.4
2006-07	4,467.1
2007-08	4,162.1
2008-09	4,198.2
2009-10	3,822.8
2010-11	3,443.6
2011-12	3,762.4
2012-13	3,915.3
2013-14	3,793.2
2014-15	3,729.0
2015-16	3,108.0
Average Attendance Since:	
2000-01	3,877.8
2005-06	3,910.2
2010-11	3,625.3

Source: Ontario Hockey League

Spectator Events

According to information provided by the City, the SCA has annually been booked between 59 and 63 days per year (Figure 36, following). This booking activity includes home games of the Sudbury Wolves (approximately 38 to 40 per year) concerts, family shows (including shows with multiple performances each day), other sporting events, trade and consumer shows (including meetings and conventions), and various community events (including Remembrance Day and Canada Day activities).

Figure 36
Event Days / Booking Days, Sudbury Community Arena, 2012 to 2015

User / Tenant	2012		2013		2014		2015	
	Annual Number of Event Days	Average Attendance	Annual Number of Event Days	Average Attendance	Annual Number of Event Days	Average Attendance	Annual Number of Event Days	Average Attendance
Lead Tenant (OHL Team)	39	n/a	38	3,848	39	3,710	38	3,322
Concerts	6	n/a	11	3,372	9	2,576	2	3,631
Family Shows	2	n/a	2	1,410	0	0	2	2,680
Other Sports	1	n/a	1	4,000	0	0	0	0
Other Entertainment	6	n/a	3	1,936	3	1,782	3	1,037
Trade & Consumer Shows / Day Rentals	8	n/a	8	2,201	9	4,023	8	3,366
Total	62	n/a	63	213,544	60	196,900	53	156,304

Source: City of Greater Sudbury

Concerts which have been booked into the SCA over the past five years have included a broad range of artists in various genres. It is noteworthy that many of these same acts are booked in other mid-sized sports and entertainment venues, including venues like the Essar Centre (Sault Ste. Marie) and Rogers K-Rock Centre (Kingston). Events which been staged at the SCA since 2012 are summarized in Figure 37, following.

Figure 37
Events Staged at the Sudbury Community Arena, 2010 - 2016

	2012	2013	2014	2015	2016
Events	23	20	21	14	20
Event Days	19	16	17	10	17
Performances	Canada Day Home Show Remembrance Day Watchtower Convention Alan Jackson Bryan Adams Celebration on Ice Cesar Millan Harlem Globetrotters Hedley John Fogerty John Mellancamp Johnny Reid Mamma Mia MMA Monster Trucks River dance Russell Peters Steve Martin (LOL)	Canada Day Home Show Remembrance Day Watchtower Convention Beauty and the Beast Billy Talent Blue Rodeo Cheech and Chong (LOL) Eric Church KISS Marianas Trench Marilyn Manson Monster Trucks Motley Cure Rick Mercer (LOL) The Tragically Hip	Canada Day Home Show Remembrance Day Watchtower Convention Band Perry Brad Paisley Charley Pride Chicago City & Colour George Thorogood Harlem Globetrotters Hedley Home Hardware Jann Arden John Fogerty Larry the Cable Guy (LOL) Stars of SNL (LOL)	Canada Day Home Show Remembrance Day Watchtower Convention Bill Engvall (LOL) Dean Brody & Paul Brandt Jim Jefferies (LOL) Monster Truck Spectacular One Republic President's Choice SuperDogs	Canada Day Home Show Remembrance Day Bill Burr (LOL) Gord Bamford & Joe Nichols Graphic Con Hedley Home Hardware Contractor Show Jeff Dunham Jeremy Hotz (LOL) Johnny Reid Mariana's Trench Moscow Stars on Ice Price is Right Live The Next Step Dancers Theresa Caputo Live Trailer Park Boys (LOL)

Source: City of Greater Sudbury

In comparison with other venues, the SCA attracts a similar range events as do venues like the Essar Centre, Rogers K-Rock Centre and Median Centre; however, these venues have tended to attract a greater number of total events, including spectator events that can take advantage of more modern facilities (Figure 38, following). For example:

- During both 2012 and 2013, the Essar Centre hosted 134 and 109 total event days, including a higher number of concerts and other sporting events. The Essar Centre has also proven more successful in gaining higher levels of utilization through the use of the facility for tournaments and for other minor tenants (in this instance, the Soo Thunderbirds, a Tier II Junior A team).
- The Rogers K-Rock Centre has generally hosted in excess of 100 total event days, with events programmed into the facility including trade and consumer shows, conventions, national figure skating championships, family shows and fundraisers.
- While the Meridian Centre was more limited in its ability to secure spectator events (as noted previously, it is located and operates within a highly competitive market which includes competitive venues located in Buffalo New York, Hamilton and Toronto), its event profile includes a National Basketball League of Canada franchise, home games for Brock University's basketball and hockey teams, figure skating competitions, IIHF hockey championships, NHL pre-season games, as well as a number of concerts and community events.

Summary

The Sudbury Community Arena has been relatively successful in attracting a broad range of events, including concerts, family shows, other sporting events, other entertainment and various trade and consumer shows into the venue. In comparison with newer venues, it would appear, however, that the SCA attracts fewer total events, including "special events" like concerts, family shows and other sporting events, spectator events that can take advantage of more modern facilities.

From a financial perspective, the net operating loss sustained by the SCA is comparable to that realized in Sault Ste. Marie and St. Catharines; it is however, more than is realized in other markets including Kingston (which has historically generated an operating surplus).

5. *Assessment of Supportable Building Size*

This Report has provided a socio-economic profile of the Greater Sudbury area, profiled the current operations of the SCA and other similar venues in Ontario, and presented information on various Canadian markets which host a Major Junior A (Tier 1) franchise (whether in the OHL, QMJHL or WHL). Based on this review, an assessment of the Greater Sudbury market to support a larger venue was undertaken, concentrating on:

- Potential attendance; and
- Supportable building size.

As was detailed in Figure 15, above, average per game attendance in the OHL was some 4,155 fans per game, league-wide during the 2015-16 season; over the past 16 seasons (i.e., since 2000-01) average per game attendance has generally ranged between 3,200 and 4,200 fans per game. Over the 2010-11 to 2015-16 period, only three teams have average attendances of greater than 5,000 fans per game, with London, Kitchener and Ottawa (who play in the league's largest arenas) consistently leading the league in attendance. Sudbury plays in the 8th largest market in the OHL (as measured by total CA / CMA population) and attracts the 11th largest average attendance. Within the 4,470-seat / 5,186-capacity Sudbury Community Arena, the team has filled approximately 70% of available capacity, on average, since the start of the 2010-11 season (compared to a league-wide average of approximately 72%).

In other Canadian CHL markets across the country, average capacities in venues generally range between 60% to 65% of total building capacity (fixed seats plus standing room) to over 70% (including only fixed seats), the highest of which occurs in the OHL. In some instances, particularly where teams have moved into new venues, total average attendance has surpassed 90% of total seating capacity, a level which has been sustained in some cases in newer, larger buildings for several years.

Given that the CHL team serves as the lead tenant in their respective building and that a significant amount of revenue is dependent upon the team playing in that building (including, for example, suite revenue, advertising and sponsorships, concessions, etc.), constructing a building with a total seating capacity that is supportive of both the team and the building's ability to generate income is paramount. Understanding an ideal building capacity from an entertainment event perspective is also important, noting that the use of the flat floor area will add to the total capacity of the building by approximately 800 to 1,200 seats (depending on the number of partially and fully obstructed seats that would be located beside and behind a stage). In this regard, a common adage in the sports industry is that "empty seats produce empty seats, while sell-outs produce sell-outs", a maxim that favours building capacities being at or slightly smaller than their "supportable size" in order to limit ticket availability to a degree, and thereby cause corporations and individuals to purchase seasons tickets to ensure event access (with more abundant ticket availability caused by a building that is "too large" for the market, there would be less incentive to purchase seasons tickets and force the team and building to rely more on "walk-up" sales).

Building a venue to accommodate a one-off circumstance when an event / game could draw 10,000 / 15,000 / 20,000 fans (for example, to a one-off event involving a marquee artist / player / team or some other special entertainment event), would, in our opinion, be inappropriate. In this instance, it would require that the building incur higher operating costs (including maintenance, heating / cooling, etc.) for a larger volume of space than it otherwise requires. Moreover, with the continual availability of tickets, average attendance could be unnecessarily lowered (there would be no incentive to purchase seasons tickets and potential attendees could decide not to attend an event depending on weather or other circumstances) and could therefore negatively impact building advertising and sponsorships income (given that there would be "less eyes" / "fewer bums in seats" in the building).

In an effort to identify the size of building that could be “supportable” for Greater Sudbury, a review of each Canadian-based CHL team’s market penetration was undertaken (i.e., the proportion of a centre’s local and broader regional population which attends games). Based on this review (Figure 39, following, for local market penetration rate, and Figure 40 for regional market penetration rate), a number of conclusions can be reached:

- A typical CHL team’s local market penetration rate is 4.6%. The team’s local market penetration rate will be highly dependent upon the size of its local population. In this regard, smaller centres will tend to have higher local market penetration rates while larger centres will have smaller local market penetration rates.
- The average local market penetration rate in both the QMJHL and WHL is 5.2%, compared to just 3.4% in the OHL.
- The Sudbury Wolves attract the 40th highest proportion of its local population to its games (or conversely the 15th lowest). In this regard, approximately 2.2% of City of Greater Sudbury residents, on average, attend a Wolves’ game. In the OHL, Sudbury’s rank is 15th (including Brampton and Belleville whose teams have since relocated). Ranking above Sudbury are teams playing in centres with similar local population sizes (including Barrie, Oshawa, Guelph and St. Catharines) as well as larger markets (including London, Kitchener and Windsor). Sudbury ranks only above teams in the largest OHL markets (including Ottawa, Mississauga, Hamilton and Brampton).
- Actual local market penetration rates range from a low of 0.3% (Brampton), 0.4% (Mississauga), 0.6% (Ottawa), 0.7% (Edmonton, Calgary and Hamilton), 0.9% (Gatineau) and 1.0% (Vancouver), to a high of 13.6% (Owen Sound), 13.0% (Acadie-Bathurst), 12.8% (Swift Current), 11.8% (Kootenay), and 10.1% (Moose Jaw). Excluding these outliers, the average local market penetration rate is 4.4%.
- A typical CHL team’s regional market penetration rate is 3.3%;
- The average regional market penetration rate in the OHL is 2.3%, and compares to 3.4% in the QMJHL and 4.2% in the WHL.
- Actual regional market penetration rates range from a low of less than 0.1% (for Brampton and Mississauga), 0.1% (for Bainville-Boisbriand), 0.3% (Vancouver), 0.4% (for Ottawa), 0.5% (for Edmonton and Hamilton), 0.6% (for Calgary) and 0.8% (for Gatineau) to a high of 11.5% (Swift Current), 9.8% (Moose Jaw), 9.1% (Owen Sound), 9.0% (Kootenay) and 7.7% (Baie-Comeau). Like local market penetration rates, the larger the urban area the team is located within, the smaller will be the team’s regional penetration rate. Excluding these outliers, the average regional market penetration rate is 3.2%.
- The regional market penetration rate for the Sudbury Wolves is 2.2% (30th largest in the CHL).

In Figure 41, following, a number of CHL centres have been highlighted, based on (a) their having local and / or regional population sizes similar to Greater Sudbury, (b) the community is located in an area where it is both a dominant regional centre and is located some distance from other large urban centres, and / or (c) the community recently developed a new sports and entertainment centre. A review of these markets yields the following observations:

- The average local market penetration rate for these markets (excluding Greater Sudbury) is 4.3% while the regional market penetration rate is 3.4%.
- For those markets that have constructed new venues, average per game attendance for their CHL team increased by 43% and 52% over longer-term historical averages, with the average increase in attendance being approximately 48%.
- As noted from the discussion relating to Figure 32, above, the average “bump” in attendance is in the range of 70% across all markets, with this attendance level being sustained for approximately six years.

Based on the foregoing, our opinion is that a new building in the City of Greater Sudbury would be able to support a sustained bump in attendance in the range of 20%, increasing average attendance to approximately 4,350 fans per game. Additionally, it should also be recognized that the identified market potential attendance figure represents average attendance over the course of a season and as such would require a building with a seating capacity in excess of this amount. Assuming a “target” capacity figure of 75%, a building in the range of 5,500 to 6,000 seats would appear to be appropriate, with the target being 5,800 seats.

Figure 39
Canadian Hockey League – Local Market Penetration Rates

	Average Attendance 10/11 - 15/16	Avg Attendance in New Building (since 2000)	Arena Capacity	Average Occupancy 10/11 - 15/16	2016 Population		Market Penetration Rates	
					City	County / CA / CMA	City	County / CA / CMA
Owen Sound	2,898.8	--	3,500	82.8%	21,341	31,820	13.6%	9.1%
Acadie-Bathurst	1,544.0	--	3,524	43.8%	11,897	31,110	13.0%	5.0%
Swift Current	2,128.2	--	3,239	65.7%	16,604	18,536	12.8%	11.5%
Kootenay	2,357.6	2,890.2	4,616	51.1%	20,047	26,083	11.8%	9.0%
Moose Jaw	3,437.2	3,593.7	4,714	72.9%	33,890	35,053	10.1%	9.8%
Baie-Comeau	2,120.9	--	3,042	69.7%	21,536	27,692	9.8%	7.7%
Cape Breton	2,591.8	--	5,042	51.4%	29,904	98,722	8.7%	2.6%
Brandon	3,973.8	--	5,702	69.7%	48,859	58,002	8.1%	6.9%
Rimouski	3,573.8	--	5,062	70.6%	48,664	55,349	7.3%	6.5%
Prince Albert	2,444.6	--	3,366	72.6%	35,926	44,160	6.8%	5.5%
North Bay	3,379.9	--	4,273	79.1%	51,553	70,378	6.6%	4.8%
Medicine Hat	4,046.3	4,248.0	4,006	101.0%	63,260	76,522	6.4%	5.3%
Shawinigan	3,082.2	3,065.9	4,550	67.7%	49,349	54,181	6.2%	5.7%
Moncton	4,415.1	--	6,900	64.0%	71,889	144,810	6.1%	3.0%
Victoria	5,070.0	5,070.0	7,400	68.5%	85,792	367,770	5.9%	1.4%
Saint John	3,944.0	--	6,488	60.8%	67,575	126,202	5.8%	3.1%
Sault Ste. Marie	4,275.2	4,362.1	4,928	86.8%	73,368	78,159	5.8%	5.5%
Charlottetown / PEI	2,021.7	--	3,717	54.4%	36,094	69,325	5.6%	2.9%
Val-d'Or	1,813.6	--	3,753	48.3%	32,491	33,871	5.6%	5.4%
Victoriaville	2,485.4	--	3,420	72.7%	46,130	49,151	5.4%	5.1%
Red Deer	5,079.2	--	6,702	75.8%	100,418	100,418	5.1%	5.1%
Belleville	2,514.9	--	3,257	77.2%	50,716	103,472	5.0%	2.4%
Rouyn-Noranda	1,970.8	--	3,500	56.3%	42,334	42,334	4.7%	4.7%
Kamloops	4,174.4	--	5,464	76.4%	90,280	103,811	4.6%	4.0%
Sarnia	3,135.4	3,522.1	5,200	60.3%	71,594	96,151	4.4%	3.3%
Kelowna	5,539.4	--	6,007	92.2%	127,380	194,882	4.3%	2.8%
Lethbridge	3,319.3	--	5,479	60.6%	92,729	117,394	3.6%	2.8%
Niagara / St. Catharines	4,442.5	4,442.5	5,264	84.4%	133,113	406,074	3.3%	1.1%
Drummondville	2,467.7	--	4,000	61.7%	75,423	96,118	3.3%	2.6%
Blainville-Boisbriand	2,735.0	2,735.0	3,500	78.1%	83,747	4,098,927	3.3%	0.1%
Guelph	4,189.5	3,957.0	4,981	84.1%	131,794	151,984	3.2%	2.8%
Peterborough	2,562.5	--	4,329	59.2%	81,032	121,721	3.2%	2.1%
Prince George	2,293.3	--	5,971	38.4%	74,003	86,622	3.1%	2.6%
Oshawa	4,804.6	4,736.8	5,637	85.2%	159,458	379,848	3.0%	1.3%
Kitchener	6,835.5	--	7,469	91.5%	233,222	523,894	2.9%	1.3%
Kingston	3,457.9	3,340.2	5,380	64.3%	123,798	161,175	2.8%	2.1%
Barrie	3,685.0	3,713.9	4,195	87.8%	141,434	197,059	2.6%	1.9%
Windsor	5,491.4	5,536.2	6,500	84.5%	217,188	329,144	2.5%	1.7%
London	8,984.4	8,862.3	9,046	99.3%	383,822	494,069	2.3%	1.8%
Sudbury	3,625.3	--	5,186	69.9%	161,531	164,689	2.2%	2.2%
Quebec	11,376.0	--	17,000	66.9%	531,902	800,296	2.1%	1.4%
Saskatoon	4,963.1	--	15,195	32.7%	246,376	295,095	2.0%	1.7%
Regina	4,206.7	--	6,510	64.6%	215,106	236,481	2.0%	1.8%
Chicoutimi	2,704.1	--	4,724	57.2%	145,949	160,980	1.9%	1.7%
Halifax	7,239.5	--	10,595	68.3%	403,131	403,390	1.8%	1.8%
Sherbrooke	2,762.5	--	4,005	69.0%	161,323	212,105	1.7%	1.3%
Vancouver	6,474.7	--	16,281	39.8%	631,486	2,463,431	1.0%	0.3%
Gatineau / Hull	2,537.7	--	4,000	63.4%	276,245	332,057	0.9%	0.8%
Hamilton	3,844.0	--	17,400	22.1%	536,917	747,545	0.7%	0.5%
Edmonton	6,586.4	--	16,839	39.1%	932,546	1,321,426	0.7%	0.5%
Calgary	8,750.8	--	19,289	45.4%	1,239,220	1,392,609	0.7%	0.6%
Ottawa	5,199.9	--	10,585	49.1%	934,243	1,323,783	0.6%	0.4%
Mississauga	2,736.8	2,678.3	5,520	49.6%	721,599	5,928,040	0.4%	0.0%
Brampton	2,021.1	2,321.6	5,000	40.4%	593,638	5,928,040	0.3%	0.0%

Source: OHL, QMJHL, WHL, individual CHL teams, Statistics Canada, PwC

Figure 40
Canadian Hockey League – Regional Market Penetration Rates

	Average Attendance 10/11 - 15/16	Avg Attendance in New Building (since 2000)	Arena Capacity	Average Occupancy 10/11 - 15/16	2016 Population		Market Penetration Rates	
					City	County / CA / CMA	City	County / CA / CMA
Swift Current	2,128.2	--	3,239	65.7%	16,604	18,536	12.8%	11.5%
Moose Jaw	3,437.2	3,593.7	4,714	72.9%	33,890	35,053	10.1%	9.8%
Owen Sound	2,898.8	--	3,500	82.8%	21,341	31,820	13.6%	9.1%
Kootenay	2,357.6	2,890.2	4,616	51.1%	20,047	26,083	11.8%	9.0%
Baie-Comeau	2,120.9	--	3,042	69.7%	21,536	27,692	9.8%	7.7%
Brandon	3,973.8	--	5,702	69.7%	48,859	58,002	8.1%	6.9%
Rimouski	3,573.8	--	5,062	70.6%	48,664	55,349	7.3%	6.5%
Shawinigan	3,082.2	3,065.9	4,550	67.7%	49,349	54,181	6.2%	5.7%
Prince Albert	2,444.6	--	3,366	72.6%	35,926	44,160	6.8%	5.5%
Sault Ste. Marie	4,275.2	4,362.1	4,928	86.8%	73,368	78,159	5.8%	5.5%
Val-d'Or	1,813.6	--	3,753	48.3%	32,491	33,871	5.6%	5.4%
Medicine Hat	4,046.3	4,248.0	4,006	101.0%	63,260	76,522	6.4%	5.3%
Red Deer	5,079.2	--	6,702	75.8%	100,418	100,418	5.1%	5.1%
Victoriaville	2,485.4	--	3,420	72.7%	46,130	49,151	5.4%	5.1%
Acadie-Bathurst	1,544.0	--	3,524	43.8%	11,897	31,110	13.0%	5.0%
North Bay	3,379.9	--	4,273	79.1%	51,553	70,378	6.6%	4.8%
Rouyn-Noranda	1,970.8	--	3,500	56.3%	42,334	42,334	4.7%	4.7%
Kamloops	4,174.4	--	5,464	76.4%	90,280	103,811	4.6%	4.0%
Sarnia	3,135.4	3,522.1	5,200	60.3%	71,594	96,151	4.4%	3.3%
Saint John	3,944.0	--	6,488	60.8%	67,575	126,202	5.8%	3.1%
Moncton	4,415.1	--	6,900	64.0%	71,889	144,810	6.1%	3.0%
Charlottetown / PEI	2,021.7	--	3,717	54.4%	36,094	69,325	5.6%	2.9%
Kelowna	5,539.4	--	6,007	92.2%	127,380	194,882	4.3%	2.8%
Lethbridge	3,319.3	--	5,479	60.6%	92,729	117,394	3.6%	2.8%
Guelph	4,189.5	3,957.0	4,981	84.1%	131,794	151,984	3.2%	2.8%
Prince George	2,293.3	--	5,971	38.4%	74,003	86,622	3.1%	2.6%
Cape Breton	2,591.8	--	5,042	51.4%	29,904	98,722	8.7%	2.6%
Drummondville	2,467.7	--	4,000	61.7%	75,423	96,118	3.3%	2.6%
Belleville	2,514.9	--	3,257	77.2%	50,716	103,472	5.0%	2.4%
Sudbury	3,625.3	--	5,186	69.9%	161,531	164,689	2.2%	2.2%
Kingston	3,457.9	3,340.2	5,380	64.3%	123,798	161,175	2.8%	2.1%
Peterborough	2,562.5	--	4,329	59.2%	81,032	121,721	3.2%	2.1%
Barrie	3,685.0	3,713.9	4,195	87.8%	141,434	197,059	2.6%	1.9%
London	8,984.4	8,862.3	9,046	99.3%	383,822	494,069	2.3%	1.8%
Halifax	7,239.5	--	10,595	68.3%	403,131	403,390	1.8%	1.8%
Regina	4,206.7	--	6,510	64.6%	215,106	236,481	2.0%	1.8%
Saskatoon	4,963.1	--	15,195	32.7%	246,376	295,095	2.0%	1.7%
Chicoutimi	2,704.1	--	4,724	57.2%	145,949	160,980	1.9%	1.7%
Windsor	5,491.4	5,536.2	6,500	84.5%	217,188	329,144	2.5%	1.7%
Quebec	11,376.0	--	17,000	66.9%	531,902	800,296	2.1%	1.4%
Victoria	5,070.0	5,070.0	7,400	68.5%	85,792	367,770	5.9%	1.4%
Kitchener	6,835.5	--	7,469	91.5%	233,222	523,894	2.9%	1.3%
Sherbrooke	2,762.5	--	4,005	69.0%	161,323	212,105	1.7%	1.3%
Oshawa	4,804.6	4,736.8	5,637	85.2%	159,458	379,848	3.0%	1.3%
Niagara / St. Catharines	4,442.5	4,442.5	5,264	84.4%	133,113	406,074	3.3%	1.1%
Gatineau / Hull	2,537.7	--	4,000	63.4%	276,245	332,057	0.9%	0.8%
Calgary	8,750.8	--	19,289	45.4%	1,239,220	1,392,609	0.7%	0.6%
Hamilton	3,844.0	--	17,400	22.1%	536,917	747,545	0.7%	0.5%
Edmonton	6,586.4	--	16,839	39.1%	932,546	1,321,426	0.7%	0.5%
Ottawa	5,199.9	--	10,585	49.1%	934,243	1,323,783	0.6%	0.4%
Vancouver	6,474.7	--	16,281	39.8%	631,486	2,463,431	1.0%	0.3%
Blainville-Boisbriand	2,735.0	2,735.0	3,500	78.1%	83,747	4,098,927	3.3%	0.1%
Mississauga	2,736.8	2,678.3	5,520	49.6%	721,599	5,928,040	0.4%	0.0%
Brampton	2,021.1	2,321.6	5,000	40.4%	593,638	5,928,040	0.3%	0.0%

Source: OHL, QMJHL, WHL, individual CHL teams, Statistics Canada, PwC

Figure 41
Comparison of Selected CHL Markets with Greater Sudbury

	Average Attendance 10/11 - 15/16	Avg Attendance in New Building (since 2000)	Arena Capacity	Average Occupancy 10/11 - 15/16	2016 Population		Market Penetration Rates	
					City	County / CA / CMA	City	County / CA / CMA
Brandon	3,973.8	--	5,702	69.7%	48,859	58,002	8.1%	6.9%
North Bay	3,379.9	--	4,273	79.1%	51,553	70,378	6.6%	4.8%
Sault Ste. Marie	4,275.2	4,362.1	4,928	86.8%	73,368	78,159	5.8%	5.5%
Kamloops	4,174.4	--	5,464	76.4%	90,280	103,811	4.6%	4.0%
Sarnia	3,135.4	3,522.1	5,200	60.3%	71,594	96,151	4.4%	3.3%
Lethbridge	3,319.3	--	5,479	60.6%	92,729	117,394	3.6%	2.8%
Niagara / St. Catharines	4,442.5	4,442.5	5,264	84.4%	133,113	406,074	3.3%	1.1%
Peterborough	2,562.5	--	4,329	59.2%	81,032	121,721	3.2%	2.1%
Prince George	2,293.3	--	5,971	38.4%	74,003	86,622	3.1%	2.6%
Kingston	3,457.9	3,340.2	5,380	64.3%	123,798	161,175	2.8%	2.1%
Sudbury	3,625.3	--	5,186	69.9%	161,531	164,689	2.2%	2.2%
Chicoutimi	2,704.1	--	4,724	57.2%	145,949	160,980	1.9%	1.7%

Source: OHL, QMJHL, WHL, individual CHL teams, Statistics Canada, PwC

At such a level, the local market penetration rate would increase to 2.7% (between Barrie and Kingston as the 37th highest centre in the CHL in Figure 39, above) while the regional penetration rate would increase to 2.6% (equal to Prince George, Cape Breton and Drummondville as the 26th highest centre in the CHL in Figure 40, above).

While a larger building could be considered, we would argue that a building with in excess of 5,800 seats would be inappropriate. By way of comparison, Figure 42, following, provides a summary of CHL buildings with a total seating capacity in excess of 6,000 seats and the recommended building size for Greater Sudbury (5,800 fixed seats attracting an average attendance of 4,350 fans). The majority of these markets have significantly larger local and regional populations compared to Greater Sudbury and as such are required to attract a much smaller proportion of their local / regional populations to support uses and events at their spectator arena. In addition, the economic and growth prospects of these markets are considered somewhat more robust than is projected in the short to medium term for Greater Sudbury.

It should also be noted that the target attendance figure of 4,350 fans per game represents, in our opinion, an average annual attendance figure; should a new venue with a capacity of some 5,800-fixed seats be developed, it is likely that a team would periodically realize actual attendance at individual games in excess of this average attendance figure. As noted previously, most new facilities realize a “honeymoon” period where attendance is materially higher than historic averages during the arena’s initial few years of operation. How long such a “honeymoon period” will last will be directly dependent upon a number of factors, including the on-ice success of the team, the cost versus perceived “value” of attending a game, the state of the local economy, the presence of competing sports and entertainment venues / teams / events, etc. With 5,800 seats, the Sudbury Wolves would need to achieve a sustained increase in the number of fans attending each game of more than 60% to fill the venue.

Finally, with 5,800 fixed seats, it is possible that the total seating capacity for other entertainment, including concerts in an end-stage configuration could be excess of 6,500 (assuming retractable seating and limited “seat kills” behind and beside the stage). Discussions with entertainment promoters and marketers felt a new building which total sizing / capacity in the range of 5,500 to 6,000 seats was in the ideal target range for a market like Greater Sudbury.

Figure 42
Comparison of Selected CHL Markets with 6,000+ seat Venues

	Average Attendance 10/11 - 15/16	Avg Attendance in New Building (since 2000)	Arena Capacity (fixed seats)	Average Occupancy 10/11 - 15/16	2016 Population		Market Penetration Rates	
					City	County / CA / CMA	City	County / CA / CMA
Calgary	8,750.8	--	19,289	45.4%	1,239,220	1,392,609	0.7%	0.6%
Hamilton	3,844.0	--	17,400	22.1%	536,917	747,545	0.7%	0.5%
Edmonton	6,586.4	--	16,839	39.1%	932,546	1,321,426	0.7%	0.5%
Vancouver	6,474.7	--	16,281	39.8%	631,486	2,463,431	1.0%	0.3%
Saskatoon	4,963.1	--	15,195	32.7%	246,376	295,095	2.0%	1.7%
Quebec	11,376.0	--	15,176	75.0%	531,902	800,296	2.1%	1.4%
Halifax	7,239.5	--	10,595	68.3%	403,131	403,390	1.8%	1.8%
Ottawa	5,199.9	--	9,862	52.7%	934,243	1,323,783	0.6%	0.4%
London	8,984.4	8,862.3	9,046	99.3%	383,822	494,069	2.3%	1.8%
Moncton	4,415.1	--	7,500	58.9%	71,889	144,810	6.1%	3.0%
Kitchener	6,835.5	--	7,131	95.9%	233,222	523,894	2.9%	1.3%
Victoria	5,070.0	5,070.0	7,006	72.4%	85,792	367,770	5.9%	1.4%
Windsor	5,491.4	5,536.2	6,500	84.5%	217,188	329,144	2.5%	1.7%
Saint John	3,944.0	--	6,297	62.6%	67,575	126,202	5.8%	3.1%
Regina	4,206.7	--	6,136	68.6%	215,106	236,481	2.0%	1.8%
Red Deer	5,079.2	--	6,000	84.7%	100,418	100,418	5.1%	5.1%
Sudbury		4,350.0	5,800	75.0%	161,531	164,689	2.7%	2.6%

Source: QMJHL, OHL, WHL, individual CHL teams, Statistics Canada, PwC

6. Assessment of Building Costs and Features

Indicative Cost Estimate

Figure 43, following, identifies the total project cost (inclusive of hard construction costs, soft costs, furniture, fixtures and equipment and in some cases financial and consultant costs), fixed seating capacity and opening date of the some of the more recently opened sports and entertainment / arena facilities in Canada (since approximately 1995 with the opening of the CN Centre in Prince George, BC). Also included in Figure 43 is the “per seat cost” associated with each project.

Figure 43
Total Project Costs of Recently Built Sports and Entertainment Centres

City	Year Opened	Seats	Cost	Cost / Seat
Prince George	1995	5,800	\$21,700,000	\$3,700
Barrie	1996	4,200	\$13,000,000	\$3,100
Sarnia	1998	5,000	\$18,500,000	\$3,700
Brampton	1998	5,000	\$24,500,000	\$4,900
Mississauga	1998	5,400	\$22,000,000	\$4,100
Kelowna	1999	6,000	\$26,000,000	\$4,300
Guelph	2000	5,000	\$21,500,000	\$4,300
Cranbrook	2000	4,700	\$22,600,000	\$4,800
London	2002	9,000	\$47,000,000	\$5,200
Victoria	2003	7,000	\$30,000,000	\$4,300
Chilliwack	2004	5,000	\$22,000,000	\$4,400
Sault Ste. Marie	2005	5,000	\$25,000,000	\$5,000
Oshawa	2005	5,400	\$45,000,000	\$8,300
Kingston	2008	5,200	\$46,100,000	\$8,900
Windsor	2008	6,500	\$71,700,000	\$11,000
Abbotsford	2009	6,800	\$66,200,000	\$9,700
Moose Jaw	2011	4,400	\$61,200,000	\$13,900
St. Catharines	2014	5,200	\$51,000,000	\$9,800
Medicine Hat	2015	5,900	\$74,900,000	\$12,700
Moncton	2016	7,500	\$91,000,000	\$12,100

Source: PwC

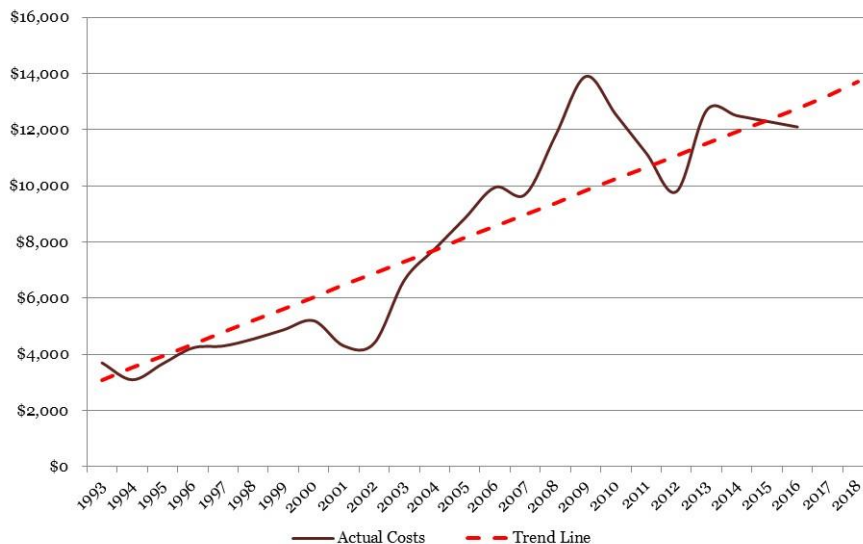
While a useful proxy for evaluating facility costs and how they have changed over time, there are limitations, particularly with respect to understanding and acknowledging some of the differences that exist within each building cost metric (from a size, layout, quality of finish and building component perspective) as well as from a physical location perspective (i.e., some markets are more expensive to build in than others; some sites may also be more expensive to build on than others) which may have a material impact on total project costs. For example:

- In 1998, the per seat cost of the Brampton Powerade Centre appears to be materially greater than the per seat cost of the Mississauga Hershey Centre despite these buildings being located less than 10 kilometres from one another and each building opening at approximately the same time. The Powerade Centre is, however, a larger building compared to the Hershey Centre, containing three ancillary ice pads (four in total) compared to just one ancillary pad at the Hershey Centre (two pads in total);

- Similarly, while costing almost \$11,000 per seat in 2008, Windsor’s WFCU Centre also contains three ancillary ice pads in addition to its 6,500 fixed seat spectator venue (this compares to Kingston Rogers K-Rock Centre which cost \$8,900 per seat for its 5,200 fixed seats); and
- In 2011, it appears that Moose Jaw’s 4,400-seat Mosaic Place was the most expensive building constructed in Canada, at almost \$13,900 per seat. However, it should also be noted that this building also includes an eight-sheet curling rink plus banquet facility, which added to the overall cost of this venue.

Understanding that each building will therefore contain components, features, finishes and other elements that will impact its overall cost (higher or lower) and will be located in a jurisdiction with its own unique construction market fundamentals (labour availability, pricing, number of projects under development, etc.), utilizing a “cost per seat” proxy to understand how facility costs have changed over time and what facility costs may be in the near term is still considered to be an appropriate metric. Figure 44, following, graphically depicts facility costs per seat since 1993 (the estimated contract award date for the CN Centre in Prince George). A “best fit” trend line was estimated based actual building costs. Based on this review, it would appear that average building costs have grown at an annual compound rate of approximately 6.3% per year between 1993 and 2016, reaching approximately \$12,750 per seat.

Figure 44
Trend in Per Seat Costs of Recently Built Sports and Entertainment Centres



Source: PwC

Projecting costs out to 2018 (the approximate contract award date for Greater Sudbury’s new SEC), it would not appear unreasonable that costs could approximate \$13,700 per seat. Based on this proxy, it would not appear unreasonable for a 5,800-seat SEC to cost in the range of \$80.0 million. This \$80.0 million total all-in cost is notionally allocated between the following:

- | | |
|-------------------------------------|--|
| • Hard costs | \$62.5 million (78.1% of total costs) |
| • Soft costs | \$12.5 million (15.6% of total costs; 20% of hard costs) |
| • Furniture, fixtures and equipment | \$5.0 million (6.3% of total costs) |

The \$80.0 million preliminary cost estimate is considered neither an extravagant building, nor one which includes design features below the following outlined minimum requirements. The \$80.0 million preliminary cost estimate also relates only to a single, stand-alone facility (i.e., one that does not include community ice pads). Including additional ice pads to the cost of the SEC would increase its cost by approximately \$7.5 million to \$8.0 million per ice pad.

It should also be noted that this estimate excludes any extraordinary site related costs which could serve to increase total project costs (for example, because of geotechnical issues, site constructability issues, etc.), as well as the costs associated with any off-site improvements needed to facilitate the effective operations of the SEC (access road improvements, parking, hydro enhancements, etc.).

Design Features

Sports and entertainment centres have a number of key components that are critical to the overall operating success of the facility. As with any performance-oriented venue, these can be divided into three major categories:

- ***Front-of-House***

The Front-of-House (“FOH”) components are those components that create and provide an “overall experience” to the spectator or patron prior to them taking their seat. The FOH components are often described as being part of the “public domain” and include all elements associated with arriving at and entering the building.

The FOH can either be integrated with the seating bowl, most commonly from a “top-fed” concourse, or it can be separated from the seating bowl in which case patrons access their seating through gates or vomitories cut into the arena bowl.

Spectator facilities in the 5,000 to 6,000 seat range are tending to move away from the top-fed concourse allowing for better light control / separation between the FOH and the actual event.

- ***House***

The House is the actual seating area surrounding the rink slab or flat floor area. The House includes all of the fixed seats, temporary floor seating (for concerts, assemblies, and centre-stage events), and private suites / loge boxes. While spectator arenas in the past have tended to treat the seating as part of the overall experience with no separation for spilled lighting from the concourses, current design is trending towards the House being a “black-box environment” similar to theatres and performing arts centres. Lighting effects and pyrotechnics are becoming a central part of the spectating experience and increasing the need for a black-box environment.

- ***Back-of-House***

The Back-of-House (“BOH”) is the component of the venue that is least understood by the general public but is key to the overall operation of the facility as a multi-use venue. The BOH is typically not accessible by the general public and is the realm of the entertainer / performer / athlete, along with the infrastructure that supports the event. In addition to dressing rooms and mechanical support space, the BOH also include major storage areas, the catwalk and rigging grid system within the roof structure, and broadcasting support.

Front-of-House Components

Main Lobby

The Main Lobby should be immediately visible as the main entrance to the building. It should be centrally located relative to the main concourse and should have connectivity to the interior space that forms part of the ticketing area.

The Main Lobby should be well-signed to allow for immediate and uncongested access to the Public Concourse as well as secured access to the VIP level(s) of the facility.

Public Concourse

The Public Concourse provides the main circulation for spectators and can be configured in a number of different ways depending on the overall design of the facility. Possible concourse configuration options are:

- top-fed concourse;
- bottom-fed concourse (typically in a horseshoe arrangement); and
- intermediate concourse.

Regardless of the concourse configuration, there will exist a need to accommodate relatively easy access by patrons to a number of key areas, including

- commercial space(s);
- concessions;
- washrooms; and
- seating (classified as part of the House).

Concourses need to be designed to conform to the appropriate Building Codes since they are primary exiting route for spectators. Beyond the ability to accommodate mandated exiting, the Concourse should be designed to minimize or eliminate bottlenecks or pinch points. Generally, concourses should have a general average width of 16 feet or more for a continuous concourse and 20 feet or more for a horseshoe concourse. This width should be increased in areas where spectators congregate or are expected to line up (for example, at or near concession points of sale).

Commercial Space

There should be at least one and preferably two small commercial units directly accessible from the concourse. Minimum size for commercial spaces are generally in the range of 500 square feet. Consideration is also provided in some instances, especially where a larger commercial space is provided, to have access from both the interior concourse of the building (during games and events) and from the exterior (to allow for regular business hours).

Concessions

Concessions should be evenly distributed along the concourse. The exact number of concessions is an aspect of building planning, but the number of fixed or permanent “points of sale” (“POS”) should equal the total fixed seating capacity of the facility (in this instance 5,800) divided by 175 as a minimum and 150 as a preferred (in this instance, in the range of 33 to 40). In addition there is a requirement for portable POS kiosks in the concourse area which should have access to power. The number of temporary or portable POS is generally in the range of 30% of the number of permanent POS (i.e., 10 to 12).

Where concessions face directly onto the concourse, the width of the concourse should be increased so that there is some allowance for lineups. In this regard, concessions in the corners potentially allow for increased lineup area.

Washrooms

The number of washrooms fixtures is mandated by code. The only discretionary calculation is the breakdown for male and female spectators / visitors and this ratio varies depending on the event. For this reason, washroom counts are generally based on 60% of attendees being male and 60% being female.

Administration

The Administration area is specific to the general management of the venue and typically does not include space for the lead sports tenant. The Administration space should include as a minimum, the following:

- a General Manager’s office;
- approximately five to seven support offices;
- open space for approximately 10 workstations;
- two conferencing rooms;
- general storage areas; and
- staff kitchen area with washroom facilities.

The Administration area should be designed / located so that there is reasonably easy controlled access from the exterior without requiring visitors to travel through secure parts of the facility. Administration areas should also be located to not consume prime space that could be utilized for commercial activities or programs especially during events.

Ticketing

The Ticketing area is ideally located relatively close to or connected with the Administration area although this may not always be possible. Tickets sales during the day are often done by administrative staff (as a less expensive alternative to having permanent ticketing staff at a stand-alone ticket sales counter).

The Ticketing area will generally have a series of booths facing directly to the exterior and / or as windows facing a large interior space (generally within public access areas prior to entering into the ticketed area of the venue). The interior space should be properly sized to accommodate lineups for patrons picking up their tickets upon arriving for the event.

House Components

Seating Bowl

The Seating Bowl has a targeted fixed-seat capacity of 5,800 seats and contains a combination general seating and enhanced or club seating. The row-to-row spacing within the seating bowl is fixed at 34 inches regardless of the seating type.

- **General Seating**

A total of approximately 5,020 “general admission” seats would typically be provided within a 5,800-seat venue. Such seats would have a typical width of 21 inches although 19-inch wide seats may be used in the radial corners of the bowl when required. In these instances there should be no more than three 19-inch seats in any one radial row.

General seats will be riser-mounted (with the possible exception of those located in the top row) and have molded plastic flip-up seats and fixed molded plastic backs.

- **Club Seating**

In addition, some 500 Club Seat could be provided. Club seats are reserved seating areas within an arena, generally providing the spectator with greater proximity / better sight lines to the playing surface, a location straddling / near centre ice or alternatively in an end zone over-looking the visitor’s net (during the first and third periods), admission into a restricted access lounge, in-seat food and beverage service and a higher quality seat. Club seats will generally have a typical width of 22 inches and will be riser-mounted with flip-up seats and fixed backs. Club seats will also have padded backs and seats, and include cup holders.

- **Private Suites**

Space for a total of 24 Private Suites (counting 240 seats) are estimated to be required although the actual number built will depend on the pre-marketing results. Suites generally are distributed on either (a) one side, (b) two sides, or (c) along one side and at the end of the seating bowl, depending on the number created. The suites will have three options in terms of size:

- smaller suites with two dedicated rows in front with four seats per row;
- regular suites with two dedicated rows in front with five seats per row; and
- larger suites with two dedicated rows in front with six seats per row.

The exact combination of suites will be determined during the pre-marketing and eventually confirmed during the actual leasing.

Private suites seating will be upholstered backs and flip-up seating (theatre style). The two seats in the upper row closest to the aisle will be ganged for easy removal should a wheelchair space be required.

Private suites will also have a counter that can be set to either a typical bar counter height of 42 inches or a wheelchair height of 30 inches. Three (for smaller suites) or four bar stools are generally provided with the bar counter.

- **Loge Boxes**

Loge boxes are generally “semi private suites” that provide in-seat service, exclusive access to a “Premium Lounge” during events and in some instances parking passes. A total of 10 Loge Boxes (providing 40 seats) are assumed to be provided, each box containing a front counter, four bar stools, and an optional small back counter with under-counter amenities.

- **Event Floor / Field of Play**

The Event Floor or Field of Play is generally that area contained within the rink boards. Most often this is in the format of an ice hockey rink but it can also be used for other indoor sports as well as concerts, trade shows and other revenue-generating events. The Event Floor / Field of Play should be enclosed by a highly flexible and adaptive rink board system that allows for easy removal of the glass or polycarbonate glazing panels.

With the glazing in place, hockey and other complimentary sports such as indoor soccer and lacrosse can take place. With the glazing removed but the lower boards still in place, the floor could be used for a number of diverse events including:

- concerts
- basketball
- trade and consumer shows
- Broadway shows
- banquets
- curling events
- public / religious assemblies
- pow wows
- conventions / conferences
- graduation ceremonies
- figure skating
- motocross
- monster trucks
- circuses

The Event Floor can be expanded with the use of easily removable rink boards and retractable seating. However for a spectator facility of some 5,800 seats, the number of retractable seats surrounding the playing surface should generally not exceed five to six rows. The effort of removing the rink boards and storing them elsewhere in the building may not be worth the effort since the space gained is partially offset by the amount of BOH storage space required. In addition, retractable seating can pose a maintenance issue. The decision to provide retractable seating should be based on the need as indicated by the proposed event calendar and in particular, the number of trade and consumer shows.

Flooring inserts will be required and will generally be coordinated with the facility operator or an operations consultant. Insert design should accommodate circuses, gymnastic events and other programs that could form part of the facility event calendar.

- **Media Booth**

Technically this space is part of the BOH but because of its placement within the House, it is included in this section. A media booth will need to be open on the ice side and elevated above any seating so as not to have obstructed views of the ice surface. The media booth may be at centre ice or off-centre and should have a continuous counter length of approximately 60 feet and be secured before and after games and events.

Back-of-House Components

Home Team Dressing Room

The Home Team dressing room area will generally include the following:

- **Entry Lounge** with a combination of a sitting / conversational area and 24 street-lockers. This area would comprise the players’ first point of entry to their dressing room area.
- **Dressing Room** with professional-style change lockers / benches with 20 32-inch units for players and two 42-inch units for goalies. The change units should be arranged along three sides of the change room with the fourth side having a white board, video monitor and other equipment required by the coach.
- **Washroom** with a minimum of four urinals, one regular water closet, one water closet for the disabled, and four sinks.
- **Showers** capable of accommodating up to eight individuals.

- **Trainer Room** with an open space for two massage tables and two therapy baths, and an enclosed Trainer Office.
- **Coaches' Area** including an office for the Head Coach and a large shared office for assistants. The shared office should be able to accommodate three work stations. The Coaches' Area will generally not have direct access to the Dressing Room to allow some level of privacy particularly during practices.
- **Workshop** where players and staff can work on equipment.
- **Laundry Room** to allow for the cleaning of team uniforms.
- **Secure Storage** adequately sized and ventilated for uniforms and equipment.

Ideally the Home Team dressing room and secure storage area will be located near an exterior door to allow for bus access.

Home Team Dressing Room – Optional Items

Additional items that can be included as part of the Home Team dressing room include:

- an **Expanded Washroom**, which may include a steam room, sauna and large therapy pool;
- a **Fitness Area**, including exercise equipment (include stationary bicycles, treadmills, free weights, etc.);
- a **Media / Interview Room**, a room with a low stage at one end can capable of accommodating approximately 30 people.

Community Dressing Rooms

A total of four Community Dressing Rooms are generally provided. While the ideal number of dressing rooms for a community arena is 6, a spectator venue is event-driven rather than program-driven and the opportunity for a substantial number of figure skating and youth hockey games is limited.

All dressing rooms would be wheelchair accessible and have:

- bench seating for 24 players;
- interconnecting doors between pairs of dressing rooms;
- one handicap water closet, one urinal and one accessible lavatory; and
- showers with two regular shower heads and a stall equipped with both a regular head and an outlet for a demountable adjustable shower head.

Officials/Multi-Purpose Dressing Rooms

A dressing room is generally provided to accommodate officials for games as well as acting as a smaller change room for special events. The dressing room should have one urinal, one wheelchair water closet, two sinks, and two shower cubicles with change area.

Multi-Purpose Meeting Room / Green Room

A multi-purpose meeting room will is generally provided for special events and as a support or amenity area for performers and event promoters.

Kitchen / Commissary Storage

A commercial kitchen is typically included to accommodate banqueting (although in larger events, meals could be catered), conferences, suites catering, and specialty food vending (i.e., portable kiosks). A commissary storage area should be located either directly adjacent to, or in close proximity to both the kitchen and the BOH loading area.

Control Centre

The control centre is an area located at the main BOH point of entry so building operations staff can oversee all traffic / individuals entering the building. The control centre should have space for two offices, an open work area with space for four workstations, a first aid room, and a secure holding room.

Ice Resurfacing Room / Workshop

The ice resurfacing room (Zamboni room) should be located in the BOH rink to facilitate easy entry onto the rink surface. The room should have an ice-melt pit and the line of travel between the pit and the ice surface should be as straight as possible. The line of travel will ideally not conflict with the travel of either spectators or players during an event.

A workshop should also be included and located directly adjacent to the ice resurfacing room.

Marshalling / Open Storage

A large area between the BOH rink board entry and the building loading area is required both for the movement of traffic and the non-secure storage of fixtures and equipment. This area should be sized to sufficiently accommodate the following:

- ice covering
- rink board storage
- 1,500 folding seats
- Portable seating units
- a portable 40-feet by 60-foot stage
- rink board glass storage
- 50 circular folding tables
- portable chair units
- modular basketball floor
- basketball hoop storage
- show draperies

Movement of items from the open storage to the ice surface / rink floor should be straight-forward and allow for chair set-up by facility staff while a concert is setting up in the end-stage configuration.

Secure Storage

In addition to the open storage there should be a secure storage area for smaller pieces of equipment.

Mechanical Rooms

There are a number of service rooms that should be located in the BOH area. These include:

- **Refrigeration Room** with direct access to the exterior. This room should be located close to the point where the header trench connects with the refrigerated ice surface.
- **Main Mechanical Room** also with direct access to the exterior. The requirement for major additional rooftop units for the main seating bowl will be determined by the specific mechanical design.
- **Main Electrical Room** also with direct access to the exterior. There will be a series of smaller electrical rooms distributed at the four “corners” of the ice surface to be used for trade show cabling.

Back-of-House Vehicle Entry

The BOH vehicle entry will ideally need to accommodate two sloped bays for trucks backing up to the building. Generally, there will be no loading docks and trucks will be required to back into insulated bumpers on all four sides of the openings. In addition to the two loading bays, there will be a need for vehicle entry and truck access onto the event floor. The path from this door to the ice surface / event floor will require a clear-height of approximately 14 feet along the complete travel path.

Building Technical / Performance Commentary

A multipurpose SEC is a complex building that needs to respond to a broad range of uses and programs. While mid-size SECs are almost always associated with hockey, the most challenging design aspects of these facilities relate to the other activities that can occur within the building and how to quickly the building can convert from one configuration to another. The planning and design of a Sports and Entertainment Centre has a number of objectives but three are fundamental:

- Fitting into and enhancing the existing physical context, whether within a downtown or greenfield location;
- Taking advantage of the existing and potential market context and responding to it with a highly flexible and adaptive event-driven facility to maximize revenues; and
- Providing an operationally efficient building with the goal of minimizing energy and staffing costs.

Operations

The effective operation of an SEC will require:

- Easy and direct universal access to all House and FOH components by the ticket holder regardless of the event.
- Controlled separation between the FOH, House and BOH areas. The audience should not be in a position to directly interact with performers, athletes, or machinery associated with an event unless that interaction is part of the event and controlled by either the facility or the event team.
- High level of flexibility in terms of venue transformation / re-configuration. One of the main goals in the design of an SEC is to provide the operator with the greatest flexibility and opportunity to maximize the “event calendar”. Fundamental to that flexibility is the ability to quickly change from one event to another. As an example, an evening hockey game should be able to be followed the following evening by either a concert or dirt track event.
- An open-type roof structure capable of accommodating show heights and load requirements. The clear height from the event floor to the underside of structure over the ice rink should be a minimum of 45 feet, with 50 feet being ideal. Speaker / lighting loads are often in the 50,000 to 75,000 pound range and these need to be easily and quickly suspended from the underside of the roof structure. A rigging grid should also be provided especially over the location of the stage in end-stage configuration. The underside of the rigging grid should be at least 44 feet above the event level floor.

Figure 45

Illustrative Example of a Roof Structure Accommodating Show Heights and Load Requirements



- Access to the structure through catwalks for show setup, spotlight locations, lighting adjustments, and general servicing of both “sports” and building lighting.
- Event floor lighting to allow for various levels of economic operation (maintenance only, public programs, events). For events, lighting should be designed for television broadcasting and have the capacity for instant on / off. To the greatest extent possible all lighting should be accessible and serviceable from the catwalk system.
- Appropriate power distribution throughout the building. Critical areas of power concentration include BOH for concerts and end-stage events (this would comprise the largest single power source), the bowl corners (used for even distribution of power for trade shows and other floor type events), catwalk level (follow spots and special lighting), and shore power (easily accessed for use by show-oriented vehicles including television broadcasting support).
- The main air handling system for the spectator area must be designed to minimize ambient noise. Major ducts should be appropriately insulated acoustically, and the location of main mechanical supply units should be placed so as not to create either noise or vibration within the bowl.

Figure 46
Illustrative Example of a Flat Floor Event



- A separate exhaust system is required for smoke removal associated with pyrotechnics, vehicle exhaust (for example, during motocross events) and air-borne dirt (for example, during motocross events, rodeos, circuses, etc.). The exhaust system may be part of the smoke evacuation system designed by the fire protection / code consultant.
- Maximizing energy efficiency should be targeted with the use of high efficiency refrigeration plants, boilers, chillers, pumps and fans, and highly flexible control systems that allow for easy monitoring and optimum efficiency adjustments.

Building Design

Universal Accessibility

All aspects of the design should accommodate patrons with disabilities and do so in such a way that they are not marginalized or treated differently. Access to all parts of the publically accessible facility (which may vary from event to event) should allow those with disabilities to take the same route as their able-bodied companions. In this regard:

- Where stairs are required to either enter the building, access a concourse or access other levels of the building, elevators should be prominently located close to the public stair system;
- All concessions should be designed to accommodate wheelchair patrons at all points of sale. This should also apply to temporary points of sale and associated fixtures (service counters, etc.);
- All washrooms should have stalls and fixtures for patrons with disabilities. Design should accommodate young family use and not be an inhibition to the LBGTQ community; and
- Wheelchair seating should be as per the code in terms of numbers required. Wheelchair spaces should assume groupings of wheelchairs and not provide a single wheelchair space flanked by fixed seating units. Wheelchair spaces should be designed so that when a person directly in front of the wheelchair stands up the wheelchair patron behind can still see the field of play.

Building Envelope

The building envelope including exterior walls, roofing and glazing should be designed as a high-performance building skin. Materials that are accessible by the general public must be highly robust. Brick, masonry and concrete (poured in place, precast, or tilt-up) in addition to glass (in highly visible areas) are typically used for the lower eight to ten feet of event facilities.

Interior Materials

Architects will have a preferred palette of materials for use within the facility. Due to the potential for both vandalism and premature wear, the following is recommended.

- All walls in the BOH area should be of concrete block in construction unless concrete alternatives are available (poured in place, tilt-up, precast). In dressing rooms where tile is used as a wall finish, it should be applied to a masonry or concrete back-up wall.
- Generally walls in the FOH and House should be either concrete block or a feature material of equivalent durability. Private suites and offices can be of drywall construction as long as these spaces are in a secure area.
- While fire proofing spray may be a design solution in terms of building code requirements, no spray should be within reach of patrons and ideally should be hidden or masked.

Mechanical Systems

The main air handling system for the spectator area must be designed to minimize ambient noise. Major ducts should be appropriately insulated acoustically, and the location of main mechanical supply units should be placed so as not to create either noise or vibration within the bowl.

Maximizing energy efficiency should be targeted with the use of high efficiency refrigeration plants, boilers, chillers, pumps and fans, and highly flexible control systems that allow for easy monitoring and optimum efficiency adjustments.

7. Location Criteria

The development of a new SEC in Greater Sudbury has stimulated significant community discussion. The existing SCA was built in 1951 with a fixed-seating capacity of over 4,470. As with similar facilities built in Northern Ontario at the time, including the 4,700-seat Fort William Gardens (1951) and the 4,900-seat Sault Memorial Gardens (1949), the Sudbury Community Arena was designed and built as a hockey venue. These arenas would frequently accommodate other popular events from time to time, including bonspiels, circuses, concerts, public gatherings / ceremonies, as well as trade and consumer shows while at the same time hosting occasional community recreation and public skating programs.

More recently, discussion surrounding the replacement of the Sudbury Community Arena has intensified, and Greater Sudbury City Council has endorsed a new SEC as one of its “priority projects”. Generally, there has been a recognition that the SCA has reached or perhaps gone beyond its useful life as a functioning sports and entertainment venue, and the cost of operating the aging infrastructure within the SCA is escalating while the opportunity to generate enhanced revenues is lessening. Additionally, there is a perception that the Greater Sudbury market is losing its ability to both maintain existing events and attract new ones because of the condition of the SCA and its lack of modern features and amenities.

The situation in Greater Sudbury is similar to that which has been experienced in other mid-size Canadian cities who are / have been looking to:

- enhance their attractiveness as a destination for regional, national and international events;
- improve the overall quality of life and the entertainment aspect that goes with that;
- increase the revenue-generating value of community facilities in general and spectator venues specifically; and
- leverage the construction of a new sports and entertainment venue as stimulant for additional strategic development.

The decision to replace an existing spectator facility with new SEC is a difficult one and communities going through this process often find that even the most efficient processes with strong community support can take significant time to realize a new facility. Key issues that dominate the discussion both at a governmental and community level include:

- ***What is the right size facility?*** There is typically a tendency to advocate for a large seating capacity for a number of reasons:
 - the region is growing and what may be right today could be undersize in ten to 20 years;
 - a large capacity will comply with critical event seating thresholds and attract more events; and
 - a large capacity can dominate the market and outperform competing venues.
- ***Is the construction of a new facility affordable?*** Construction costs for new SECs has tended to escalate in part because this building type has evolved to provide a broader range of experiences and revenue-generating opportunities:
 - they are increasingly designed to offer similar types of experiences as their larger professional counterparts with private suites, club seating, lounge areas, greater food and beverage choices;
 - there is now a requirement to include a broader electronic / entertainment experience with animated scoreboards, ribbon screens, pyrotechnics, and projection capabilities;
 - traveling events have more demanding BOH requirements both within the building (event hosting) and outside the building (event broadcasting); and
 - life safety and security / control requirements have resulted in a more sophisticated and complex design solution.

- **Where is the most appropriate location for a new SEC?** The discussion on site selection usually involves a broad range of considerations and passionate opinions on the “best location”. Considerations typically include:
 - *Build a new facility where there is appropriate parking.* One of the key elements that must be included in any location decision is access to parking. Remote or suburban locations tend to have adequate land for parking but also tend to have only one major road leading to the site. As a result, while parking may be easily accommodated, there can be significant issues in terms of loading and especially exiting the parking area after an event (a common issue raised in regard to the WFCU Centre in Windsor).
 - *Build a new facility as part of a developmental stimulus.* This approach can stimulate or generate development in a new emerging area as was done in Medicine Hat (Canalta Centre), or as part of an urban renewal initiative as was done in London (with Budweiser Gardens).
 - *Build a new facility where it will have the greatest economic impact.* The development of a new publically funded SEC is significant and could generate both short and long-term economic impact. Depending on the number of events secured in the new facility, the area surrounding the venue could see an increase in activity (regardless of whether the site is an urban or suburban one).
 - *Build a new facility where there is the greatest opportunity for both public and private sector benefit.* A new SEC will bring together both the public and private sectors. While these projects are typically owned by the public sector, the operation of the facility is sometimes contracted to a national or North American company specializing in venue management and connected to the entertainment industry. Similarly the sports franchise is privately owned and a key tenant in the facility. The development of a new SEC in Greater Sudbury may have the ability to attract private-sector investment into the funding of the project.

Additional points of consideration and arguments put forth include:

- build the facility downtown (part of the rationale for why the City of Guelph elected to build the Sleeman Centre in its downtown versus on a developer-provided parcel of land in a suburban location); and
- build the facility where land is cheapest (part of the rationale for why the City of Medicine Hat built the Canalta Centre and the City of Barrie elected to build the Molson Centre in a suburban location).

Because of the strong opinions on where an SEC should be located, the selection of a preferred site should be done through a process that is visible, transparent, responsible and meaningful. More than the actual design of a facility, site evaluation and selection will be scrutinized by the community-at-large. When ultimately selecting a location, it is important that the community feel comfortable that the criteria used to evaluate and ultimately select a location are relevant, appropriately weighted and that the process is transparent.

To help achieve this, a Site Evaluation Matrix is generally prepared and presented to the community. Typically a Site Evaluation Matrix would take into account the following:

- Identification of potential sites based on their physical dimensions and size (is the site physically large enough to accommodate an SEC);
- A site condition review for each proposed site, including a high-level environmental and geotechnical condition assessment and assessment of the need and availability of infrastructure required to adequately service the proposed SEC (can you effectively build on that site and at what cost);
- Schematic project costs based on the proposed conceptual program of area requirements recognizing that different sites may require different area requirements and building configurations (will it cost more or less to build the building on a site compared to others);
- A comparative economic impact assessment for each proposed site, including the identification of potential opportunities for the development and / or redevelopment of lands in proximity to the site (will a particular site have the ability to produce greater spin off benefits compared to others);

- Commentary on traffic and parking requirements and how they impact each site. In this regard, a detailed and professionally prepared traffic and parking study for each proposed site including an estimation of parking requirements will be needed (does sufficient parking exist in the area surrounding the site and what, if any, street and vehicular access improvements are required); and
- The Site Evaluation Matrix should reflect the objectives of the City (and their respective degrees of importance) so that there is a direct and transparent link with the overall evaluation process.

The selection of a preferred site for the new SEC will have long term implications and the selection of a site will need to provide Council with a level of confidence in terms of moving forward. The process should reflect community values, a recognition of what is in the best financial interests of the City, and recognize the level of investment, both from a construction and operating perspective that the project and the various sites present.

The following criteria are recommended for use in identifying, evaluating and selecting a preferred location for the SEC:

- A first criteria is **Site Dimension**. Depending on the configuration of the SEC, the facility will generally require a site with the following dimensions:
 - For a top-fed concourse design (i.e., where spectators enter the arena onto a concourse and proceed to walk down to their seats upon entering the arena bowl) in an urban location, a site in the range of 340 feet wide by 380 feet in length (130,000 square feet; roughly 3.0 acres) is generally required. This area does not provide for an outdoor area for vehicle storage and assumes that the building will be surrounded on all sides by city streets. The dimensions assume that private suites would be located on the concourse level; if however, suites were to be suspended from the roof structure (and thereby reducing the width of the concourse), the width could be decreased to 280 feet and the area reduced to 280 feet by 380 feet (110,000 square feet; 2.5 acres)
 For a top-fed design in a suburban or greenfield location, the site area needs to be increased for BOH on-site vehicle circulation / storage as well as a large front door gathering area. As a result the size of the site required would be in the range of 340 feet by 500 feet (170,000 square feet or 3.9 acres) where the private suites are located on the concourse, and 280 feet by 500 feet (140,000 square feet or 3.2 acres) where the suites are suspended from the structure. The additional site area is almost exclusively for the BOH vehicle movement.
 - For a bottom-fed design (i.e., where spectators enter the arena bowl at ice level and walk up to their seats), the recommended site area is 280 feet by 530 feet (150,000 or 3.45 acres). This area does not provide for an outdoor area for vehicle storage and assumes that the building will be surrounded on all sides by city streets.
 In a suburban or greenfield site, the recommended site area is 330 feet by 530 feet (175,000 square feet or 4.0 acres), as the total size area needs to be increased for BOH on-site vehicle circulation / storage as well as a large front door gathering area.
 - For an intermediate concourse design (i.e., where spectators enter the arena bowl mid-way and either walk up or down to their seats), the recommended site area is 280 feet by 380 feet (110,000 or 2.5 acres). This area does not provide for an outdoor area for vehicle storage and assumes that the building will be surrounded on all sides by city streets.
 In a suburban or greenfield site, the recommended site area is 280 feet by 500 feet (140,000 square feet or 3.2 acres), as the total size area needs to be increased for BOH on-site vehicle circulation / storage as well as a large front door gathering area.
- The second location criteria deals with **Vision**; is the development of an SEC on a particular site consistent with the overall long-term vision of Greater Sudbury and its pattern of strategic growth? Any site being considered for the SEC should be considered within the larger parameters of long term strategic community benefit rather than as an appropriately sized property for a specific building.

- A third location criteria is **Complimentary Benefits**; does the development of the SEC on a site enhance the neighbouring area or context? The question applies equally to a downtown or suburban site and measures the extent to which there is a synergistic opportunity for enhanced benefits. The extent to which those benefits accrue to Greater Sudbury is key to this question. For a downtown site those benefits could include a more vibrant and renewed urban core, while for a suburban site the benefits could be fast-tracking the development of an area that might be part of a longer-term vision
- A fourth criteria is **Ease of Development**; are there issues or costs associated with the development of the SEC on a particular site? For example, are there environmental or geotechnical issues that impact the development process and / or add to the cost of building the SEC? An SEC has a very large footprint and the building will require an extremely flat floor built on a solid under-base. A particular site could have a significant cost impact on the project and the development of the overall site (for example, is blasting or piling required for the development of the SEC on a particular site and would either of these have a direct impact in terms of the freedom of developing the most appropriate design).
In addition to geotechnical and environmental issues, other considerations needed to be considered include, for example, are there issues with a particular site from an infrastructure / services availability perspective (i.e., does sufficient electrical, water, sewer, storm water, etc. services exist at / to the site, or must these be brought to the site / replaced and at what cost).
- A fifth criteria is **Access**; is the site under consideration easily accessible from a vehicular, pedestrian, and transit (both current and future) perspective? Are improvements / modifications required to support the site? Is it realistic to implement episodic transit specific to major events? Are improvements to the existing road network required to facilitate vehicular access (for example, road improvements / widenings, new signalization, etc.).
- A sixth criteria relates to **Parking**; how much parking is required for the SEC and how many parking spaces currently exist in the vicinity of the site to support the SEC? Is there sufficient parking in the area that can be reasonably used to accommodate demands? Can parking be added whether on or off-site? If additional parking is required, would it be well-used on a daily basis for other purposes. Would the creation of additional parking be a prudent investment?
- A seventh criteria is **Cost**; does the City already own the site or would the City need to acquire the property? Are there issues associated with the development of the site that result in higher project or construction costs? Can some of these costs be shared (for example with adjoining land owners)? These question apply not only to the site under consideration, but also to costs beyond the boundaries or perimeter of the site (some of which are dealt with in Criteria Four - Ease of Development). It should be noted that such additional development costs should not necessarily be seen as a liability if they help facilitate future investment and development.
- An eighth criteria is **Economic Impact**; does the development of a particular site have an enhanced economic impact for the surrounding neighbourhood, for Greater Sudbury and / or the broader region? Would the development of a particular site maximize the ability of the SEC to bring positive economic impact to the area? Is the positive impact spread over a narrow spectrum of beneficiaries or a broad one?
- A ninth criteria is **City Building**; can the siting of the SEC on a particular site enhance the process of “city-building” by contributing to economic growth, quality of life, citizen satisfaction and community pride?

Figure 47, following, provides a draft Site Evaluation Matrix for use in comparing and evaluating potential sites. Included in this Matrix are indicative weights for use in valuing individual criteria and sub-criteria. Prior to embarking on any locational assessment, it is recommended that City agree to the individual weights assigned to each respective criteria and sub-criteria.

Figure 47
Draft Site Evaluation Matrix

Draft Site Evaluation Matrix		
1. Vision		15%
a	Will the development of a SEC on this site be seen by the residents as appropriate?	20%
b	Is a SEC one of the highest and best uses of this site?	20%
c	Does a SEC on this site reflect the City's vision and City's Official Plan?	20%
d	Will this development stimulate future growth/expansion consistent with the City's vision?	20%
e	Does the development of this site strike an appropriate balance between public and private sector benefits both short and long term?	20%
2. Complimentary Benefits		15%
a	Will the surrounding neighbourhood/area be positively impacted by this development?	35%
b	Can this site support the development/expansion of an event/entertainment zone?	30%
c	Will this project help develop or advance existing infrastructure expansion plans?	20%
d	Are there additional benefits not necessarily associated with entertainment/event activity?	15%
3. Ease of Development		10%
a	Is the site well-serviced and can existing servicing handle the added requirements of a SEC?	35%
b	Are there issues that would prolong the development or approval process?	20%
c	Are there environmental issues or concerns associated with the site?	15%
d	Are there significant geotechnical or topographic issues with the site specifically for a SEC?	15%
e	Would development generate local area reaction/controversy?	15%
4. Access		10%
a	Does the site have easy vehicular access and egress for event setup?	20%
b	Does the site have appropriate vehicular access and egress for spectators at events?	20%
c	Does transit currently service the site and/or would service be provided?	20%
d	Can transit reduce car dependent travel to this site?	20%
e	Is this site accessible by patrons walking to the event (hotel, restaurants, etc.)?	20%
5. Parking		10%
a	Is there the potential for adequate parking on or near the site?	25%
b	Is there existing parking in the area that can be used for events?	25%
c	Does the event centre parking also effectively support other uses during non-event days?	25%
d	Is there appropriate space for event loading/busing?	25%
6. Cost Impact		10%
a	Is there a cost premium for developing the spectator component on this site?	35%
b	Is there a cost premium for overall site development?	25%
c	Are there funding opportunities associated with the development of this site?	20%
d	Are there partnering opportunities associated with the development of this site?	20%
7. Economic Impact		15%
a	Does the development of this site have a positive economic impact on the surrounding area?	35%
b	Would this site become an entertainment/event destination?	35%
c	Is this site positively impacted by the existing surrounding development?	30%
8. City-building		15%
a	Does the development on this site enhance the profile of Greater Sudbury as a destination?	40%
b	Would the development of this site enhance the quality of life for the community?	30%
c	Would the development as envisioned foster pride by the residents of Greater Sudbury?	30%
TOTAL SCORE		100%

Background

The Sudbury Community Arena has been serving the residents of Greater Sudbury for over 60 years. Designed primarily as a hockey venue, the Arena has hosted concerts, curling events such as the Brier and Scott Tournament of Hearts, Canada and Remembrance Day celebrations, as well as major hockey events.

Sudbury Arena's fixed seating capacity of 4,470 and overall standing of 5,186 no longer reflect the needs of Greater Sudbury and the surrounding region. Nor does the building adequately accommodate the needs of the concert, trade show and the entertainment industry, made more important by way of the fact that Sudbury Wolves only play 40 to 50 home games per year.

In April 2016, City Council passed resolution CC2016-149 directing staff to take the next steps in the implementation of four large capital projects including an Event Centre. This resolution is consistent with Council direction in its Strategic Plan to "Invest in large projects to stimulate growth and increase conferences, sports and events tourism, and celebrate cultural diversity".

In July 2016, as part of its initial due diligence, City Council engaged a consultant to develop a Phase I Feasibility and Business Case analysis that was presented to Council March 2017. The study concluded the Greater Sudbury market could support an Event Centre with approximately 5,800 seats to service demand with an approximate cost of \$80 million.

Subject to Council's approval of the Phase 1 Feasibility Study, and building on the conclusions and recommendations made in the study, the following next steps are recommended:

- Determine the location of the Event Centre based on the evaluation criteria in the Phase I report
- Finalize estimated costs, taking into account any site-specific requirements and servicing needs
- Prepare bid documents for a Design/Build RFP concurrent with the site selection process including the pre-qualification of prospective Design/Build teams
- Prepare bid documents for an RFP to select an Operator
- Negotiate the terms for a new lease agreement with the Sudbury Wolves
- Develop a financing strategy
- Report to Council in June

This report will outline the key findings of the Phase I report, provide further details regarding recommended next steps and describe the process for site evaluation.

Phase I Key Findings

As PWC's report describes, there is a market in the Greater Sudbury area of approximately 550,000 people that could be served by a new arena/event centre. The optimal size is estimated to be 5,800 seats, with features that include:

- 35-40 fixed concession points of sale including 10 portable concession locations
- Approximately 5,020 general admission seats
- 10 loges boxes with 40 seats
- 500 club seats
- 24 private suites with 10 seats per box
- Contemporary back of house amenities to support a variety of sports and entertainment events (see Appendix A, pages 37-41 for more information)

Size and Project Cost

The recommended size of the facility is approximately 5,800 seats with the estimated overall cost, not including land and site servicing estimated at \$80 million. At this size, the Event Centre will be large enough to host bigger events such as a Memorial Cup but small enough to have a higher likelihood of attracting season ticket holders/sellout attendance levels.

For this price, the Event Centre would have all amenities of a modern day facility designed to create an intimate and exciting spectator experience. Features will include "Front-of-House" components such as a main lobby offering uncongested access to the main concourse, "House" components such as comfortable seating and private suites and "Back-of-House" components including modern day dressing rooms and vehicle entry for trucks to access the event floor.

Event Centre Capital Financing

The majority of Event Centre's in Canada are owned and financed by their respective municipalities, although a few of had some level of Provincial and Federal support for construction. Capital costs may be offset somewhat through initiatives such as the sale of naming rights and fundraising. As well, there may be some private sector participation (as happened in Sarnia, Brampton, Guelph and London) but the majority of capital and financial risk is typically borne by the municipality as Event Centre's in mid sized cities are generally not profitable.

Event Centre Operations

A pro forma of the Event Centre provided in the Phase I report projects an annual operating deficit of \$655,000 in its first year of operation growing to an annual deficit of \$825,000 in year 5. By comparison, the operating deficit at the Sudbury Arena in 2016 was approximately \$400,000. Key factors that explain the differences between these two figures are:

- Asset renewal charge included in the project operating model to account for repair/renewal needs that is not currently funded
- An anticipated management fee to maximize revenue (eg. gaining access to the entertainment and event industry) , marketing expertise and managing efficiencies and cost containment
- Increase in personnel costs compared to those at the existing Sudbury Arena given the increased scope of the operation

The pro forma projects a conservative number of new calendar bookings including concerts, family shows and other sporting and entertainment events. In addition, it projects revenues from naming rights, a ticket surcharge to preserve “the long-term maintenance and improvement of the arena”, a ticket “convenience fee” and other ice rental revenues.

It also assumes a new lease agreement with the lead tenant, the Sudbury Wolves. This agreement will influence the City’s share of event, concession and advertising revenues. The pro forma assumes a lease arrangement more in keeping with new OHL venues.

Prior to the issuance of an RFP to select a venue operator, it has been recommended by the consultant that the City negotiate a “term sheet” of key lease terms with the Sudbury Wolves. The purpose of negotiating a term sheet will be to provide comfort to the City of the Sudbury Wolves’ commitment to playing in the new building, regardless of location; it will also provide prospective venue operators with a listing of key terms and conditions (including, for example, the length of lease, the amount of rent the team would pay, how various revenue streams would be shared between the team and building, including revenue from sources such as advertising, food and beverage, etc.) so that proposals can be compared on an apples-to-apples basis. This approach was undertaken by the City of Moncton prior to it issuing its RFP for its new arena.

Event Centre Benefits - Economic Impact

The study concluded that an Event Centre has the potential to generate significant short and long term economic benefits to the City of Greater Sudbury. During the construction of the facility, there will be a direct correlation between the amount of money spent constructing the project and the accompanying benefits which will include jobs created and spending that will be circulated within the community.

Operationally, the level of benefit that is expected to arise will be based on the level of spending within the facility which will be correlated to the increased number of users that the Event Centre is expected to attract.

The construction of an Event Centre will also have some level of urban development benefits as evidenced by other mid sized cities who have built Event Centres. Examples include the Essar Centre in Sault Ste Marie, the K Rock Centre in Kingston and the Budweiser Gardens in London who have all enhanced the viability of surrounding businesses. Other communities have built Event Centres on greenfield sites that were part of a redevelopment strategy to maximize surrounding commercial development.

In either case, the development of an Event Centre will have substantive economic benefits to the City projected to include:

- \$131 million in direct and indirect spending during the facility's construction along with \$48 million in employment income growth
- \$6.9 million annually in direct and indirect spending during the facility's operation

Event Centre Benefits - User Experience

A report was presented to Council March 2015 that concluded that it would cost approximately \$50 million to renovate and enhance the existing Community Arena with the amenities of a modern day event centre and up to current OHL standards. The report confirmed that the cost/benefit value proposition for making this investment was difficult to justify. In addition, it was established that the Arena must be able to continue to operate during the hockey season limiting construction from May to August. This made extensive demolition of the main bowl virtually impossible and resulted in a timeline to complete work greater than 5 years.

A new modern building would address many of the short comings identified in the existing arena including seating, acoustics, site lines and outdated washrooms and concessions.

As well, the operation of the Event Centre is estimated to attract a variety of shows, exhibitions, concerts, sporting events including hockey games and other activities to the City that will gather people together and build/reinforce a sense of community, vibrancy and growth.

Phase II Site Selection Rationale

A number of important decisions need to be made prior to proceeding with a procurement for an Event Centre. It is essential for Council to select the future site of the Event Centre as it forms the basis for the proposals to be received. The ultimate site will greatly impact the timing, cost, footprint and design of the Event Centre. The determination on site will then dictate the next steps that must be taken prior to proceeding with the Event Centre procurement. Sites that require extensive servicing may well require those issues to be addressed prior to the Event Centre procurement. Similarly, a site which is not owned or wholly owned by the City would need to be secured prior to proceeding with the procurement of such a significant asset.

From a procurement standpoint, the City is legally required in a binding Request for Proposals to create a process that is fair, competitive and transparent for the bidders. An essential part of this is the determination of the site. The terms of reference for the procurement must allow for proposals to be fairly considered and evaluated. Proceeding with a procurement without a

determination on the site would result in proposals being received that cannot be evaluated or properly compared to one another as they would present significant differences in cost, timing and scope.

As well, research of other mid-sized cities that have built Event Centres in Canada over the past two decades has demonstrated that a site was selected before a competitive bid process was undertaken.

Phase II Site Evaluation Considerations

Choosing a location for a new arena/event centre has generated significant community discussions. This is by no means uncommon, and it is the experience of the Consulting Team that most communities considering a decision to build a new arena experience a similar level of interest regarding its location.

In Greater Sudbury, the focus has been on whether a new building should remain in a downtown setting or whether it should be placed outside the downtown core. For the purposes of this report, staff focused on collaborating with PwC to identify the “ideal” characteristics of a site that could serve as a suitable location. These are recommended to serve as criteria for selecting a preferred location:

- Identification of potential sites based on their physical dimensions (is the site large enough)
- Vision – is the development of an Event Center at this location consistent with the long term vision of the City?
- Complimentary Benefits – does development of this site enhance the neighbouring area?
- Ease of Development – are there expected issues or costs with the development of this particular site?
- Access – What improvements are required to support vehicular, pedestrian and transit (current and future)?
- Parking – Is there existing parking in the area that can be reasonably used to accommodate demands. Can it be added?
- Economic Impact – Does the development of this site have an enhanced economic impact for the area?
- City Building – does this site enhance the process of “city building” by contributing to economic growth, community pride, quality of life and citizen satisfaction

A fulsome description of these criteria and their relative weights is described in Appendix A, page 49. If the recommendation is approved as presented, staff will apply these weighted criteria to rank potential sites in anticipation of a report to Council no later than June that would facilitate a decision about a preferred location.

Phase II Site Evaluation Process

An evaluation team led by Ron Henderson, Special Advisor to the CAO and Ron Bidulka, lead consultant for PWC will be guided by the site criteria presented in the Phase I report and presented above .

The site evaluation team will review all potential public and private sector properties that meet minimum criteria within the former boundaries of the City of Sudbury.

Potential sites that meet a minimum threshold will be short listed and presented to City Council in June for consideration.

Each short listed site will detail probable costs including acquisition costs and site servicing costs. As part of that process, it is recommended by PCW that the City attempt to secure options to purchase potential short listed sites prior to Council selecting its preferred site in June. The purpose of securing an option to purchase prior to the June Council meeting is to remove any possibility of Council selecting a site only to have that land owner potentially hold out for an exorbitant price and / or delay timing of when the City could close on the transaction and commence construction. Securing the option would allow the City to obtain agreement that it would be able to purchase the property at an agreed to price, which would then inform the site evaluation process.

Such option(s) to purchase would be open during the time when the City completes its site selection process. Once a location is chosen as the preferred location by City Council, the option to purchase would then be exercised by the City at the price agreed to in the option agreement. If a location is not chosen as the preferred location the option to purchase would lapse

Procurement

It is possible to put an RFP bid package together concurrent with the site selection process. Anticipating a successful outcome to site selection, the City may be in a position in June to issue an RFP for an Event Centre on the selected site (subject to any site specific issues affecting timing).

Procurement options for this type of project would include:

Design/Bid/Build

The Design/Bid/Build process begins with the owner determining a preliminary budget for the project. From there a Request for Proposal is issued (RFP) for an Architect/Engineer firm for design services to fully describe the requirements for construction of the complete project. Once finalized, the project is put out to a competitive bid to a general contractor.

Advantages

- Single point of responsibility of the construction side
- Bid price is obtained prior to breaking ground

Disadvantages

- Takes longer to design the entire project before bids are solicited
- Final cost not guaranteed, traditionally there are extras and other modifications

Design/Build

This procurement has the design and build functions combined with a single private sector entity. Submissions are garnered from Design/Build consortiums that develop the detailed design, working drawings, final price and specifications to construct the building. Working with the owner, the Design/Build team tailors the concept to provide a guaranteed maximum price (GMP) for the project.

The design-build delivery method has been used increasingly in the public sector but is not a risk free approach.

Advantages

- Efficient; the design and construction of the project is sourced to a single entity that provides a guaranteed maximum price
- Timely; there can be overlapping of the design and construction processes which will expedite the project schedule
- Minimized Risk; since the design-build relies on a single point of responsibility it is used to minimize risks to the project owner.

Disadvantages

- Unless the scope (performance specifications) are well defined, the City is at risk for quality
- City initiated changes after the final design will cause change orders and increase costs
- Conflicting/competing factors are the desire to construct at the lower initial cost that may compromise aesthetic design.

Private Public Partnership (P3)

There are many varieties of projects. The Owner must recognize and live with the fact that the private partner may require total control over the facility during this long relationship. Business practices with the private partner will require more complex negotiation, often requiring a

team of experts, and details to be determined which may be a longer process than traditional procurement methods.

It is difficult to say exactly how this relationship would function for the City, given there are several types of P3 models with varying levels of public ownership and control. The nature of a P3 partnership for an event centre would not be known until the project has gone to market.

Advantages

- Provides the Owner the opportunity to bring in creative financing and private expertise in the design and operation of the facility.
- Provides the opportunity to include other added value components of an overall redevelopment (i.e. hotel, retail)

Disadvantages

- Owner must be prepared to give up or some control over the operation. The problem occurs when revenue generated from operations does not meet expectations – refinancing, operator bankruptcy, increasing user fees to unacceptable levels
- A P3 arrangement is very time consuming and complex requiring outside technical, legal and financial advice with respect to the P3 partnership as well as document preparation for items such as request for proposals and legal agreements
- Co-mingles design, construction, financing and operations / maintenance and may result in the City selecting a partner with inferior team members (i.e., the best architect, builder, financier and operator may not all be on the same team)

The procurement method recommended by PWC is to follow a Design/Build procurement for the Events Centre. This is consistent with the procurement method used in other mid-sized cities for similar projects. As mentioned above, the Design/Build method has the prime advantage of offering an expedited project schedule at guaranteed maximum price. This method would ensure to the greatest extent possible a construction timeline commencing as early as spring 2018. (subject to land issues)

The Design/Bid/Build model is a much slower procurement strategy that would likely push construction of the Event Centre through 2018 and likely into 2019. This method does not provide a guaranteed maximum price and is not recommended as a procurement choice.

There are few examples of successful P3 arrangements for event centres in mid sized cities, primarily because of the fact that these facilities are not profitable and therefore unlikely to draw private sector interest. The private sector has more of an interest in operating these type of venues rather than an ownership stake.

The Design-Build procurement process would be undertaken in two phases. The first phase would involve the City commencing a “Requests for Expressions of Interest” (EOI) process in late March. This process would seek to identify and short-list prospective design-build teams to receive the final Design-Build RFP from the City.

While the EOI process was being implemented, staff and the consultant would prepare the Design-Build RFP. Both the EOI short-list and Design-Build RFP would then be presented to Council for their consideration in June. If Council elects to go forward at that time, and subject to no site specific issues that affect timing, the Phase II of the Design-Build process would commence with the issuance of the RFP (augmented to include site-related information).

In the consultant's experience, issuing a Design-Build RFP without firstly shortlisting firms will significantly impact the quality of responses received to the RFP. Generally, responding to a Design-Build RFP will take months of research and preparation, time which will cost prospective design-build teams money. By not short listing firms, prospective design-build firms will not be as willing to invest the time and money needed to prepare a quality response. Additionally, it is noted that a number of municipalities offer honorariums to Design-Build RFP respondents (payable only to those not awarded the contract) to demonstrate both their commitment to the project as well as to provide partial compensation to prospective design-build teams to ensure that they invest in putting forth their best design-build solution (by way of example, the Regional Municipality of Wood Buffalo offered \$200,000 to its three short-listed proponents, while Moncton offered \$225,000 to its two short-listed proponents).

Concurrent with this process (site selection and Design-Build EOI process), the Consultant also recommends implementing a separate process to identify and retain a venue operator. In the consultant's experience, a city should want to identify and select that best architect and best builder to construct their new venue (design/build); a city should also want to identify and select the best operator to manage this venue on their behalf. By "co-mingling" the design-build with the operate and maintain, a city runs the risk of being forced to select a potentially inferior proposal team which does not have the best architect, builder and operator.

The RFP for an Operator can also seek a financial contribution towards the project so the City not only reduces its capital costs but creates an Owner/ Operator partnership where both parties share in the project risk. Both the Design-Build and Venue Operator process can be run concurrently, and will allow selection of a venue management company at an early enough juncture to enable them to provide input into the final design of the venue.

Staff is requesting that Council support a design build process for the Event Centre, and implementing this procurement through a two-phase process (EOI followed by RFP). In anticipation of a final site selection in June, staff/consultant can begin the process of preparing the necessary design build documentation.

Financing Options

For the purpose of this report, the estimated cost of a new arena/event centre that has the features described here is \$80 million. This excludes land acquisition, parking and any related servicing/environmental costs. Taking a conservative view, it is possible the total cost of a new arena/event centre could be \$100 million. A refined cost estimate will be available once a site is selected and planned to be available for the 2018 capital budget.

Financing this project could take a number of forms, including one or more of the following:

1. **Debt:** the City of Greater Sudbury has sufficient debt capacity to fund this project. It could issue debt with up to a 30-year amortization. This is the financing method most commonly used by municipalities to finance facilities like this. Based on current interest rates, it would require an annual funding commitment of approximately \$5.5 million to repay the loan. This would represent an approximate tax levy increase of 2.2% which could be smoothed out over a number of years (i.e. .44% over 5 years). Funds for repayment would likely come from a combination of facility revenues and property taxes.
2. **Public/Private Partnership (“P3”):** this includes a variety of options, but generally P3 transactions involve some level of collaboration with a private sector partner in exchange for commitments (e.g. time, fixed cost, equity investment) that reduce the City’s risk.
3. **Ticket Surcharge/Facility Renewal Fee:** while not a complete financing solution, the introduction of a charge per ticket issued would offset capital outlays for either construction or asset renewal
4. **Property Taxes:** while relying 100% on annual property tax revenues to finance the facility is impractical, a portion of property taxes could be dedicated to finance the facility construction costs. This could reduce debt financing requirements.

PWC’s report describes other revenue sources such as naming rights, advertising space rentals and other revenue streams that can reduce operating subsidy requirements. Please refer to Appendix A, pages 53-56 for details.

It is likely that debt financing will be required, regardless of what other forms of financing, if any, Council is interested in utilizing for this project. It is unlikely, however, that senior levels of government will contribute funds toward the construction of a new arena/event centre. Discussions with both provincial and federal government representatives are ongoing, but experience in other communities indicates it is unlikely that the City can expect to receive capital funds from either the provincial or federal government for this project.

Once probable total project costs are ascertained through the site selection process, staff will produce a detailed financial analysis and strategy that examines potential sources of financing.

Financial Implications of Phase II

It is recommended that PWC’s current engagement be extended to provide guidance to the City with the recommended next steps:

- the Phase II site selection process
- the development of the Expression of Interest (to prequalify Design/Build teams)
- the development of the RFP bid package for the design/build process
- the development of an RFP to select an operator
- the negotiation of the terms for a new lease agreement with the Sudbury Wolves.

Not only will this provide continuity with the first phase report but lead consultant Mr. Bidulka is also one of Canada's most experienced consultants in evaluating all aspects of mid-size event centre sites including business case and economic impact assessment.

In addition to the first phase of work which was \$145,000, the total anticipated cost of supporting Council's decision for the next phases of work as described above is \$200,000.

This is slightly over the \$275,000 estimate provided to Council in June 2016 and represents about .35% of the estimated total project cost. Funding is anticipated to be provided by the Tax Rate Stabilization Reserve.

Resources Cited:

Large Projects Update to City Council, December 13, 2016

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1034&itemid=12449&lang=en>

Large Projects Update to City Council, July 12, 2016

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=943&itemid=10989&lang=en>

Large Projects Update to City Council, April 12, 2016

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=943&itemid=10989&lang=en>

Large Projects Public Input Meeting, November 27, 2016

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1053&itemid=10599&lang=en>

Arena/Entertainment Centre Project Timeline for City Council, September 16, 2016

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=951&itemid=11958&lang=en>

Downtown Masterplan Ten Year Implementation Plan Update, Council, November 24, 2015

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=824&itemid=10666&lang=en>

Arena Renewal Strategy and Sudbury Community Arena – Renewal Options. Council, March 31, 2015

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=811&itemid=9364&lang=en>

**THIS IS EXHIBIT "T" TO THE AFFIDAVIT
OF ROWAN FALUDI,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



**Minutes
For the City Council Meeting held
Tuesday, March 7, 2017**

Location:	Tom Davies Square
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Commencement:	6:01 PM
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Adjournment:	10:00 PM
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The following resolution was presented:

Resolution One:

CC2017-61 Reynolds/Lapierre: THAT the City of Greater Sudbury Council receives the Phase I Market Analysis and Business Case Assessment report dated March 7, 2017 from the Special Advisor to the CAO.

CARRIED

The following resolution was presented:

Resolution Two:

CC2017-62 Lapierre/Reynolds: THAT the City of Greater Sudbury Council endorses the recommendations from PWC as contained in Appendix A: Phase 1 Market Analysis and Business Case Assessment as attached to the report dated March 7, 2017 from the Special Advisor to the CAO, for the design and construction of a 5,800 seat Event Centre with a budget to be included in the 2018 capital budget that reflects all known or anticipated costs at that time.

Mayor Bigger presented the following amendment:

CC2017-62-A1 Bigger/Landry-Altman: THAT Resolution Two be amended by striking "with a budget to be included in the 2018 capital budget that reflects all known or anticipated costs at that time" and if carried that this portion of the motion be presented separately, as Resolution Five.

CARRIED

The resolution as amended was presented:

CC2017-62 Lapierre/Reynolds: THAT the City of Greater Sudbury Council endorses the recommendations from PWC as contained in Appendix A: Phase 1 Market Analysis and Business Case Assessment as attached to the report dated March 7, 2017 from the Special Advisor to the CAO, for the design and construction of a 5,800 seat Event Centre.

Rules of Procedure

Councillor Kirwan requested a simultaneous written recorded vote.

YEA:Councillors Signoretti, Montpellier, Dutrisac, Lapierre, Jakubo, Sizer, McIntosh, Cormier, Reynolds, Landry-Altman, Mayor Bigger

NAY:Councillors Vagnini, Kirwan

CARRIED

The following resolution was presented:

Resolution Three:

CC2017-63 Reynolds/Lapierre: THAT the City of Greater Sudbury Council approves the process described in the report dated March 7, 2017 from the Special Advisor to the CAO for evaluating and recommending a site to serve as a location for a new Event Centre;

AND THAT the site evaluation criteria and their weighting as described on pages 45-49 Appendix A: Phase I Market Analysis and Business Case Assessment as attached to the report dated March 7, 2017 from the Special Advisor to the CAO also be approved;

AND THAT an evaluation of potential sites and a recommendation for a preferred site be reported to Council no later than June 2017.

CARRIED

The following resolution was presented:

Resolution Four:

CC2017-64 Reynolds/Lapierre: THAT the City of Greater Sudbury Council direct that technical specifications for a 5,800 seat Event Centre be developed concurrently with the site selection process based on a Design/Build procurement method and incorporated into a Request for Proposals with a target release date of June, following Council's site selection decision as described in the Appendix A: Phase I Market Analysis and Business Case Assessment as attached to the report dated March 7, 2017 from the Special Advisor to the CAO;

AND THAT the City of Greater Sudbury complete a prequalification process to create a short-list of prospective design-build teams that will receive the Event Centre Request for Proposals from the City of Greater Sudbury in June 2017;

AND THAT a Request for Proposals for an Event Centre Operator be issued concurrent with the release of the Event Centre Request for Proposals;

AND THAT prior to the issuance of an RFP to select a venue operator, that the City negotiate a "term sheet" of key lease terms with the Sudbury Wolves;

AND THAT PWC's current engagement be extended to include assistance with the recommended next steps as described in the report dated March 7, 2017 from the Special Advisor to the CAO, with funding of up to \$200,000 provided from the Tax Rate Stabilization Reserve.

THIS IS **EXHIBIT "U"** TO THE AFFIDAVIT
OF **ROWAN FALUDI**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.

City of Greater Sudbury

Greater Sudbury Event Centre Site Evaluation

June 2017

Executive Summary

Background

- At its meeting on March 7, 2017, Greater Sudbury City Council approved the following recommendation, among others:
 - THAT an evaluation of potential sites and a recommendation for a preferred site be reported to Council no later than June 2017.*
- The Evaluation Criteria identified within PwC’s Phase I Market Analysis and Business Case Assessment identified eight main criteria against which to evaluate potential sites, including:
 - Vision;
 - Complimentary Benefits;
 - Ease of Development;
 - Access;
 - Parking;
 - Cost;
 - Economic Impact; and
 - City Building.
- At its meeting on April 12, 2017, Greater Sudbury City Council provided further input on the weighting of these various site evaluation criteria, with Council endorsing the following:
 - that each of “Cost”, “Economic Impact” and “Parking” are equally of highest importance,
 - that “Complimentary Benefits”, “Access” and “Ease of Development” would be extremely important, and
 - that “Vision” and “City Building” would continue to be important.
- Based on a review of the initial list of sites, a number of potential locations were dropped, yielding a short list of four properties which then underwent a more detailed assessment. These properties include:
 - MacIsaac Drive Site (a 19.2 acre site on the north side of MacIsaac Drive, west of Old Burwash Road, and adjoining the Southridge Mall);
 - Algonquin Road Site (a 22 acre site located on the north side of a proposed Remington Street extension between Regent Street and Algonquin Road);
 - Kingsway Site (a 23.12 acre site fronting along the north side of the Kingsway within the Jack Nicholas Business and Innovation Park); and
 - Downtown Site (a 3.5 acre block bounded by Brady Street to the north, Minto Street to the west, Van Horne to the south and Shaughnessy Street to the east).

Site Evaluation Approach

- Investigations were made by the PwC consulting team, various departments of the City of Greater Sudbury, and by third party consultants (Terraprobe for soils and geotechnical; WSP for traffic and road improvements) to derive information, data and / or insights through which to evaluate sites.
- This information was supplemented with information provided by individual site owners, and well as through consultations with other parties (Downtown Sudbury BIA, Gateway Casinos, Prime Real Estate, Gross Capital).
- The Event Centre Site Evaluation Team met on multiple occasions to discuss individual sites and to complete a comparative evaluation of sites.

Initial Assessment of Potential Sites

- As an initial step, the Event Centre Site Evaluation Team was provided with a listing of some 23 individual sites / site configurations as potential locations upon which to build the Event Centre.

Executive Summary

Site Evaluation Results

- Based on a consensus ranking by members of the Event Centre Site Evaluation Team, each site was evaluated based on the eight site selection criteria approved by Greater Sudbury City Council and per the relative weighting as also approved by Greater Sudbury City Council. Based on the results of this review and assessment:
 - The Downtown Site was the highest ranked site overall, considering all site evaluation criteria, ranking first in every category with the exception of “Parking” and “Cost” where it ranked fourth and second respectively.
 - The Kingsway Site was the second highest ranked site overall, ranking first in Parking (tied with both the MacIsaac Drive Site and Algonquin Road Site) and Cost, and ranking second in most other categories with the exception of “Access” and “Ease of Development” (where it ranked third and fourth respectively).
 - The MacIsaac Drive Site was the third highest ranked site while the Algonquin Road Site was the fourth highest ranked site.
- In terms of those categories which were identified by Greater Sudbury City Council as of “Highest Importance”, the Kingsway Site ranked first overall. The Downtown Site ranked second overall for this classification of site evaluation criteria, including ranking first in Economic Impact; from a cost perspective, the Kingsway Site is concluded to be slightly less expensive than the Downtown Site.
- In terms of those categories identified by Greater Sudbury City Council as being “Extremely Important”, the Downtown Site ranked first overall (and ranked first in each category). The Kingsway Site ranked second overall (ranking second, third and fourth in this classification of site evaluation criteria).
- In terms of those categories identified by Greater Sudbury City Council as being “Important”, the Downtown Site ranked first overall while the Kingsway Site ranked second.
- While ranking second, the Kingsway Site scored high and would constitute a viable location.

Salient Considerations Associated with the Two Highest Ranking Sites

Downtown Site

- Advantages associated with the Downtown Site include:
 - option agreements with land owners are in place which will provide a sufficiently sized site on which to construct an Event Centre
 - site is appropriately zoned allowing construction to commence immediately
 - the location is directly consistent with the City’s strategic vision and city building policies
 - the selection of the site would support a \$1.5 million (present value) commitment by the Downtown Sudbury BIA
 - the Downtown Site provides a greater ability to realize complimentary benefits in the short to medium term compared to other sites
 - selection could spur the development of a new structured parking facility in the downtown core
- Disadvantages associated with the Downtown Site include:
 - concluded Option Agreements with land owners in the southern portion of the block are not yet in place and could add delays if entire block is desired
 - while the downtown benefits from an adequate supply of parking with a 10-minute walking radius, the location of such parking is generally viewed as inconvenient

Executive Summary

Salient Considerations Associated with the Two Highest Ranking Sites (continued)

Kingsway Site

- Advantages associated with the Kingsway Site include:
 - an option agreement with the land owner has been agreed to
 - the property is large enough to accommodate a sufficient amount of on-site parking
 - the total cost to develop the property is slightly less expensive compared to the Downtown Site
 - the property has been planned and is being actively promoted as an entertainment district centered around the Event Centre and casino
 - the property potentially has the highest potential to convey positive benefits within the community, including enhancing this area of the Kingsway as an entertainment / event destination
 - while not guaranteeing the full build out of the property, the owner has agreed to pay a financial penalty to the City if they fail to use reasonable efforts to effect the substantial development of the site
- Disadvantages associated with the Kingsway Site include:
 - the property will require rezoning which will delay when construction of the Event Centre could commence
 - the site will also require significant blasting and grading, further adding to the timeframe associated with the Event Centre's development
 - the property is located in proximity to the Sudbury Landfill Facility
 - while offering longer-term economic potential, the development property is not guaranteed and will be subject to future real estate market and financial investment decisions.

Recommended Site

- In consideration of the individual and relative rankings of each site against the site evaluation criteria, the recommended location for the Event Centre is the Downtown Site:
 - It scored highest in all categories except Parking and Cost (where its total estimated cost is estimated to be only marginally higher than the Kingsway Site).
 - In addition, it scored highest in terms of economic development, access, ease of development and its ability to delivery complimentary benefits.
 - Finally, it is concluded to be best able to support the stated long-term vision of the City and contribute most to city building.

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Appendix

General Assumptions and Limiting Conditions

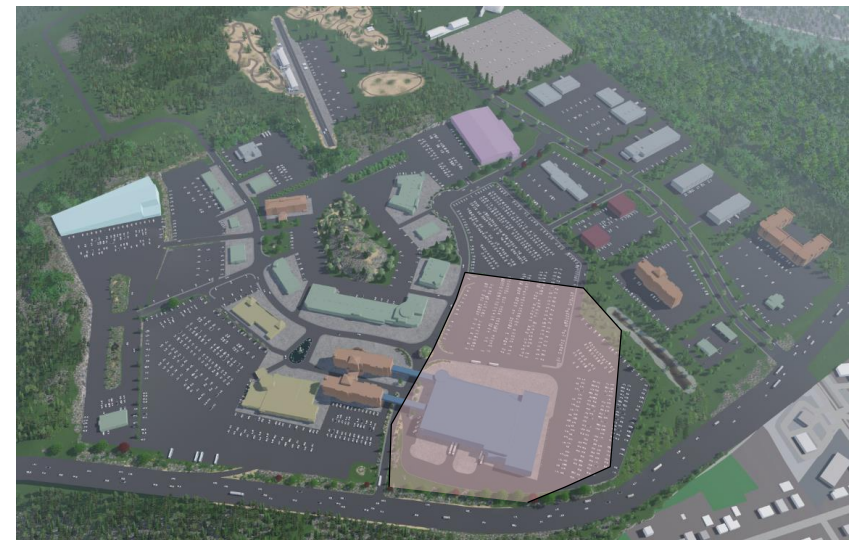
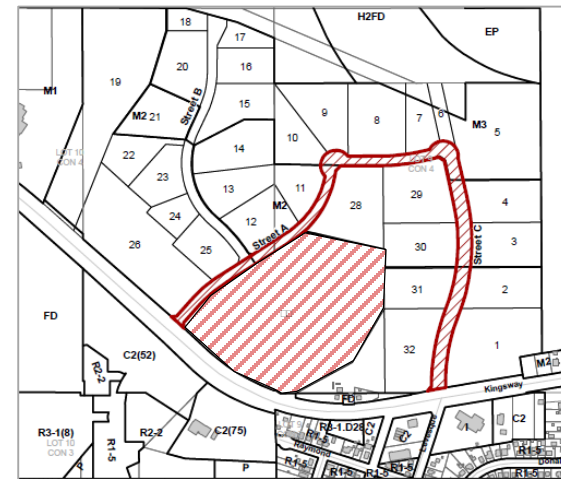
The Kingsway Site is an approximate 23.12 acre property located in the eastern quadrant of the City of Greater Sudbury. The Kingsway Site is proposed to be developed as a Regional Entertainment District, anchored by the Event Centre, a casino and numerous hospitality, entertainment and retail uses

Kingsway Site

- The Kingsway / Jack Nicholas Business and Innovation Park Site (“Kingsway Site”), is an approximate 23.12 acre site fronting along the north side of the Kingsway, immediately west of Levesque Street and opposite the Transport Training Centres of Canada building (the hatched Block 27 in the attached figure).
- The City has a signed Option Agreement with the owner of this property to purchase it should the City select the Kingsway Site.
- In addition, the City would be responsible for improving, at its cost, existing services to the property, including sewer, water and hydro, as well as make necessary improvements to the Kingsway to enable vehicular access to and from the site (the cost of such improvements could partially be recouped from the future development of the adjoining lands around the site).
- The Kingsway Site is intended to be developed by the owner as a Regional Entertainment District (“RED”). As envisioned, this 170 acre development would be anchored by the Event Centre and a proposed casino development. These uses are envisioned to support the eventual development of other ancillary and complimentary uses including hotels, conference spaces, other recreational amenities, retail uses and a motor sports park.
- Salient factors considered by the ECSET include the following.

Vision

- The entire Jack Nicholas Business and Innovation Park is zoned Industrial (M1, M2, M3), with the Kingsway Site zoned to also



The Kingsway Site will require rezoning to allow for an Event Centre and will require a number of additional costs to facilitate the operations of the Event Centre. An Event Centre on the Kingsway Site is envisioned to support a number of complimentary benefits

Kingsway Site (continued)

allow a private arena / commercial recreation centre.

Developing the Event Centre on this site would require a rezoning.

- The property is located in proximity to the Sudbury Landfill Facility. While the proposed location for the Event Centre is further than 500 metres from the fill area (the area within which most significant contaminant discharges and visual problems are expected to occur), the actual influence area of a landfill can vary depending on the landfill, its operations, topography, etc. The Province's guidelines for land uses on or near landfills notes that the maximum distance within which adverse effects could be experienced is up to three kilometres from an operating landfill.

Since 2013, the City has received approximately 60 complaints regarding odours associated with the landfill through its 311 system. Of these complaints, only seven included a municipal address, and came from four separate properties. Of these four properties, the farthest is located more than one kilometre from the landfill.

Siting the Event Centre will likely require that periodic nuisances (e.g., odour, noise, dust) should be expected and therefore considered in the physical placement and design of the Event Centre.

Complimentary Benefits

- While currently located in an undeveloped area of the City, the site is proximate to and could comprise an eastern extension to the Kingsway / Barrydowne commercial node, further adding to the regional draw of Greater Sudbury in Northeastern Ontario.
- The site is part of a larger 170 acre RED development. As envisioned, the build-out of the entire site could constitute a "critical mass" of development which becomes self-supporting, generating consumer activity on a year-round, day / evening basis (as opposed to where a stand-alone facility is built and would only generate activity around event times). Build-out of the entire site will, however, be dependent upon economic conditions in order to support future real estate investment decisions.
- In addition, the RED development at full build-out could generate increased property taxes to the City, including higher casino revenues should the development support higher levels of visitation (compared to where a casino is not built within an Event Centre anchored development area).

Ease of Development

- The site will require improvements being made to both water infrastructure and the sanitary sewer system under Leveque Street. Hydro will also need to be brought to the site.
- As noted previously, the site will require rezoning, a process that could add six months (or more) to the Event Centre's development schedule.

While supporting a sufficient number of on-site parking spaces, the Kingsway Site will also require a number of access and traffic improvements. The total cost to develop the Event Centre is currently estimated to be in the range of \$98 million

Kingsway Site (continued)

Ease of Development (continued)

- Given the topography and physical make-up of the site (the site is vacant and unimproved and contains undulating bedrock with dips and valleys), a significant amount of blasting and site grading will be required to either (a) create a single level building site which incorporates both the Event Centre and its adjoining parking area, or (b) to create a multi-level site for the Event Centre and adjoining parking areas. Preliminary estimates are that site preparation could last for a period of one year.

Access

- The site benefits from frontage along the Kingsway and proximity to the Southeast Bypass.
- While queue lengths resulting from Event Centre traffic could be accommodated within the existing lane configurations along the Kingsway, some improvements will be required in order to facilitate vehicular access to / from the site. Per WSP, the siting of the Event Centre on this property is expected to require, among other improvements:
 - two full-access intersections along the Kingsway leading into / out of the site at each entrance;
 - increasing cycle lengths at the intersection of Falconbridge Road and the Kingsway;
 - removing the existing centre curb / median along the Kingsway and constructing in its place new left turn lanes at each entrance into the site; and
 - constructing a new dedicated right turn lane along the Kingsway at each entrance into the site.

Parking

- The site is expected to be of a sufficient size to accommodate over 2,000 parking spaces on site. In addition, the abutting developments proposed to be contained in the RED would also contain parking which could serve as supplementary parking (assuming they would not have restrictions associated with their use).

Cost

- The cost to ready the lands to allow for the Event Centre to be developed thereon is currently estimated to be in a range of \$10.0 million to \$15.0 million.
- The cost for additional works and improvements needed for the effective operations of the Event Centre on the site, including road improvements, hydro and water and sewer improvements, is estimated to be in the range of \$5.0 million to \$10.0 million.
- The total cost to developed the Event Centre, inclusive of site acquisition costs, site development and servicing costs, infrastructure upgrades, including road / traffic management improvements, is currently estimated to be in the range of \$98 million.
- If should again be noted that because of the way the cost to construct the Event Centre had previously been estimated in PwC's March 2017 report (based on total development costs of other Event Centres; \$80.0 million), and because of the way other on-site and off-site costs have been calculated as part of this Site Evaluation Report, it is possible that there has been

An Event Centre developed on the Kingsway Site is proposed to impart a number of positive benefits including enhancing the area as an entertainment / event destination and stimulating additional commercial and hospitality development

Kingsway Site (continued)

Cost (continued)

some double counting of costs, thereby lowering the Event Centre's cost of construction (the \$80.0 million figure).

Economic Impact

- Generally, the ability of a “greenfield” Event Centre to spawn new development / enhanced development opportunities in its neighbouring area is low in the short term. If development is to occur, it will be generally evolve over a longer period, and will tend to evolve more as a function of local economic conditions and development trends than purely because of the presence of the Event Centre.
- A benefit of the Kingsway Site is that the Event Centre is being proposed as a part of a larger entertainment district which is to include a casino as well as various hospitality, retail and other entertainment uses. Such a development, if built, is concluded to provide a “critical mass” of uses that are generally required in order to support ancillary uses and enable the development to be economically viable 18 hours a day, seven days a week, 52 weeks a year. However, it should be noted that the actual development of such uses will still require that the economic and financial fundamentals associated with those individual projects be sufficient to allow for their investment and eventual development.

Given that a perception exists that each of these uses will be developed, the ECSET sought to clarify this point and seek a degree of certainty that these developments would in fact be undertaken. To this end, it was proposed that if the various

uses proposed for the RED had not commenced construction within a certain period after the opening of the Event Centre, the property owner would annually pay a financial penalty to the City until such time as when all projects had commenced construction. The final agreement calls for the owner to use reasonable efforts to substantially affect the development of the property (failing which the City would be entitled to receive payment).

While providing a degree of certainty (i.e., less than 100%) that the entire RED could be developed, there is still, however, no guarantee that the entire RED will be developed.

- With respect to the casino, Gateway Casinos has announced their intention to locate their new facility in proximity to an Event Centre. The combination of the Event Centre and casino could spur additional investment and development in the area.
- The Event Centre developed at this site is envisioned to impact a number of benefits to varying degrees, including enhancing the area as an entertainment / event destination, facilitating new money being brought into Greater Sudbury, stimulating additional commercial and hospitality development and, to a lesser extent, supporting / enhancing activity during non-event times. The realization of such benefits is, however, not guaranteed and will be dependent upon future real estate market and financial investment conditions.

City Building

- The development of the Event Centre on the Kingsway Site has generated significant public discussion.

An Event Centre developed on the Kingsway Site could serve as a regional draw but do so at the expense of other areas

Kingsway Site (continued)

City Building (continued)

- As noted previously, the Event Centre as part of a RED has the ability to enhance the profile of Greater Sudbury as a destination. While adding to the regional draw of Greater Sudbury in Northeastern Ontario, it may do so at the expense of other “regional commercial nodes” including the downtown and south end / “Four Corners”.

The Downtown Site is an approximate 3.0 acre property located next to the existing Sudbury Community Arena, and is bounded by Brady Street, Minto Street, Shaughnessy Street and Van Horne Street

Downtown Site

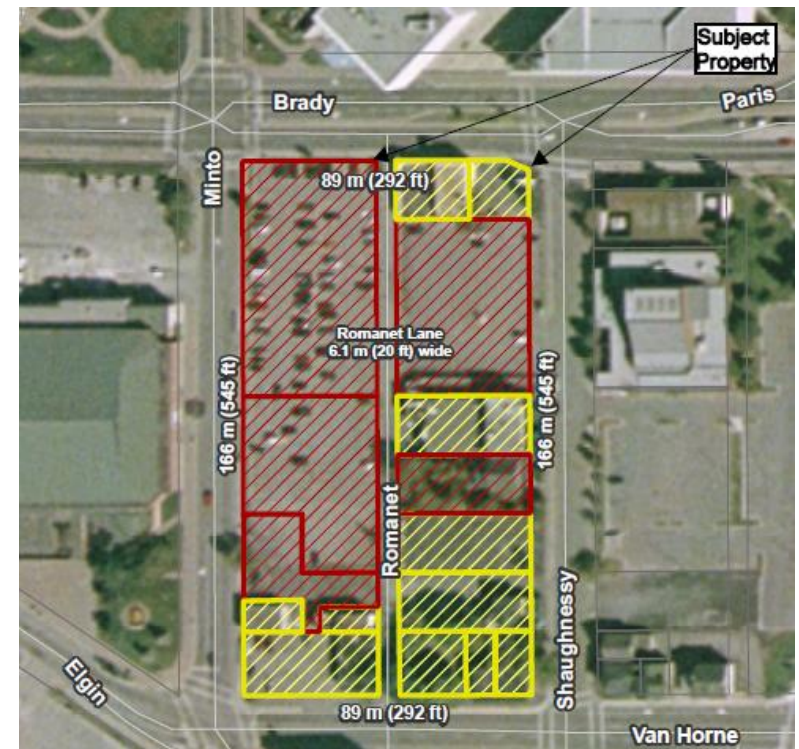
- The Downtown Site is an approximate 2.6 acre to 3.4 acre site located in Downtown Sudbury. The property is located next to the existing Sudbury Community Arena and is bounded by Brady Street to the north, Minto Street to the west, Shaughnessy Street to the east and Van Horne Street to the south.
- The City has entered into Option Agreements with land owners in the northern portion of the site, allowing a total site area with sufficient room to accommodate the siting of the Event Centre (approximately 2.6 acres). Concluded option agreements are still required with property owners on the southern portion of the site.
- The Downtown Site is mostly vacant and is currently used as a parking lot; the northern portion of the site contains two business with whom the City has signed Option to Purchase agreements.
- Salient factors considered by the ECSET include the following (it being noted that the ECSET considered the entirety of the Downtown Site, from Brady Street to Van Horne Street):

Vision

- The property is currently zoned C6 which permits the construction and operation of an Event Centre. No rezoning would be required.
- An Event Centre located on the Downtown Site is consistent with the City's Official Plan and an investment in an Event Centre would be consistent with the Community Improvement Plan recently adopted by the City.

Complimentary Benefits

- The development of an Event Centre is viewed as being able to impart a number of complimentary benefits within the



The Downtown Site is zoned to allow for an Event Centre and will require significant expenditures to prepare the site in order for the facility to be constructed

Downtown Site (continued)

Complimentary Benefits (continued)

downtown including taking advantage of existing infrastructure, enhancing the existing urban fabric with compatible projects and assisting with the revitalization of Downtown Sudbury.

- The potential exists for the Event Centre to facilitate the broader revitalization of Downtown Sudbury, consistent with what has occurred in other communities which have developed new event centres in their downtown cores. The siting of the Event Centre on the Downtown Site could also spur the development of complimentary facilities including a new parking structure.

Ease of Development

- Current zoning allows for the construction of an Event Centre.
- Geotechnical and soil conditions (soft clay and silts with low bearing strengths) are such that micropilings will be required, similar to the recent development of Laurentian University's School of Architecture and the Meridian Centre in St. Catharines.
- Risk of environmental contamination, per Terraprobe, based on the site's proximity to the CP rail lands.
- Should the entire Downtown Site be desired, construction could be delayed pending the acquisition of other properties.
- Existing in-ground services will require modest upgrades.

Access

- The site benefits from multiple points of access, facilitating multi-directional event access / egress.
- The Downtown Site would benefit from additional improvements to the existing road network, including:
 - the addition of a 30 metre southbound right turn storage lane at the intersection of Paris and Brady Streets; and
 - adjusting signal timing plans at the intersections of Paris and Brady Streets and Paris and Van Horne Streets.

Parking

- Currently within Downtown Sudbury, there exists approximately 1,900 parking spaces within municipal and private lots and on-street in the area bounded by Elgin Street, Elm Street, Paris Street and the CP rail lands. Per an analysis completed by the City's Parking Section, some 1,500 parking spaces (within parking lots and on-street) exist within 400 metres / a five minute walk from the Downtown Site, while more than 2,500 parking spaces are available within 600 metres / 7.5 minute walk from the Downtown Site. With 800 metres (10 minutes) there exists more than 3,500 parking spaces with this area including parking spaces located within the Rainbow Centre (710 spaces) and Energy Court (450).
- Included in these parking space counts are, however, parking spaces that will / may be removed from the available inventory should the City proceed with various initiatives, including the Minto Street parking lot and the Elgin Street Greenway project.
- While a sufficient number of spaces may be available with 600 metres of the Downtown Site, the public perception is that many of these spaces are located too far from the Event Centre.

The cost to development the Event Centre on the Downtown Site is estimated to be in the range of \$99 million, including acquisition costs for the entire site, micropiling and other off-site costs, excluding parking

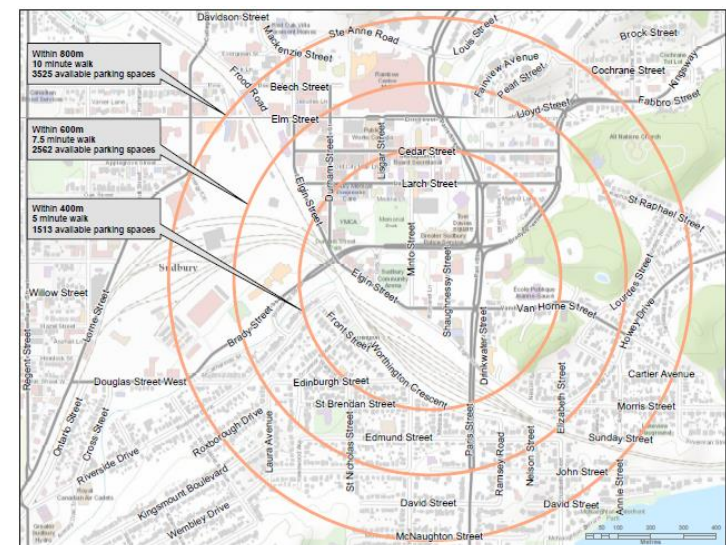
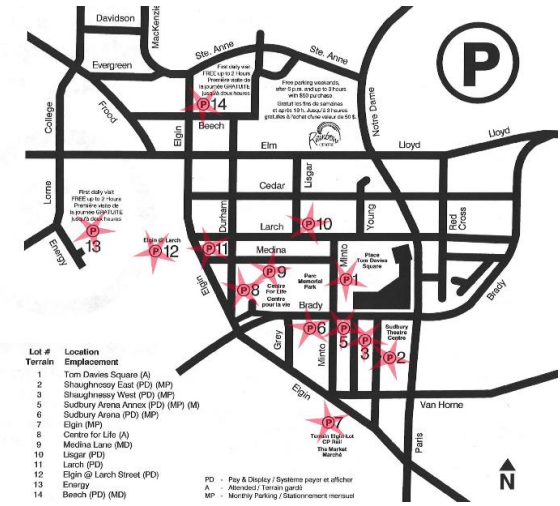
Downtown Site (continued)

Parking (continued)

- Investigations undertaken by City staff confirmed that utilization of parking spaces in lots located beyond 600 metres has been low during Sudbury Wolves hockey games.
- Discussions with Prime Real Estate and Gross Capital indicated that they have been considering the construction of a new parking facility in Downtown Sudbury. While demand for parking remains high during business hours, evening and weekend demand is low. The siting of the Event Centre in Downtown Sudbury is concluded by Gross Capital to enhance the business case for the construction of a new facility as the Event Centre’s programming and operations would add to the potential for evening and weekend use. For the purpose of this assessment, no consideration has been given to the increased potential for the construction of a new parking facility.

Cost

- Per the Option Agreements the City has with three current owners, the cost to acquire portions of the site not already owned by the City have been concluded. Allowances have been carried for the acquisition of other properties located in the southern portion of the Site.
- The cost to ready the lands for the development of the Event Centre is estimated to be in the range of \$5.0 million to \$10.0 million.
- The cost for additional works and improvements needed for the effective operations of the Event Centre on the site is estimated to be less than \$5.0 million.
- In addition, it should be noted that the Downtown Sudbury BIA recently adopted a resolution, committing some \$2.2 million over the next 25 years to the Event Centre project if it is located in the Downtown. The net present value of this commitment is estimated to be in the range of \$1.5 million.



The development the Event Centre on the Downtown Site is concluded to allow the City to realize greater economic benefits area in the shorter term and enhance and strengthen the City’s Downtown core per its Official Plan

Downtown Site (continued)

Cost (continued)

- The total cost to developed the Event Centre, inclusive of site acquisition costs, site development and servicing costs, infrastructure upgrades and the value of the Downtown Sudbury BIA commitment, is currently estimated to be in the range of \$99 million. The cost of adding additional parking is not considered in this estimate.
- If should again be noted that because of the way the cost to construct the Event Centre had previously been estimated in PwC’s March 2017 report (based on total development costs of other Event Centres; \$80.0 million), and because of the way other on-site and off-site costs have been calculated as part of this Site Evaluation Report, it is possible that there has been some double counting of costs, thereby lowering the Event Centre’s cost of construction (the \$80.0 million figure).

Economic Impact

- Given the already existing “built form” that exists within Downtown Sudbury, the ability to realize positive impacts is concluded to be greater in the short term compared to a greenfield site (where are critical mass of uses does not already exist).
- Precedent examples of Event Centres and the ability of new facilities being located within downtown cores and stimulating economic development illustrates that the development of an Event Centre adjacent to existing development would create a more immediate impact with a greater potential for new development in the medium to longer term compared to a greenfield site which has the potential to spur new development but would likely occur over a much longer period.

- Similar to the observations included within the commentary provided for Complimentary Developments, an Event Centre developed within a city’s downtown is viewed as supporting investment in its core, with such investments complimenting other existing investments and planned future investments (including the School of Architecture, Place des Arts, Performing Arts Centre, etc.).

City Building

- Locating the Event Centre on the Downtown Site would allow the City to continue to support its longer-term city building vision as articulated in its Official Plan:

“...Greater Sudbury’s Downtown will be developed and sustained as the vibrant hub of a dynamic city by preserving its historical built form, promoting arts and culture, improving linkages to neighbourhoods and amenities, integrating natural features, developing residential uses, and creating unique urban spaces through innovative design.”

and,

“...The heart of Greater Sudbury, its most urban place, is and will be the Downtown. With the changing role of downtowns, there is a continuing need for appropriate policies and programs to enhance the Downtown as a location of government, commerce, cultural and entertainment facilities. Residential development in and around the Downtown is needed to support new and expanded facilities and amenities. Town Centres will continue to serve the needs of local communities.”

Summary and Recommendation

Based on the Consensus Evaluation by members of the Event Centre Site Evaluation Team, the site which yielded the highest comparative ranking was the Downtown Site followed by the Kingsway Site

Site Evaluation Results

- Based on a consensus ranking by members of the ECSET, each site was evaluated based on the eight site selection criteria approved by Greater Sudbury City Council and per the relative weighting as also approved by Greater Sudbury City Council (identified on Slide 10, above). The attached table summarizes the relative ranking of each site.
- Based on the results of this review and assessment:
 - The Downtown Site is the highest ranked site overall, considering all site evaluation criteria, ranking first in every category with the exception of “Parking” and “Cost” where it ranked fourth and second respectively.
 - The Kingsway Site is the second highest ranked site overall, ranking first in Parking (tied with both the MacIsaac Drive Site and Algonquin Road Site) and Cost, and ranking second in most other categories with the exception of “Access” and “Ease of Development” (where it ranked third and fourth respectively).
- In terms of those categories which were identified by Greater Sudbury City Council as of “Highest Importance”, the Kingsway Site ranked first overall. The Downtown Site ranked second overall for this classification of site evaluation criteria, including ranking first in Economic Impact; from a cost perspective, the Kingsway Site is concluded to be slightly less expensive than the Downtown Site.
- In terms of those categories identified by Greater Sudbury City Council as being “Extremely Important”, the Downtown Site ranked first overall (and ranked first in each category). The Kingsway Site ranked second overall (ranking second, third and fourth in this classification of site evaluation criteria).

Criteria	MacIsaac	Algonquin	Kingsway	Downtown
Parking	1	1	1	4
Cost Impact	3	4	1	2
Economic Impact	3	3	2	1
Complimentary Benefits	3	4	2	1
Ease of Development	2	3	4	1
Access	2	4	3	1
Vision	3	4	2	1
City Building	4	3	2	1
Of Highest Importance	3	4	1	2
Extremely Important	3	4	2	1
Highest and Extremely Important	3	4	2	1
Important	3	4	2	1
Combined	3	4	2	1

Both the Downtown Site and the Kingsway Site comprise appropriate locations for an Event Centre, with each site featuring various advantages and disadvantages

Site Evaluation Results (continued)

- In terms of those categories identified by Greater Sudbury City Council as being “Of Highest Importance” and “Extremely Important”, combined, the Downtown Site ranked first overall while the Kingsway Site ranked second overall.
- Finally, in terms of those categories identified by Greater Sudbury City Council as being “Important”, the Downtown Site ranked first overall (and ranked first in each category) while the Kingsway Site ranked second overall (and second in each category).
- While ranking second, the Kingsway Site scored high and would constitute a viable location.

Salient Considerations Associated with the Two Highest Ranking Sites

- Salient considerations associated with the two highest ranking sites include the following:

Downtown Site

- Advantages associated with the Downtown Site include:
 - option agreements with land owners are in place which will provide a sufficiently sized site on which to construct an Event Centre
 - site is appropriately zoned allowing construction to commence immediately
 - the location is directly consistent with the City’s strategic vision and city building policies
 - the selection of the site would support a \$1.5 million (present value) commitment by the Downtown Sudbury BIA
 - the Downtown Site provides a greater ability to realize complimentary benefits in the short to medium term

compared to other sites

- selection could spur the development of a new structured parking facility in the downtown core
- Disadvantages associated with the Downtown Site include:
 - concluded Option Agreements with land owners in the southern portion of the block are not yet in place and could add delays if entire block is desired
 - while the downtown benefits from an adequate supply of parking with a 10-minute walking radius, the location of such parking is generally viewed as inconvenient

Kingsway Site

- Advantages associated with the Kingsway Site include:
 - an option agreement with the land owner has been agreed to
 - the property is large enough to accommodate a sufficient amount of on-site parking
 - the total cost to develop the property is slightly less expensive compared to the Downtown Site
 - the property has been planned and is being actively promoted as an entertainment district centered around the Event Centre and casino
 - the property potentially has the highest potential to convey positive benefits within the community, including enhancing this area of the Kingsway as an entertainment / event destination.

The recommended location for the Event Centre is the Downtown Site

Salient Considerations Associated with the Two Highest Ranking Sites (continued)

- while not guaranteeing the full build out of the property, the owner has agreed to pay a financial penalty to the City if they fail to use reasonable efforts to effect the substantial development of the site
- Disadvantages associated with the Kingsway Site include:
 - the property will require rezoning which will delay when construction of the Event Centre could commence
 - the site will also require significant blasting and grading, further adding to the timeframe associated with the Event Centre's development
 - the property is located in proximity to the Sudbury Landfill Facility
 - while offering longer-term economic potential, the development property is not guaranteed and will be subject to future real estate market and financial investment decisions.

Recommended Site

- In consideration of the individual and relative rankings of each site against the site evaluation criteria, the recommended location for the Event Centre is the Downtown Site:
 - It scored highest in all categories except Parking and Cost (where its total estimated cost is estimated to be only marginally higher than the Kingsway Site).
 - In addition, it scored highest in terms of economic development, access, ease of development and its ability to delivery complimentary benefits.
 - Finally, it is concluded to be best able to support the stated long-term vision of the City and contribute most to city building.

	MacIsaac Drive	Algonquin Road	Kingsway	Downtown
Land, Site Development and Off-Site Improvements	\$30.0 million to \$35.0 million	\$30.0 million to \$35.0 million	\$15.0 million to \$20.0 million	\$15.0 million to \$20.0 million
Facility Development Costs*	\$80.0 million	\$80.0 million	\$80.0 million	\$80.0 million
Total	\$110.7 million	\$111.3 million	\$98.3 million	\$99.6 million

* Because of the way the cost to construct the Event Centre had previously been estimated in PwC's March 2017 report (based on total development costs of other Event Centres), and because of the way on-site and off-site costs have been calculated as part of this Site Evaluation Report, it is possible that there has been some double counting of costs, thereby lowering the Event Centre's cost of construction (the \$80.0 million figure).

**THIS IS EXHIBIT "V" TO THE AFFIDAVIT
OF ROWAN FALUDI,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



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Council Meetings on June 27 and 28

🕒 19-Jun-2017

For Immediate Release

Monday, June 19, 2017

Council Meetings on June 27 and 28

City Council will discuss the Large Projects initiatives during two meetings held on the last week of June.

Site selection for the Arena/Events Centre will be discussed at the regularly scheduled City Council meeting on Tuesday, June 27 at 6 p.m. in the Council Chamber at Tom Davies Square.

On Wednesday, June 28, at 2 p.m., Council will meet in the Council Chamber for a Special City Council meeting to review project updates and discuss next steps for Place des arts, the Art Gallery/Public Library project and the Synergy Centre.

Residents are invited to attend public meetings. Agendas are available at agendasonline.greatersudbury.ca.

The meeting will also be Livestreamed via <https://livestream.com/greatersudbury>.

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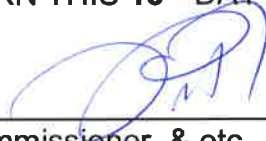
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**THIS IS EXHIBIT "W" TO THE AFFIDAVIT
OF ROWAN FALUDI,
SWORN THIS 18th DAY OF OCTOBER, 2019.**

A handwritten signature in blue ink, appearing to be 'R. Faludi', is written over a horizontal line.

A Commissioner, & etc.



Request for Decision

Arena/Event Centre Update

Presented To:	City Council
Presented:	Tuesday, Jun 27, 2017
Report Date	Thursday, Jun 15, 2017
Type:	Presentations

Resolution

Resolution One:

Option 1:

THAT the City of Greater Sudbury selects the Downtown location, as identified in the attached report from PWC attached as Appendix A and assessed by the Site Evaluation Committee as the site that received the highest overall rating across the eight criteria approved by Council, as the preferred location to construct the Arena/Event as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

Option 2:

THAT the City of Greater Sudbury selects the Kingsway location, as identified in the attached report from PWC attached as Appendix A and assessed by the Site Evaluation Committee as being the highest rated site for two of the three criteria identified by City Council as being of the highest importance, as the preferred location to construct the Arena/Event Centre as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

Resolution Two:

THAT the City of Greater Sudbury approves a financing plan for inclusion in the 2018 capital budget that utilizes the following funding sources: a) Contributions from senior governments where available b) Operating funds assigned to completed community grant obligations c) Debt financing d) Fundraising e) Other non-property tax based funding sources, as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

Resolution Three:

THAT the City of Greater Sudbury execute the Option to Purchase Agreements negotiated for the selected site and that any necessary funding required to execute these agreements be provided from the Land Acquisition Reserve Fund, Industrial Park Reserve Fund and the WSIB Schedule 2 Reserve Fund at a value no greater than \$7 million, which funds will be replenished through the Arena/Event Centre debt financing plan as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

Signed By

Report Prepared By

Ron Henderson
General Manager
Digitally Signed Jun 15, 17

Financial Implications

Ed Stankiewicz
Executive Director of Finance, Assets
and Fleet
Digitally Signed Jun 15, 17

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Jun 15, 17

Resolution Four:

THAT the City of Greater Sudbury approves an honorarium of \$150,000 to each unsuccessful Design/Build team, total \$300,000 to be included in the total project costs as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

Resolution Five:

THAT the City of Greater Sudbury approves the recommended next steps as presented in the report from the Special Advisor to the CAO dated June 14, 2017 as described in the report from the Special Advisor to the CAO entitled Arena/Event Centre Update dated June 15th, 2017.

Relationship to the Strategic Plan / Health Impact Assessment

The new Event Centre project aligns with the Corporate Strategic Plan in both the Quality of Life and Place, Priority B: "Maintain great public spaces and facilities to provide opportunities for everyone to enjoy." and Growth and Economic Development, Priority D: "Invest in large projects to stimulate growth and increase conferences, sports and events tourism, and celebrate cultural diversity." This facility will be a premier entertainment and recreational complex available to all residents. As one of the identified "large projects" and a priority identified in the Downtown Master Plan this project further represents a key Growth and Economic Development driver.

Report Summary

The purpose of this report is to present the results of the work undertaken since March to identify a suitable location for an Arena/Event Centre. The report identifies the site evaluation results and recommends a location, which reflects the outcome of an evaluation process conducted by staff and PWC. The evaluation indicates the downtown site is the highest rated site. The report also describes a financing plan and recommended next steps.

Financial Implications

The report requests an honourarium of \$150,000 to be paid to each unsuccessful Design/Build team to be included in the total project costs. The report also provides a financing plan for inclusion in the 2018 capital budget that utilizes the following funding sources:

- a) Contributions from senior governments where available
- b) Operating funds assigned to completed community grant obligations
- c) Debt financing
- d) Fundraising
- e) Other non-property tax based funding sources.

Arena/Event Centre Update June 15, 2017

Background

The purpose of this report is to present the results of the work undertaken since March to identify a suitable location for a new Arena/Event Centre. At its March 7th meeting Council approved several resolutions (CC 2017-62 through 65) with respect to the construction of a new Arena/Event Centre. These resolutions produced the following results:

1. Council accepted the market analysis and business case for a new arena/event centre and decided that a new Event Centre would include 5,800 seats, consistent with the recommendation provided by PriceWaterhouseCooper ("PWC").
2. Staff completed a site evaluation process, which is presented in this report, based on Council-approved criteria. Among the criteria, Council identified "cost", "economic impact" and "parking" as the highest priority elements. A site evaluation team comprised of PWC and senior staff representing Economic Development, Planning, Engineering and Real Estate completed the evaluation process. Altogether, 23 sites were assessed, with four shortlisted.
3. Technical specifications for a 5,800 seat event centre were developed concurrently with the site evaluation process based on a design/build procurement method and incorporated into a Request for Proposals ("RFP") that would be issued following a site selection decision. It was anticipated that the RFP might be ready for issue in June, although the resolution of site-specific issues may influence the timing of the RFP's release.
4. A Request for Prequalification process was completed to identify a shortlist of prospective design-build teams that would be eligible to bid on the Event Centre RFP when it is issued. Eight submissions were received and three have been shortlisted. The evaluation process of potential shortlisted teams is ongoing as of the report date.
5. Staff prepared a RFP for an Event Centre operator that is ready to be issued concurrent with the release of the Event Centre design/construction RFP. In contemplation of the operator RFP, a "term sheet" with the centre's key tenant, the Sudbury Wolves hockey club, is being negotiated to identify key lease terms that would apply in the new event centre.

6. A financing plan, presented in this report, was developed to support the project. In accordance with Council's direction, a plan that minimizes or eliminates any tax impacts was prepared.

This work was undertaken by staff and supported by a consulting team led by PWC. It required substantial effort from several disciplines across the organization, cooperation from property owners of the sites under evaluation, consultation with community stakeholders, negotiations with representatives of the Sudbury Wolves and regular updates to members of Council about the progress of the work. A "Large Projects Steering Committee", chaired by the CAO and including senior staff, provided overall direction.

Analysis

Site Evaluation

The attached report from PWC (Appendix A) describes the analysis done to identify potential sites for a new arena/event centre and to recommend a location. Eight site evaluation criteria were approved by Council for use in evaluating the short listed sites. These were: vision, complimentary benefits, ease of development, access, parking, cost, economic impact and city building. Council identified "cost", "economic impact" and "parking" to be of highest importance.

It is noteworthy that among the potential sites, four of them demonstrated strong potential but, of those, two were particularly suitable. Staff applied the criteria approved by Council to rank the sites, with the following result:

Criteria	Maclsaac Drive	Algonquin Road	Kingsway	Downtown
Parking	1	1	1	4
Cost	3	4	1	2
Economic Impact	3	3	2	1
Complimentary Benefits	3	4	2	1
Ease of Development	2	3	4	1
Access	2	4	3	1
Vision	3	4	2	1
City Building	4	3	2	1
Highest Importance	3	4	1	2
Extremely Important	3	4	2	1
Important	3	4	2	1
Combined	3	4	2	1

The evaluation indicates the Downtown site is the highest rated site. The Kingsway site is second-highest rated site on an overall basis, but is highest rated on the criteria which Council indicated was of highest importance.

It is important to remember the site evaluation team comprised subject matter experts with significant experience in their fields. Their work involved producing, or reviewing, technical details related to a variety of issues like soil condition, traffic patterns, infrastructure capacity and economic impacts. Nonetheless, the number of variables involved and the nature of the evaluation also required judgment. Overall, it is reasonable to describe the results of their work as a signal that there are two viable sites available for a new Event Centre.

Site Recommendation

The results of the site evaluation process revealed two of the four short-listed sites scored significantly higher than the other two, but overall their scores were very close to each other. The Downtown site had a higher overall score, but the Kingsway site scored highest on two of the three most important factors to Council (Cost and Parking). This is a positive result, since it indicates there are two viable sites that can support this important project.

Kingsway Site

The current property owner of the Kingsway site, Mr. Dario Zulich, leads a highly engaged team and promotes a vision for the property that anticipates the construction of an “entertainment district”. The vision includes a casino, hotel, motorsport park, restaurants and other retail. If all development comes to fruition, this could produce considerable economic growth. On June 13, Gateway Casinos issued a media release indicating it signed a Letter of Intent to build a “premier casino and entertainment property” at this location. Further details are unavailable as at the publication date of this report, but is nonetheless a positive signal.

In negotiations with staff regarding the land purchase option, Mr. Zulich agreed to pay financial penalties if he fails to use “reasonable efforts” to effect the development. However, further development is not guaranteed and would be subject to future real estate and financial investment decisions by third parties. The property requires rezoning, which would extend the time needed to commence Event Centre construction by a year or more.

Experiences of other cities that have built event centres outside their downtown areas have not realized the anticipated economic benefits from surrounding developments. While local circumstances include unique features that would not apply in other communities Medicine Hat, Mississauga and Windsor are examples of cities where event centres have not produced the expected complimentary developments.

The Evaluation Committee recognizes the potentially unique development opportunity presented by Mr. Zulich's vision. It is a viable location but overall, selecting the Kingsway site introduces more risk than the Downtown site and may require more time to be fully developed.

Downtown Site

The Downtown site offers the opportunity to complement businesses and infrastructure that already exists. Experience in other communities shows, as described by the PWC report presented to Council at its March 7, 2017 meeting, that a downtown event centre provides immediate benefits to the community. The proposed site is appropriately zoned, allowing construction to commence in a timely manner once real estate transactions are concluded.

A downtown arena/event centre supports key City policy documents including the Official Plan and the Downtown Master Plan. In the Official Plan, section 4.2.1.1 identifies an arena as one of the amenities in a downtown that would make it an attractive place to live. Similarly, the Downtown Master Plan identifies the Sudbury Arena as a key asset to be retained in the downtown. The Downtown Sudbury BIA has indicated it would provide a capital contribution toward the cost of the facility over a 25-year period equivalent to a one-time contribution of \$1.5 million.

However, there is a perceived issue with the Downtown site related to parking. While the downtown has sufficient parking within a 10 minute walk it is generally seen as inconvenient. A downtown arena/event centre could trigger the introduction of new private sector parking investments.

Ultimately, building on the downtown site offers more immediate benefits to the community and represents the least risk to the City. The necessary infrastructure and supporting businesses are in place.

Based on the site evaluation criteria approved by Council and as described in the PWC report, the Downtown site was the highest ranked site in all categories except Parking and Cost (where its total estimated cost is marginally higher than the Kingsway site). It scored highest in terms of access, ease of development and its ability to deliver complimentary benefits. It is best aligned with the stated long-term vision for the City and contributes most to city building.

Design/Build Teams

The work involved in assembling a competitive design/build proposal is significant. To manage the city's interest in attracting competitive proposals, a prequalification process helps manage the risk that otherwise competitive firms see the prospects of winning the bid as too low, based on the high number of other potential bidders, and opt out of the bid process. Staff issued a Request for Prequalification in late March to shortlist prospective Design/Build teams.

There were eight submissions. After an evaluation process, three firms were shortlisted. An update will be presented to City Council at the June 27th meeting.

Honorarium for Unsuccessful Shortlisted Bidders

While evaluations of the responses to the City's Request for Prequalification are ongoing as of the publication of this report, three firms will be prequalified to respond to the City's Design/Build RFP. It will take approximately four to six months of research and preparation, and requires expenditures for technical analysis that will inform the bidder's cost estimates for their proposals. For a project like an arena/event centre, the total cost of the bid would likely exceed \$500,000.

A number of municipalities offer an honorarium to Design-Build RFP respondents (payable only to those not awarded the contract) to demonstrate both their commitment to the project as well as to provide partial compensation to prospective design-build teams in recognition of the financial cost of participating in the bid process. For example, the Regional Municipality of Wood Buffalo offered \$200,000 to its three short-listed proponents, while Moncton offered \$225,000 to its two short-listed proponents. The City of Greater Sudbury recently offered an honorarium of \$100,000 to unsuccessful teams for their participation in the Biosolids project.

Based on the above, it is recommended that the City of Greater Sudbury offer a \$150,000 honorarium to each of the two unsuccessful Design Build teams shortlisted for the Event Centre project.

Site-Specific Factors Influencing the RFP Timing

When previously considering the issuance of a design/build RFP, neither Council nor staff had knowledge of site-specific conditions that could influence the timing of the RFP's release. Now, with the site evaluation complete, staff can advise of potential site issues that could alter the timing of the document's release.

For the Downtown site, purchase options need to be exercised and building demolition needs to occur. Staff could issue the Design/Build RFP concurrent with this process, likely in the third or fourth quarter of 2017.

If the Kingsway site is selected, the City would be required to submit a rezoning application, necessary to allow for a public arena. If the application is appealed to the Ontario Municipal Board, it is difficult to anticipate the amount of time required to resolve the appeal. Generally, staff anticipate a rezoning and appeal process could take at least 12 months. A Design/Build RFP can be issued before these issues are resolved. However, once the Design/Build team is selected, the site should be at or near ready for construction. Therefore, staff anticipate the Design/Build RFP would not be issued until Q2 or Q3 2018.

Event Centre Operator

Concurrent with the Design/Build process and described to Council in March, staff have prepared an RFP to identify and retain a venue operator. It will be released once terms with the key tenant have been established and a RFP for the Design/Build process is underway. This will allow selection of a venue management company at an early enough juncture to enable them to provide input into the final design of the venue.

Term Sheet – Sudbury Wolves

The City has exchanged a draft “term sheet” with the Sudbury Wolves with the aim of securing a new lease with the team as part of the Wolves commitment to playing in the new building regardless of location. The draft term sheet describes the amount of rent the team would pay in the new building, how various revenue streams would be shared between the team and the building, including revenue from sources such as advertising, food beverage as well as the length of the lease.

At the writing of this report the term sheet has not been finalized although the discussions can be characterized as very good. Staff is confident that a term sheet will be agreed to pending Council’s decision on the new arena location.

A new lease with the team is required before an RFP for a venue operator can be issued. The new lease with the team will provide potential operators with an understanding of the financial arrangements with the team so proposals can be compared on an apple to apples basis.

Financial Implications

Arena/Event Centre Financing Plan

Staff’s initial assessment of the city’s cost for a new arena/event centre was \$100 million, and the site evaluation process suggests this estimate continues to be reasonable. It can change when the results of the design/build Request for Proposals are available and/or when further, more detailed site condition technical assessments are undertaken. For the purposes of building a financing plan, staff used the following assumptions:

Principal amount to be financed:	\$100 million
Repayment term:	30 years
Interest rate:	3.6%
Funding source(s):	Tax levy
	Fundraising
	Facility revenues (naming rights, ticket surcharge)
	New funding sources

The annual cost to service the debt is approximately \$5.5 million, based on a 30 year amortization at a 3.6% interest rate. Debt repayment would start once construction is complete, likely in 2021. The municipality has sufficient debt capacity to obtain funding for this project and can secure the funds from either Infrastructure Ontario or via a financial institution. If the municipality obtained a corporate bond rating from one of the rating agencies, it could also issue its own debt.

Using Property Taxes as a Funding Source

Construction progress payments can be internally financed from reserves and reserve funds until such time that the facility is operational, anticipated to be 2021. At that time this has to be converted to external debt.

To manage the change in tax levy required to support the debt repayment, a “phase in” period of levy adjustments can be used to smooth any increase resulting from the debt obligation. Starting in 2018, for example, a three-year phase-in could commence such that a levy adjustment would be made in each of 2018, 2019 and 2020 so that sufficient funds were available to support the debt payment commencing in 2021. This is consistent with the three year phase-in used to finance the Biosolids facility.

Redirecting Funds from Current, Approved Uses

The levy adjustment could be reduced if Council wanted to redirect funds currently included as part of the existing tax levy. For example, the municipality provides grants to the Northern Ontario School of Architecture (NOSOA) and Advanced Medical Research Institute of Canada (AMRIC) totaling \$1.1 million with the last payment to AMRIC being 2018 and to NOSOA being 2020. These are funded by the tax levy, so after 2020 these funds would be available to apply toward other uses, such as the Arena/Event Centre.

However, applying these funds toward a debt payment for a new arena would be a change in policy. Currently, when a grant is no longer made to a community organization, it is removed from the operating budget and reduces the levy. These funds could instead be re-directed for asset renewal and address the significant infrastructure deficit associated with all of the city’s asset classes.

Other funds currently anticipated for asset renewal could be redirected toward paying for the arena. For example, the province announced the municipality will receive increased funding from the Ontario Community Infrastructure Fund (OCIF). Currently, the municipality receives \$4.3 million each year but by 2019, this permanent allocation will increase by \$5 million to \$9.3 million. This funding may only be utilized for roads, bridges, storm water, water and wastewater projects.

Historically, City Council directed this funding towards roads projects and in 2017, a small portion (\$80,000) was approved to partially fund the Asset

Management Co-ordinator position. Council may wish to reallocate a portion of these funds from Roads capital to annual debt repayment for the Arena/Event Centre. However, this would reduce funds needed for asset renewal/replacement.

Similarly, another example of how current, approved funds could be redirected relates to the annual allocation towards the construction of Maley Drive. Currently, approximately \$2.3 million is allocated to fund this project until 2023. When these funds become available, staff anticipated they would be redirected to asset renewal needs. Instead, they could be directed to fund arena payments.

As identified in the City's Asset Management Plan, infrastructure renewal or replacement needs are significant and exceed the financial resources available to fully address them. When combined with anticipated new infrastructure over the next ten years, it is reasonable to anticipate the additional OCIF funding could be used for infrastructure renewal and replacement.

So while OCIF funding and debt payments associated with retired debt could be directed toward debt payments for a new arena/event centre, staff do not recommend this approach. It has the appearance of reducing the levy requirement for the city's asset renewal needs but the most likely impact is to increase costs related to asset failure and increased repair/maintenance costs.

New Funding Sources

As new non-property tax revenues become available, consideration could be given towards funding of the Event Centre. One such example was in the 2017 Provincial Budget, where it was announced that municipalities can impose a hotel room tax. The tax, if implemented, would be shared between the municipality and a non-profit tourism organization. If a 4% hotel room tax was approved, based on historical occupancy rates, this would generate approximately \$1.68 million, \$840,000 to the City and \$840,000 to the non-profit tourism organization.

Fundraising

A potential source of revenue for the Event Centre is community fundraising. As an example, the City of St. Catharines established a fundraising target of \$5 million towards the construction of the Meridian Centre or approximately 8 percent of the total cost. A fundraising committee was composed of Councillors, City staff, members of arena advocacy groups and the community. Due to the community interest in the Arena/Event Centre, the campaign was a huge success raising \$6.4 million.

The City of Greater Sudbury could undertake a similar campaign with a potential target of \$5.0 million to be realized prior to construction completion.

Contributions from Senior Governments

It is unlikely that senior levels of government will contribute funds toward the construction of a new arena/event centre given the benefits that will be accrued to a private OHL franchise. Discussions with both federal and provincial representatives are ongoing, but experience in other communities indicates it is unlikely that the City can expect to receive capital funds from either the provincial or federal government for this project.

Where senior levels of government are more likely to financially participate are in public community arenas. Based on lessons learned from other communities as discussed during the March 7 meeting, combining an arena/event centre and community arenas is not recommended. In addition to increasing the net cost of the project, it also increases the risk that the user experience will not meet expectations. With more users attending for different, simultaneous events, access to parking and other amenities becomes more challenging to manage. This could lead to increased operating costs, excess capacity during non-peak periods and lower customer satisfaction.

Proposed Financial Plan

Based on the preceding analysis of funding sources, choices are available to pay for the annual debt payment. Any amount raised from fundraising would reduce the amount of debt financing required. Multiple funding scenarios exist:

Tax Levy

The Long Term Financial Plan ("LTFP") included debt repayments commencing in 2019 and anticipated the tax levy would fund 100% of the required annual amount.

This is a practical, straightforward financial plan. As illustrated in the LTFP, all financial indicator forecasts remain well within acceptable limits, including affordability indicators. This approach also maximizes the amount of funds available for asset renewal/replacement.

Tax Levy + Other Funding Sources

Other funding sources as described in this report would reduce annual levy requirements. Redirecting some of these funding sources to repay the Arena/Event Centre debt would increase levy requirements for asset renewal/replacement. A new funding source like, for example, a Hotel tax, requires further deliberation by Council.

The following table describes how each of the funding sources could be applied to pay the annual debt payment and when the payment stream would

become available. Council could adjust these during annual budget deliberations each year as circumstances require. As the table illustrates, funds available exceed the funds required to support arena financing. The extent to which other funding sources are used in any particular year could reduce the “Tax Levy” amount shown here:

	2018	2019	2020	2021	2022	2023
Arena/Event Centre Requirement (Note B)	Note A	Note A	Note A	\$5.5M	\$5.5M	\$5.5M
Funding Sources:						
Tax Levy	\$1.8M	\$3.6M	\$5.5M	\$5.5M	\$5.5M	\$5.5M
Completed grants		0.6M	1.1M	1.1M	1.1M	1.1M
Retired debt payment					1.5M	2.3M
OCIF (Note C)	6.0M	9.3M	9.3M	9.3M	9.3M	9.3M
New Funding Sources (Note D)	0.8M	0.8M	0.8M	0.8M	0.8M	0.8M
Total Funds Available	\$8.6M	\$14.3M	\$16.7M	\$16.7M	\$18.2M	\$19.0M
Funds Available in Excess of Arena Requirement	\$8.6M	14.3M	\$16.7M	\$11.2M	\$12.7M	\$13.5M

Notes:

A – If Council elects to replicate the approach used for funding the Biosolids project, an annual levy charge for three years equivalent to 0.7% each year would provide the funds needed for the annual debt repayment. None of the other funding sources would be needed for the Arena/Event Centre

B – Fundraising results could reduce the amount of financing required, lowering the projected repayment amount

C – OCIF funding is limited to certain uses. However, the increased funding level could reduce tax levy requirements for other capital projects, freeing up capital funds to be applied to the Arena/Event Centre.

D – This amount reflects an estimate of what a 4% hotel room tax could generate for the City. However, whether such a tax would ever be applied, or when it would actually take effect, is subject to further Council review and approvals.

As described in Recommended Motion #2, staff propose the inclusion of the financing plan for the Arena/Event Centre in the 2018 Budget that reflects staff's advice about how best to apply these funding sources in the context of all of the community's capital spending needs.

Next Steps

With the selection of a preferred site staff will:

- 1) Complete acquisitions for all private sector holdings with respect to the preferred site. The timeline for these acquisitions will be dependent on the site Council chooses. This process is anticipated to take up to 12 months.
- 2) Resolve all Planning considerations including rezoning, if required. If the selected site requires a rezoning, this process could take up to a year or more.
- 3) Enter into acceptable licenses/leases with the Sudbury Wolves. A report on these discussions will be presented to Council before the issuance of an RFP for a venue operator.
- 4) Issue a Design Build RFP at a date subject to the timing of site related acquisitions. It is anticipated that if the downtown site is selected, an RFP could be issued as early as Q3 2017.

Further to direction provided in March and in accordance with Council's direction on Resolution Two, staff will include a financing plan in the 2018 Capital budget.

References

City Council, April 11, 2017:

<http://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=23&id=1125>

City Council, March 7, 2017:

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&lang=en&id=1124&minutes=1>

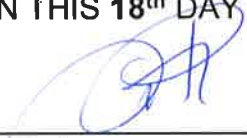
City Council, December 13, 2016

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1034&itemid=12449&lang=en>

City Council, July 12, 2016

<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=943&itemid=10989&lang=en>

**THIS IS EXHIBIT "X" TO THE AFFIDAVIT
OF ROWAN FALUDI,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

By-law 2017-149

**A By-law of the City of Greater Sudbury to Authorize an
Option to Purchase for the Event Centre from 1916596 Ontario Limited
being Part of PIN 73561-0264 (LT), PIN 73561-0282 LT) and
PIN 73561-0261(LT) located on Kingsway, Sudbury and Other Related Matters**

Whereas the City of Greater Sudbury wishes to authorize entering into an Option to Purchase certain lands on the Kingsway in Sudbury, forming part of PIN 73561-0264(LT), PIN 73561-0282LT) and PIN 73561-0261(LT), Township of McKim, City of Greater Sudbury as described therein and to be more particularly described by a reference plan in the event the option is exercised, as the proposed site for a proposed arena/event centre;

And Whereas the proposed Option to Purchase is conditional upon approval of the Council of the City of Greater Sudbury, upon rezoning of the lands, and upon such other conditions as are included therein;

And Whereas the City has agreed to make a contribution to the cost of construction of the road required for the development of the proposed arena/event centre;

And Whereas Council for the City of Greater Sudbury has determined to support the concept of the development of an Entertainment District on PIN 73561-0264(LT), PIN 73561-0282LT) and PIN 73561-0261(LT), in conjunction with the proposed arena/event centre and wishes to pursue the development of a concept plan with interested participants;

Now therefore the Council of the City of Greater Sudbury hereby enacts as follows:

Option to Purchase

1.-(1) The General Manager of Community Development is authorized to sign on behalf of the City of Greater Sudbury an Option to purchase from 1916596 Ontario Limited, for the sum of \$10.00 and H.S.T., if applicable, certain vacant land forming part of PIN 73561-0264(LT), PIN 73561-0282LT) and PIN 73561-0261(LT), north of Kingsway Boulevard located within the area formed by Streets A and C on a draft plan of subdivision approved under file 780-6/10002 as the Jack Nicholas Business and Innovation Subdivision and to be more particularly described by a reference plan approved by the Director of Assets and Fleet Service.

- (2) The General Manager of Community Development is authorized to:
- (a) apply for a re-zoning and take such other steps, retain such advisors and other resources and incur such expense as may be reasonably required to

- determine if it is in order to exercise the option to purchase, and if appropriate, to exercise the option;
- (b) extend the date for the exercise of the option agreement, to amend the option agreement or any part thereof, and to extend or advance the date for closing on the purchase in the event the option is exercised, as the General Manager of Community Development may consider to be appropriate; and
 - (c) sign the Transfer, such agreements and other documents and to take such other steps as maybe required to complete the transaction in the event the Option is exercised.

(3) The City Solicitor is authorized to electronically register the Transfer of the said land to the City in the event the Option is exercised, and such other documents as may be required to complete the transaction.

Servicing, Cost Sharing and Road Transfer

2. The General Manager of Community Development is authorized to execute, on behalf of the City, the Servicing, Cost Sharing and Road Transfer Agreement with 1916596 Ontario Limited in the form or substantially in the form attached to the Option Agreement and to sign such other documents, to make such decisions and to take such actions as may, in the opinion of the General Manager of Community Development, be appropriate to implement, administer, amend or extend the agreement.

Cost Sharing

3.-(1) The General Manager of Community Development is authorized to negotiate and to sign, on behalf of the City of Greater Sudbury, a cost sharing agreement with participating parties for the development of a preliminary conceptual and layout plan for an entertainment district on PIN 73561-0264(LT), PIN 73561-0282LT) and PIN 73561-0261(LT), encompassing the City's proposed event centre and arena and other development and to sign such other documents and to make such decisions and to take such actions as may, in the opinion of the General Manager of Community Development, be appropriate, to implement, administer, to amend or extend the agreement.

(2) The General Manager of Community Development is authorized to make and implement the decisions necessary to support the completion of the proposed arena/event centre as part of an entertainment district, consistent with the site design strategy as adopted by and financial terms established by Council for the City of Greater Sudbury.

Without limiting the generality of the foregoing, General Manager of Community Development is authorized to negotiate and to sign on behalf of the City such agreements and other documents, and to take such actions to implement, administer, amend or extend any such agreement as in the opinion of the General Manager of Community Development may be appropriate to implement the direction of Council.

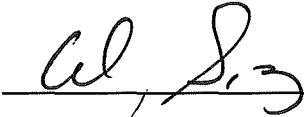
Delegation

4. The General Manager of Community Development may delegate the performance of any one or more of her functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The General Manager may continue to exercise any function delegated during the delegation.

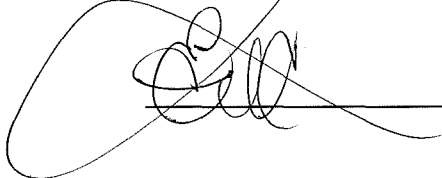
Effective

5. This By-law comes into full force and effect upon passage.

Read and Passed in Open Council this 22nd day of August, 2017



Deputy Mayor



Clerk

THIS IS **EXHIBIT "Y"** TO THE AFFIDAVIT
OF **ROWAN FALUDI**,
SWORN THIS **18th** DAY OF **OCTOBER, 2019**.



A Commissioner, & etc.



[Home](#) > [City Hall](#) > [Budget and Finance](#) > 2018 Budget

2018 Budget

2018 Approved Budget

City of Greater Sudbury Council approved the 2018 Budget on December 12, 2017. Approval followed two nights of deliberations by the Finance and Administration Committee on December 5 and 6, 2017.

Several changes were made to the proposed budget in order to approve a budget with a 3.0 % tax increase and 7.4 % water/wastewater rate increase.

For a typical home assessed at \$230,000 the 3.0 % tax increase is equivalent to an increase of approximately \$87 more than 2017 taxes, or an additional \$7.25 monthly. The 7.4 % water/wastewater user rate increase is in accordance with the financial plan for

Water/Wastewater and will ensure fiscal sustainability of the service.

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The following reflects the overall approved 2018 Operating Budget and provides changes to the chart found on page 52 of the budget document.

[Budget Summary 2018 \(PDF\)](#)

The Committee approved several service level changes presented in the form of business cases. Some of these service level changes include:

- Additional funding to continue the used needle recovery services
- Continuation of the Primary Healthcare Provider Recruitment and Retention program

The link below reflects the adopted business cases from the proposed list on pages 157 and 158 of the budget document and reflects all service level changes approved by the Committee:

[Approved Business Case Summary \(PDF\)](#)

The Committee also made the following changes to the 2018 Capital Budget:

- Approval of the Arena/Events Centre project on the Kingsway of \$100 million
- Approval of the Playground Revitalization program of \$2.3 million that will be funded from Healthy Community Initiatives (HCI) funds of \$150,000 per year
- Reallocated capital funding towards the Downtown as well as Town Centre Community Improvement Plans for a total of \$700,000
- Reallocated capital funds for Water and Wastewater of \$1.4 million to Operating to fund approved business cases including: position for hydraulic modeler/analyst and project manager II; W/WW master plan and asset management plan implementation/staffing; and increased hydrant painting

The following link provides changes to page 317 of the budget document and reflects the Capital Budget changes approved by the Committee.

[2018 Approved Capital Budget \(PDF\)](#)

2018 Budget

[View the 2018 budget document.](#)

Click on the links below to browse the document by section:

- [Highlights](#)
- [Introduction](#)
- [Overview](#)
- [Summary](#)

1158

- [Operating Budget](#)
- [Business Cases](#)
- [Capital Budget](#)
- [Water/Wastewater](#)
- [Outside Boards](#)
- [User Fees](#)
- [Appendices](#)

2018 Budget Public Input

Thank you for participating in the 2018 budget. Your feedback is an important part of the City's budget development process.

2018 Budget Direction

City Council directed staff to build a budget to be no more than a 3.5% property tax increase, with options to reduce this to a 3.0% and a 2.5% property tax increase.

[Budget direction 2018](#)

2018 Budget Schedule

Activity	Date
2018 Budget Direction Preliminary Forecast of Operating and Capital Budgets and Water/Wastewater Rate Increase	May 16, 2017
Community Consultation Session - Online Submissions	Summer 2017
Update Meeting	September 19, 2017
Table Budget Document <ul style="list-style-type: none"> • 2018 Operating and Capital Budget Overview Presentation (CAO and CFO) • Presentation from Outside Boards (tentative) 	Tuesday, November 7, 2017 4 to 9 p.m.

Activity	Date	1160
Budget Meeting <ul style="list-style-type: none"> • Review and Approve Operating and Capital Budgets and Water/Wastewater Rates • Three consecutive meetings have been scheduled 	December 5 to 7, 2017 4 p.m.	
City Council Approval of 2018 Operating and Capital Budget	Council Meeting Tuesday, December 12, 2017	
Approval of 2018 Property Tax Policy	April 2018	

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Contact the City

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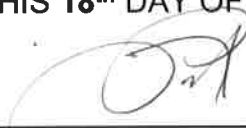
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2018 Approved Capital Budget

	Funding Sources						TOTAL
	Capital Envelope	Reserves Capital	Reserves Obligatory	Government Funding	External Debt Financing	Third Party Recoveries	
2018 Tabled Capital Budget	\$ 70,953,555	\$ 13,904,612	\$ 1,175,000	\$ 34,843,733	\$ 38,584,239	\$ 2,514,000	\$ 161,975,139
Council Approved Amendments (Dec 5th and 6th, 2017 Meetings):							
Roads - Cycling Infrastructure - Government Grant (Ontario Municipal Commuter Cycling).				\$ 1,122,543			\$ 1,122,543
Event Centre - approved business case for this new facility. Project to be funded from external debt and fundraising. External debt repayments are in Operating Budget.					\$ 90,000,000	\$ 10,000,000	\$ 100,000,000
Amendments to W/WW User Fee By-Law approved business case - results in increase in contribution to capital.	\$ 25,000						\$ 25,000
New hydraulic modeler/analyst for W/WW approved business case- results in decrease in contribution to capital.	\$ (94,640)						\$ (94,640)
Project Manager II for W/WW approved business case- results in decrease in contribution to capital.	\$ (123,809)						\$ (123,809)
W/WW Master Plan and Asset Management Plan Implementation - approved business case results in decrease in contribution to capital.	\$ (650,000)						\$ (650,000)
Improved hydrant painting standards for W/WW approved business case- results in decrease in contribution to capital.	\$ (540,000)						\$ (540,000)
Downtown CIP - approved business case - result in reduction of contribution to capital (capital budget) (report to F&A by Feb 2018 for reductions in Capital).	\$ (600,000)						\$ (600,000)
Town Centre CIP - approved business case - reduction in contribution to capital in order to fund CIP with contribution to CFRF - Planning for future grants.	\$ (100,000)						\$ (100,000)
Playground Revitalization of \$2.3 million spending (will be funded from \$150K from HCI funds towards the debt repayments).					\$ 2,300,000		\$ 2,300,000
Fire Training Employee approved business case - \$42,500 for vehicle and protective equipment.	\$ 42,500						\$ 42,500
Total Amendments	\$ (2,040,949)	\$ -	\$ -	\$ 1,122,543	\$ 92,300,000	\$ 10,000,000	\$ 101,381,594
2018 Approved Capital Budget	\$ 68,912,606	\$ 13,904,612	\$ 1,175,000	\$ 35,966,276	\$ 130,884,239	\$ 12,514,000	\$ 263,356,733

**THIS IS EXHIBIT "Z" TO THE AFFIDAVIT
OF ROWAN FALUDI,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.



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 > [Public Hearings for Kingsway Official Plan and Rezoning Applications](#)

Public Hearings for Kingsway Official Plan and Rezoning Applications

🕒 12-Mar-2018

The Planning Committee welcomes public comment regarding applications for rezoning to permit a recreation and community centre in the form of a public arena, a parking lot as a permitted use, and an application for an official plan amendment and rezoning to permit a place of amusement in the form of a casino.

The applications submitted by the property owner, 1916596 Ontario Ltd., are for lands located on the north side of the Kingsway, northwest of Levesque Street in Sudbury.

Residents are invited to present comments before the Planning Committee which will hear the following applications in the Council Chamber of Tom Davies Square, 200 Brady St., Sudbury. Public meetings on both days begin at 4:30 p.m.

Monday, March 26, 2018: Applications for an official plan amendment and rezoning to permit a casino on approximately 6.96 hectares of land

Wednesday, March 28, 2018: An application for rezoning to permit a public arena on approximately 11.96 hectares of land, and

Wednesday, March 28, 2018: An application for rezoning to permit a parking lot as a permitted use in the M2, Light Industrial and M3, Heavy Industrial zones.

The public may also submit comments in writing by email to clerks@greatersudbury.ca or by mail to the City of Greater Sudbury, City Clerk, Box 5000, Station A, Sudbury, Ontario, P3A 5P3. Comments can be submitted anytime up to and including the public hearings.

The staff report will be available as of 4:30 p.m. on Friday, March 16 at www.greatersudbury.ca/agendas

Residents who cannot attend Planning Committee meetings may watch via [Livestream at www.greatersudbury.ca](#). For more information, visit www.greatersudbury.ca/kingswayrezoning.

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**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM FORTIN

Applicants

-and-

CITY OF GREATER SUDBURY

Respondent

APPLICATION RECORD

Volume 6 of 6

DATE: October 22, 2019

MUNICIPAL LAW CHAMBERS

Royal Building
277 Lakeshore Road East
Suite 211
Oakville, Ontario L6J 6J3

**Gordon Petch
LSO #: 13089C**

**Zaid Sayeed
LSO #: 53142D**

Tel: (416) 900-0971 x 229

Fax: (416) 900-0972

@: zsayeed@argentlaw.com

Lawyers for the Applicants

TO:

AIRD & BERLIS LLP

Brookfield Place
181 Bay Street, Suite 1800
Toronto, ON
M5J 2T9

Tomasz Halinski
LSO # 42250A

Tel: (416) 865-7767
Fax (416) 863-1515
@thalinski@airdberlis.com

Lawyer for the Respondent

APPLICATION RECORD OF THE APPLICANTS

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- 2 Affidavit of Thomas Gary Fortin, sworn October 18, 2019**
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 - 2 Fortin Initiatives
 - 3 Job Creation
 - 4 Northern Life Letter, dated Oct. 23, 2012
 - 5 Sudbury Star - Gambling on new revenue, dated Feb. 9, 2013
 - 6 Sudbury Star – Health Unit Warning article, dated Feb. 21, 2013
 - 7 Casino Opportunity Update – OLG Presentation, dated Feb. 26, 2013
 - 8 Minutes of City Council Meeting held Feb. 26, 2013
 - 9 Minutes of City Council Meeting held Feb. 26, 2013
 - 10 CBC News - Sudbury Council wants a casino, dated Feb. 27, 2013
 - 11 Sudbury.com – Arena added to casino wish list, dated March 4, 2013
 - 12 State of the City Address, dated June 20, 2013
 - 13 Northern Life - Casino Information Ad by T. Fortin, dated July 18, 2013
 - 14 Text message from M. Whitehouse to T. Fortin, dated Apr. 17, 2019
 - 15 Minutes of City Council Meeting held Aug. 14, 2012
 - 16 Application for rezoning for Kingsway site, dated Sept. 29, 2014
 - 17 Email from D. McIntosh, dated Oct. 9, 2014
 - 18 Letter of Recognition for Compliance with O.Reg. 81/12, dated Jan. 14, 2015
 - 19 Email from S. Watt to G. Petch, dated Aug. 21, 2018
 - 20 Report on Event Centre Site Evaluation Matrix and Agenda for City Council Meeting, dated April 11, 2017
 - 21 See Exhibit 1 - USB Key
 - 22 Option Agreement, dated June 08, 2017
 - 23 Sudbury.com – Gateway inks deal with True North for Kingsway casino, dated June 13, 2017

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Affidavit of Thomas Gary Fortin (cont.)

- 24 Letter from M. Signoretti to City Council
- 25 See Exhibit 1 – USB Key
- 26 Promotional video view count, dated June 13, 2017
- 27 Emails from T. Fortin to the Mayor and copy of CasinoFreeSudbury webpage, dated June 22, 2017
- 28 Email from D. McIntosh to T. Fortin, dated June 27, 2017
- 29 Letter from Fabio Belli Foundation dated Nov. 17, 2017
- 30 See Exhibit 1 – USB Key
- 31 Minutes of City Council Meeting, dated June 27, 2017
- 32 See Exhibit 1 – USB Key
- 33 Minutes of City Council Meeting, dated Aug. 22, 2017
- 34 Manager Report – Event Centre Development, dated Aug. 09, 2017
- 35 Endorsements
- 36 CasinoFreeSudbury Endorsements
- 37 Facebook post of R. Kirwan, dated Sept. 21, 2017
- 38 Minutes of the Business Improvement Area Board Meeting, dated Dec. 7, 2017
- 39 Facebook post of M. Jakubo, dated Nov. 5, 2017
- 40 Email from T. Fortin to P. Dellelce, dated Nov. 5, 2017
- 41 Email from Gateway to Bryston's, dated Nov. 9, 2017
- 42 Facebook post of R. Kirwan, dated Nov. 14, 2017
- 43 Email from T. Fortin to City Clerk, dated Nov. 21, 2017
- 44 Facebook post of M. Jakubo, dated Nov. 22, 2017
- 45 Minutes of City Council Meeting held Nov. 22, 2017
- 46 See Exhibit 1 – USB Key
- 47 Draft Site Plan Presentation, dated Nov. 1, 2017
- 48 Site Design Strategy-Kingsway Entertainment District, dated Nov. 22, 2017
- 49 Notice of Completed Application (Arena and Casino), dated Dec. 15, 2017
- 50 Amending Option Agreement, dated Dec. 21, 2017
- 51 Social Media Ads, dated Jan. 2018
- 52 Sudbury Star – Casino opponent lays out argument, dated Jan. 1, 2018
- 53 Facebook post of R. Kirwan, dated Jan. 1, 2018
- 54 Cost Contribution Agreement, dated Jan. 8, 2018
- 55 Summary Casino Sudbury Website, date of printing Oct. 11, 2019
- 56 Sudbury Star - Open Letters "A voice against Sudbury's casino", dated Jan. 13, 2018
- 57 Facebook post of R. Kirwan, dated Jan. 19, 2018
- 58 Facebook post of R. Kirwan, undated
- 59 Facebook post of R. Kirwan, dated Jan. 22, 2018

- 60 See Exhibit 1 – USB Key
- 61 See Exhibit 1 – USB Key
- 62 Minutes of Planning Committee Meeting held Jan. 22, 2018
- 63 Facebook post of R. Kirwan, dated. Jan. 26, 2018
- 64 Facebook post of R. Kirwan, dated Jan. 27, 2018
- 65 Letter from CasinoFreeSudbury to Planning Committee, dated Jan. 30, 2018
- 66 Letter from G. Petch to Mayor Bigger and Members of Council, dated March 12, 2018

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Affidavit of Tom Fortin (cont.)

- 67 Staff Report on casino application, dated March 12, 2018
- 68 See Exhibit 1 – USB Key
- 69 Facebook post of R. Kirwan, dated March13, 2018
- 70 Minutes of Planning Committee Meeting held March 26, 2018
- 71 See Exhibit 1 – USB Key
- 72 See Exhibit 1 – USB Key
- 73 See Exhibit 1 – USB Key
- 74 See Exhibit 1 – USB Key
- 75 Minutes of Planning Committee Meeting held March 28, 2018
- 76 Facebook post of R. Kirwan, dated March 29, 2018
- 77 See Exhibit 1 – USB Key
- 78 See Exhibit 1 – USB Key
- 79 See Exhibit 1 – USB Key
- 80 See Exhibit 1 – USB Key
- 81 See Exhibit 1 – USB Key
- 82 See Exhibit 1 – USB Key
- 83 See Exhibit 1 – USB Key
- 84 Appeal to the Local Planning Appeal Tribunal, dated May 4, 2018
- 85 Email exchange between Mayor and Premier, dated Aug. 22, 2018
- 86 CBC – “Mayor on events centre: ‘Sudburians want the project done’, dated Aug. 15, 2018 and photograph
- 87 Letter from T. Fortin to G. Mazza, dated Nov. 26, 2018
- 88 Selection of news articles by R. Kirwan Articles re BIA
- 89 Sudbury Star - Why the Downtown BIA should be scrapped, dated May 24, 2019
- 90 Facebook post by M. Jakubo, dated June 2017
- 91 Report of the Integrity Commissioner, dated Sept. 3, 2019
- 92 See Exhibit 1 – USB Key

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Affidavit of Tom Fortin (cont.)

- 93 Selection of news articles by R. Kirwan

3 Affidavit of Rowan Faludi, sworn October 18, 2019

A C.V. of Rowan Faludi

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Affidavit of Rowan Faludi (cont.)

- B** Kingsway Entertainment District Economic and Financial Analysis, dated March 12, 2018
- C** WND Report, dated March 20, 2018
- D** Hemson Report, dated Nov. 2002
- E** Coming of Age in the 21st Century, dated June 2003
- F** Minutes of City Council Meeting, dated June 26 2003
- G** From the Ground Up, dated Oct. 1, 2014
- H** Minutes of City Council Meeting, dated Nov. 03, 2015
- I** Downtown Master Plan, dated March 2012
- J** Minutes of City Council Meeting, dated April 17, 2012
- K** Staff Report on 10 Year Implement Plan, dated Aug. 2, 2012
- L** Minutes of City Council Meeting, dated Aug. 14, 2018
- M** Greater Together, 2015 – 2018
- N** Minutes of City Council Meeting, dated March 31, 2015
- O** Presentation on Sudbury Community Arena, dated March 31, 2015
- P** Staff Report on Ten Year Implementation Plan Update, Nov. 4, 2015
- Q** Summary and Analysis Report on Large Projects Session, dated April 6, 2016
- R** Large Projects Priority Session, dated April 21, 2016
- S** PwC Report “Proposed Sports and Entertainment Centre – Feasibility and Business Case Assessment”, dated Feb. 21, 2017
- T** Resolutions of City Council, dated March 07, 2017
- U** PwC Report “Greater Sudbury Event Centre Site Evaluation”, dated June 2017
- V** Public notice, dated June 19, 2017
- W** Staff Report on Arena/Event Centre Update, dated June 15, 2017
- X** Bylaw 2017 – 149, dated Aug. 22, 2017
- Y** 2018 Approved Budget
- Z** Public Notice - Public Hearings for Kingsway Official Plan and Rezoning By-law Applications, dated March 12, 2018

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Affidavit of Rowan Faludi (cont.)

AA Official Plan Amendment No. 88

4 Affidavit of Henry Vincenzo Goegan, sworn October 18, 2019

5 Affidavit of Stephanie A. Fleming, sworn October 22, 2019

- A** Minutes of the City of London Council Meeting held June 12, 2012
- B** Letter from the City of London to the OLG, dated June 21, 2012
- C** Minutes of the City of London Strategic Priorities and Policy Committee Meeting held Dec. 11, 2017
- D** Presentation titled "Welcome to Gateway Casinos & Entertainment", dated Dec. 11, 2017
- E** Letter from Jake Pastore of OLG to the City of London, dated Jan. 17, 2018
- F** Staff Report to the Strategic Priorities and Policy Committee of the City of London, dated Jan. 29, 2018
- G** Minutes of the Strategic Priorities and Policy Committee of the City of London held Jan. 29, 2018
- H** Minutes of the City of London Council Meeting held Jan. 30, 2018
- I** Letter from the City of London to Anna Lisa Barbon, dated Jan. 31, 2018
- J** Email from Anna Lisa Barbon to Jake Pastore of OLG, dated March 21, 2018
- K** Email from Jake Pastore of OLG to Anna Lisa Barbon, dated March 26, 2018
- L** Display Boards for Public Open House and Information Session
- M** Summary of Public Consultation Results: Public Comments on Social Media
- N** Summary of Public Consultation Results: Survey
- O** Staff Report to the Strategic Priorities and Policy Committee of the City of London, dated April 23, 2018
- P** Minutes of Meeting of the Strategic Priorities and Policy Committee of the City of London held April 23, 2018
- Q** Minutes of the City of London Council Meeting held January 30, 2018

6 Affidavit of Jeffrey MacIntyre, sworn October 18, 2019

- A** Letter from Prime Real Estate Inc. to Sudbury, dated June 26, 2017
- B** Minutes of City Council Meeting held Nov. 24, 2015
- C** *Modernizing Lottery and Gaming in Ontario*, dated March 12, 2012
- D** Minutes of City Council Meeting held May 15, 2012
- E** Staff Report on City of Greater Sudbury Submission to OLG for Casino RFP, dated Aug. 2, 2014
- F** Presentation to City Council, dated Aug. 14, 2012
- G** Minutes of City Council Meeting held Aug. 14, 2012
- H** Open house presentation on "Potential Casino Development", dated October 10, 2012
- I** Schedule of payments in respect of capital donation
- J** Facebook Messenger communication between J. MacIntyre and R. Kirwan, dated June 28, 2017
- K** News articles and Facebook posts from Councillor Kirwan in respect of BIA
- L** Facebook post by Councillor Kirwan, dated May 18, 2018
- M** Agenda of City Council Meeting, dated July 9, 2019
- N** Letter from BIA to Gordon Petch, dated August 2, 2019
- O** Complaint from BIA to Integrity Commissioner
- P** Email from J. MacIntyre to G. Petch, dated September 16, 2019
- Q** Agenda of City Council Meeting, dated September 24, 2019

**THIS IS EXHIBIT "AA" TO THE AFFIDAVIT
OF ROWAN FALUDI,
SWORN THIS 18th DAY OF OCTOBER, 2019.**



A Commissioner, & etc.

By-law 2018-124P

**A By-law of the City of Greater Sudbury to
Adopt Official Plan Amendment No. 88 to
the Official Plan for the City of Greater Sudbury**

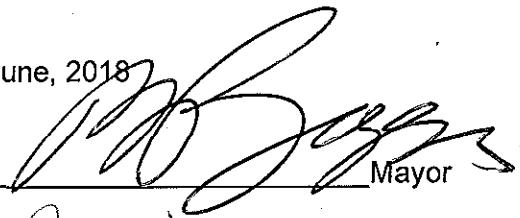
Whereas the Official Plan for the City of Greater Sudbury was adopted by City Council on June 14, 2006 by By-law 2006-200 and partly approved by the Ontario Municipal Board on December 17, 2007, January 22, 2008 and April 10, 2008;

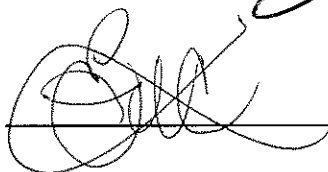
And Whereas Council of the City of Greater Sudbury deems it desirable to adopt Amendment No. 88 to the Official Plan for the City of Greater Sudbury pursuant to subsection 17(22) of the *Planning Act*, as amended;

Now therefore Council of the City of Greater Sudbury hereby enacts as follows:

1. Amendment No. 88 to the Official Plan for the City of Greater Sudbury attached hereto as Schedule "A" is hereby adopted.

Read and Passed in Open Council this 26th day of June, 2018


 _____ Mayor


 _____ Clerk

Schedule "A"
to By-law 2018-124P of the City of Greater Sudbury

COMPONENTS OF THE AMENDMENT:

PART A – The Preamble does not constitute part of this Amendment.

PART B – The Amendment, consisting of the following text and attached schedules, constitutes Amendment No. 82 to the Official Plan for the City of Greater Sudbury.

Schedule "A"
to By-law 2018-124P of the City of Greater Sudbury

- 15.** In Section 3.2.2, Living Area I – Phasing Policies, by:
- a. Adding a new clause 2a as follows, “the intensification target identified in Section 2.3.3 is being achieved”, and renumbering the other clauses accordingly;
 - b. Deleting the phrase “municipal and social infrastructure” and replacing it with the phrase “infrastructure and public service facilities” in clause 2c;
 - c. Adding the phrase “infrastructure matters such as” after the phrase “neighbourhood plans with respect to” and the word “and” after the phrase “road connections” in clause 2d; and,
 - d. Deleting policies 3 and 4.
- 16.** In Section 3.2.3, Living Area II – Non-Urban Settlements, by deleting and replacing policy 5 with the following:
- “5. Given the rural nature of Non-Urban Settlements, only infilling and minor rounding out of existing development may be permitted in *Living Area II*. For those areas that are partially serviced, site conditions must be suitable for the long term provision of such services with no negative impacts in accordance with Section 12.2.”.
- 17.** By deleting Sections 3.3 and 3.3.1 in their entirety.
- 18.** In Section 4.1, Objectives, by adding clause k as follows: “k. encourage the co-location of public service facilities in community hubs, where appropriate, to promote cost effectiveness and facilitate service integration, access to transit and active transportation.”.
- 19.** In Section 4.2, Centres, by adding the phrase “, character and function,” after the phrase “Depending on their location” in the second sentence.
- 20.** In Section 4.2.1, Downtown, by,:
- a. Deleting and replacing the preamble with the following:

“*Downtown* encompasses a 92.5 hectare area as shown on Schedules 1a and 1b, Land Use Map. This area contains the Central Business District and the “shoulders” of the *Downtown*. The Central Business District, which is generally bounded by Ste. Anne Road, Paris Street, Elgin Street and Frood Road, is generally characterized by a mix of higher density land uses. The shoulders are generally characterized by mixed land uses in low and mid-rise buildings.

Downtown is the heart of Greater Sudbury and a strategic core area in northern Ontario. It forms the historic core of the amalgamated City, retaining its important function as a local and regional centre of government services, business services, retail, sport and entertainment uses, arts and culture, and community and institutional uses. The *Downtown* services a large catchment area that extends beyond Greater Sudbury. It is also a place where people live. Compact, walkable and transit supportive, the *Downtown* possesses a distinct built form that sets it apart from other urban areas, offering unique opportunities to protect, develop and sustain its role as the vibrant hub of a dynamic city.

The City of Greater Sudbury and its partners have developed a new *Downtown Sudbury Master Plan* (the *Vision, Plan and Action Strategy*) for the *Downtown*, to guide revitalization by increasing the level of investment and activity, better connecting the *Downtown* into the surrounding urban fabric, rebalancing the *Downtown* street system and improving the *Downtown’s* quality of place.”;

Schedule "A"
to By-law 2018-124P of the City of Greater Sudbury

- b. Deleting and replacing policy 1 with the following, and renumbering following policy accordingly:
- "1. A wide variety of uses are permitted in the *Downtown*, consistent with its function as the most diversified commercial Centre in the City. Residential, commercial, institutional, entertainment uses and community facilities are permitted as set out in the Zoning By-law, provided that sewer and water capacities are adequate for the site. Drive-throughs are not permitted in the *Downtown*.;
- c. Inserting policies 2 and 3, as follows:
- "2. To encourage development in the Central Business District new development will be exempt from density and maximum height limits. However, taller buildings will be encouraged to locate along the periphery of the Central Business District consistent with the *Downtown Sudbury Master Plan* to protect the character of the historic core area and limit wind and shadow impacts. Development in the Central Business District will meet the minimum height limit established in the Zoning By-law. The Zoning By-law will establish minimum and maximum height limits for the shoulder areas of the Central Business District.
 3. To encourage development in the Central Business District, new non-residential development will be exempt from parking. Parking will be required for residential uses in the Central Business District, except residential re-use projects in buildings that were originally constructed five or more years ago.";
- d. Deleting clause 4a and renumbering following clauses accordingly; and
- e. Deleting and replacing programs 1 and 2 with the following:
1. The City will continue to work with its partners to implement the *Downtown Sudbury Master Plan*, including the following projects:
 - a. Laurentian Architecture Laurentienne;
 - b. New Downtown Market
 - c. The Elgin Greenway
 - d. Franklin Carmichael Art Centre
 - e. Place des Arts
 - f. Inno-Tech Park
 - g. Residential Incentives
 - h. Multi-use Centre/Hotel/Parking Structure
 - i. N'Swakamok Native Friendship Centre Expansion
 - j. New Central Library
 - k. Expanded Cambrian College Presence
 - l. New Visitor Centre
 - m. St. Anne Extension and College Underpass
 - n. Civic Core Improvements
 - o. Durham Shared Street
 - p. Streetscaping
 - q. Retail, Public Art and Heritage Strategies

Schedule "A"
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2. The City may also work with its partners to pursue other projects that reinforce the *Downtown's* role as a local centre and a strategic core area in northeast Ontario.
3. The City may consider establishing maximum height limits in parts of the Central Business District to protect the character of the historic core.
4. The City will monitor and adjust, as appropriate, the *Downtown Sudbury Master Plan*.

21. By inserting a new Section 4.2.1.1 Downtown Non-Residential Development, and renumbering following sections accordingly:

"4.2.1.1 Downtown Non-Residential Development

Attracting new non-residential uses such as office, retail, cultural uses and institutional uses is key to growing the level of activity in the *Downtown*. Office uses foster a strong business environment and provide a customer base for other uses. Retail uses and restaurants reinforce the *Downtown's* role as a destination for niche products and dining. Cultural and institutional uses augment the *Downtown's* role as an arts, culture, entertainment and event destination.

Policies

1. Non-residential development is a key priority for the *Downtown* as a means of stimulating increased investment and business activity and reinforcing the City's urban structure by achieving a more efficient pattern of development.
2. Significant new office developments will be encouraged to locate in the *Downtown*. Prestige office development will be encouraged along Paris Street, between Elm and Cedar Street.
3. New specialty based retailers that complement and reinforce the existing retail structure will be encouraged in the *Downtown*.
4. New destination attractions such as a new Multi-Use Facility, a new Hotel, the Franklin Carmichael Art Centre, Place des Arts, the Central Branch of the Greater Sudbury Public Library and additional postsecondary facilities will be encouraged in the *Downtown*.

Programs

1. The City will work with its partners to further plan and realize Inno-Tech Park on the lands generally bounded by Elm Street, the CP Rail Line and Rail Yards and Lorne Street. Council will encourage the protection of these lands for this purpose.
2. The City will work with its partners to develop the *Downtown* as a destination for hospitality, neighbourhood convenience and specialty shopping through projects such as marketing and a retail retention and recruitment strategy.

Schedule "A"
to By-law 2018-124P of the City of Greater Sudbury

3. The City will work with its partners to develop the *Downtown* as a destination for arts, culture, entertainment and sporting events through projects such as Place des Arts, the N'Swakamok Native Friendship Centre Expansion, the Franklin Carmichael Art Centre, Market, new Visitor Centre and the new Central Library Branch."
- 22.** In Section 4.2.1.2, Downtown Residential Development, by:
- a. Adding a new second sentence as follows, "In 2011, approximately 1,720 people lived in the *Downtown*.";
 - b. In policy 1, deleting the phrase "and meeting residential intensification targets" and replacing it with the phrase "reinforcing the City's urban structure and achieving a more efficient pattern of development";
 - c. Adding new policies 2 and 3 and renumbering following policies accordingly:
 - "2. The City will aim to double the number of people living in *Downtown* during the lifetime of this Plan. The City may encourage additional residential growth and development through various means including, but not limited to, financial incentives.
 3. All of forms of residential development and residential intensification will be encouraged in the *Downtown*, provided adequate infrastructure and services are available. New development will respect the existing and planned context.";
 - d. In policy 4, deleting the phrase "office and retail" and replacing it with the phrase "above-grade" in the first sentence, and deleting the second sentence in its entirety.
 - e. Adding a new program 1 and renumbering the following programs accordingly:
 - "1. The City will update the *Downtown Community Improvement Plan* to reflect the recommendations of the *Downtown Sudbury Master Plan*."
 - f. In program 2, deleting the word "Farmers"; and,
 - g. In program 4, deleting the phrase "action programs to be considered include the developing" replacing it with the phrase "other action programs may be pursued including the development of".
- 23.** In Section 4.2.1.3, Downtown Urban Environment, by:
- a. Deleting policy 5; and,
 - b. Adding the following programs and renumbering subsequent programs accordingly:
 - "1. The City will work with its partners to connect the *Downtown* with adjacent neighbourhoods through projects such as the Elgin Greenway, Larch Street Extension and Ste. Anne Road Extension.
 2. The City will work with its partners to create a more flexible and balanced street network in the *Downtown* through projects such as the Ste. Anne Cycle Route and provision of additional cycling infrastructure.
 3. The City will work with its partners to invest in the infrastructure necessary to support growth in the *Downtown* through projects such as structured parking facilities and, in the long term, examining the feasibility of relocating the *Downtown* transit terminal.
 4. The City will work with its partners to further plan and realize the Durham Shared Street concept and, in the long term, to rebuild Elm Street, beautify Paris Street and calm Brady Street.
 5. The City will work with its partners to create green destinations in the *Downtown* through projects such as the Elgin Greenway, Civic Core Improvements, and the Minto Civic Corridor.
 6. The City will work with its partners to celebrate the "Sudbury Story" in the *Downtown* through projects such as public art strategy, a heritage strategy

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM
FORTIN
Applicants

v.

CITY OF GREATER SUDBURY
Respondents

Court File No. CV-19-8313-00

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings commenced at **Sudbury**

AFFIDAVIT OF ROWAN FALUDI

(sworn October 18, 2019)

MUNICIPAL LAW CHAMBERS

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**Lawyers for the Applicants/Moving
Parties**

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM FORTIN

Applicants

-and-

CITY OF GREATER SUDBURY

Respondent

AFFIDAVIT OF HENRY VINCENZO GOEGAN

(sworn October 18, 2019)

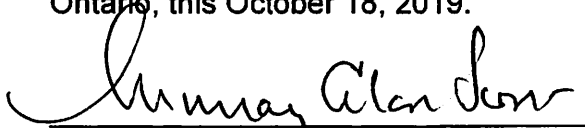
I, **HENRY VINCENZO GOEGAN**, of the City of Greater Sudbury, in the Province of Ontario, MAKE OATH AND SAY/AFFIRM as follows:


1. I was a resident of the former City of Sudbury and have been a resident of the current City of Greater Sudbury (the "City") since 1960 and therefore have knowledge, information and belief of the matters deposed to herein. To the extent that any of the information below is not within my personal knowledge, information or belief, I have been advised of same by others and have noted the source of the information.
2. My business, 5PM Designs Inc. o/a as 50 Carleton, was established in 1978. I joined the company in 1989 and acquired 50% of the company.

3. The company specializes in branding, advertising, and marketing. Our areas of practice have primarily been working for companies in mining, health care, forestry, and economic development.
4. Since the mid-nineties, we conducted business on an ongoing basis with the former and current City and with their Development Corporations, currently known as the Greater Sudbury Development Corporation or "GSDC".
5. Among the projects we undertook for the City and their Development Corporations are the following:
 - a. Rebranding assignment;
 - b. Assistance on communications for attracting a new medical school for the City;
 - c. Numerous economic development assignments in mining;
 - d. Development of the City's cultural policy;
 - e. Development of materials literacy programs;
 - f. Consulting on legacy projects program for arts, culture and sport; and
 - g. Five years of "Agency of Record" for GSDC and other assignments on a project basis.
6. I am very familiar with the City's efforts to relocate the Downtown arena to a site on the Kingsway known as the Kingsway Entertainment District ("KED"), together with a new casino, and followed the processing and approvals of same with intense interest.

- 7. I was a vocal opponent of the KED initiative when it first became public in June 2017 and have actively lobbied against the concept with persons and organizations that I felt may have the ability to rebuff the building of such a marquee new event centre at the KED. 50 Carleton publicly endorsed the "Casino Free Sudbury" campaign on August 8, 2017.
- 8. Since my opposition to the KED, my company has been unsuccessful in obtaining any further work from the City and GSDC since late 2017.
- 9. This Affidavit is sworn in support of the instant Application and for no other or improper purpose.

SWORN/AFFIRMED BEFORE ME at)
 the City of Sudbury, in the Province of)
 Ontario, this October 18, 2019.)


 _____)
 A Commissioner & etc.)



 Henry Vincenzo Goegan

MURRAY ALAN SCOTT
Barrister & Solicitor

**SUDBURY BUSINESS IMPROVEMENT AREA and TOM v.
FORTIN**
Applicants

CITY OF GREATER SUDBURY

Respondent

Court File No. CV-19-8313-00

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings commenced at Sudbury

**AFFIDAVIT OF HENRY VINCENZO
GOEGAN**

(sworn October 18, 2019)

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**Lawyers for the Applicants/Moving
Party**

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM FORTIN

Applicants

-and-

CITY OF GREATER SUDBURY

Respondent

AFFIDAVIT OF STEPHANIE A. FLEMING

(sworn October 22, 2019)

I, **STEPHANIE FLEMING**, of the Town of Oakville, in the Province of Ontario, MAKE OATH AND SAY/AFFIRM:

1. I am a lawyer who has assisted counsel Gordon E. Petch and Zaid A. Sayeed in this matter and therefore have knowledge, information and belief of the matters deposed to herein. To the extent that any of the information below is not within my personal knowledge, information or belief, I have been advised of same by others and have noted the source of the information.
2. The situation of the City of London (the “**City**” or “**London**”), which also sought “willing host” approval for expanded gaming from Ontario Lottery and Gaming Corporation (“**OLG**”) under Ontario Regulation 81/12, is a comparable situation to the case-at-bar.

3. London has a pre-existing slot machine casino located at the Western Fair District (“**WFD**”).
4. On March 12, 2012, OLG announced its modernization plan (“**Modernization Plan**”) for gaming in Ontario. Attached to the Affidavit of Jeffrey MacIntyre (the “**MacIntyre Affidavit**”) at Exhibit “C” is a copy of this plan.
5. On or about June 9, 2012, further to the Modernization Plan, the WFD casino operators presented to London’s Investment and Economic Prosperity Committee (“**IEPC**”) on the possibility of expanded gaming in London. The presentation was shown to City Council on June 12, 2012.
6. Council then resolved to advise OLG that the City was a “willing host community” in respect of the continuation of gaming at the WFD and for further gaming. Council also directed staff to make the necessary arrangements to obtain public feedback further to O. Reg. 81/12. Attached hereto and marked as **Exhibit “A”** is an excerpt from the June 12, 2012 minutes.
7. In accordance with this resolution, on or about June 21, 2012, London sent a letter to OLG stating that London was a willing host for expanded gaming. Attached hereto and marked as **Exhibit “B”** is a copy of this letter.
8. On or about November 14, 2017, London’s City Council resolved to invite OLG and Gateway representatives to discuss the expansion of gaming in London. I determined this by reviewing the publicly available video of the Council meeting.
9. On December 11, 2017, representatives from Gateway and OLG made a presentation to the City’s Strategic Priorities and Policy Committee (“**SPPC**”).

In response, the SPPC asked OLG specific questions and requested specific information, as follows:

- i. "What is the operating process between OLG and Gateway? What was the service agreement?"
- ii. "Who decides on the size of the casino? What authority does the municipality have?"
- iii. "What is the OLG's approach to Anti Money Laundering (AML)?"
- iv. "Council would like to see more information on the relationship with OLG and Gateway. They need to understand more of what this is before they decide."
- v. "Council would like to see a business case, on the results of a broader public consultation."
- vi. "Council wants to see a concept of all this coming together (Gateway's presentation and OLG's Responsible Gambling). Want to see anticipated numbers, a general economic impact, social impact, etc."

Attached hereto and marked as **Exhibit "C"** is an excerpt of the Minutes of the December 11, 2017 meeting.

Attached hereto and marked as **Exhibit "D"** is a copy of the afore-mentioned presentation.

In response to the above-noted meeting and questions raised, Mr. Jake Pastore of OLG ("**Mr. Pastore**") sent a letter to Council, dated January 17, 2017. In this letter, he provided replies to the above-noted queries. Regarding

- the question of public consultation (at (v) above), and the requirements of O. Reg. 81/12, he advised that public consultation was a requirement of approval under O. Reg. 81/12 and that municipalities had full discretion as to the size and scope of the public participation process “as they see fit, commensurate with local preferences.” Attached hereto and marked as **Exhibit “E”** is a copy of said letter.
10. In the December 11, 2017 meeting of the SPPC, City Staff were directed to develop various options for obtaining public input into the sole question of authorizing expanded gaming in London. Further to this direction, on January 29, 2018, a report on the requirements of expanded gaming for municipalities, under O. Reg. 81/12 was presented to the SPPC. In this report, City Staff recommended that London hold an open house, followed by a public participation meeting. Attached hereto and marked as **Exhibit “F”** is a copy of said report.
 11. On January 29, 2018, the above-noted report was presented to the SPPC. The Committee resolved to implement the suggested options for public participation and directed City Staff to obtain assistance from the local Business Improvement Area in holding the open house. It also directed Staff to obtain feedback from stakeholders like the London Middlesex Counselling and Addiction Services on the risks of expanding gambling in London. Attached hereto and marked as **Exhibit “G”** is an excerpt from the minutes of this meeting.

12. On January 30, 2018, Council resolved to approve the directions authorized by the SPPC at the January 29, 2018 meeting. Attached hereto and marked as **Exhibit “H”** is an excerpt from the minutes of said meeting.
13. On January 31, 2018, Council directed Anna Lisa Barbon (“**Ms. Barbon**”), as the Managing Director of Corporate Services and City Treasurer, to carry out the above-noted actions. Attached hereto and marked as **Exhibit “I”** is a copy of this direction.
14. On March 21, 2018, Ms. Barbon emailed Mr. Pastore to query whether the “willing host” resolution passed by the City on June 9, 2012 was still valid. I would note that the June 9, 2012 date is in error, as the actual date of that resolution was June 12, 2012. In her email, Ms. Barbon stated that the City intends to hold a public participation meeting on April 23, 2018 to comply with O. Reg. 81/12. Attached hereto and marked as **Exhibit “J”** is a copy of the March 21, 2018 email.
15. On March 26, 2018, Mr. Pastore replied to Ms. Barbon’s email, stating that the resolution previously passed by the City did not fulfil the requirements of O. Reg. 81/12 as no public input had been obtained prior to the introduction of the resolution. In order to comply with the regulation, he advised as follows:

The regulation is specific to expanded gaming in the broader municipality rather than at a specific site and requires the municipality advertise and acquire public feedback before Council approves a resolution indicating their support for expanded gaming within their jurisdiction.

Attached hereto and marked as **Exhibit “K”** is a copy of Mr. Pastore’s email.

16. Therefore, before London could successfully (i) resolve to be a willing host to expanded gaming or (ii) proceed to approve any specific site, the City was required to hold a public process to obtain the views of the public on the sole question of whether or not the residents wanted to be a willing host for expanded gambling in their municipality. Mr. Pastore included a sample resolution for the City in the afore-mentioned email, reproduced below:

Whereas, the Corporation of the City of London is already a current OLG host gaming municipality to an existing slots facility and have restated our support in a resolution passed on June 12, 2012;

And whereas; the Corporation of the City of London, has undertaken steps under Regulation 81-12 of the *OLGC Act*. 1999 including advertising and acquirement of public feedback to confirm its support for expanded gambling within its jurisdiction;

Be it resolved that the Corporation of the City of London again fully endorse a location for a new casino-style gaming facility within its jurisdiction which includes, but is not limited to, a wide variety of entertainment options such as sport betting, charitable gaming, electronic casino gaming devices and live table casino games.

17. On March 22, 2018, City Staff held an Open House and Information session. At this Open House, Staff erected information boards for the public. The question asked of the public on these boards was whether expanded gaming should be allowed in the City of London. The boards also stated that the feedback requested was explicitly in respect of expanded gaming in the municipality in general, not at a specific site or sites. Attached hereto and marked as **Exhibit "L"** is are copies of said information boards.

18. As part of their attempts to obtain public feedback on this issue, City Staff used a variety of tools to publicize and promote opportunities for the public to give feedback on this issue, including those below:

i. Posting on the social media sites Twitter and Facebook and allowing members of the public to comment on same:

We're considering expanded gaming in London. We need your input to assist Council on making a decision on future gaming in the city. Take our quick survey and attend our Open House March 22. Learn more: [link].

The City of London is considering expanded gaming in London. Learn more and provide your input at our Public Open House and Information Session this Thursday at Kiwanis Seniors' Community Centre from 6-8 p.m.

Do you support or oppose the idea of expanded gaming in London? We want to know.

Take our quick survey online: [link]

Attached hereto and marked as **Exhibit "M"** are copies of said posts.

ii. Creating and promoting a survey on the "Get Involved" London website, which asked the following:

Prior to this survey, were you aware the City of London is considering whether or not to approve expanded gaming in London?

Do you support or oppose the idea of allowing additional slots and introducing live table games in London?

Attached hereto and marked as **Exhibit "N"** is a copy of said survey.

iii. Using a variety of print advertising, including local papers and posters; and

iv. Advertising the open house and public meetings on the City's homepage, event calendar, and e-newsletter.

19. On or about April 23, 2018, London's Civic Administration prepared a report for the SPPC, regarding the results of the above-noted efforts to publicize and promote the request for public input into whether London should permit expanded gaming. This report included the following:
- i. results of the survey on "Get Involved", which had 1,768 visitors to the site and 727 participants (Exhibit "N"). According to these results, 80% of the participants were aware that the City of London was considering approving expanded gaming and 54% strongly supported allowing additional slots and live table games in London. The report also included a breakdown of the reasons provided for the support or opposition to the project (Exhibit "N", page 2).
 - ii. copies of comments received from the public through social media and on the "Get Involved" website (Exhibit "M");
 - iii. copies of comments received from the public at the open house (Exhibit "M"); and
 - iv. copy of a presentation from Addiction Services of Thames Valley.

Attached hereto and marked as **Exhibit "O"** are is a copy of said report.

20. On April 23, 2018, the SPPC held a public participation meeting regarding expanded gaming. Attached hereto and marked as **Exhibit "P"** is is a copy of an excerpt from the minutes of said meeting.
21. On April 24, 2018, the April 23, 2018 report and recommendations of the SPPC were presented to City Council, and Council thereafter resolved to support

expanded gaming in London. Attached hereto and marked as **Exhibit "Q"** is is a copy of an excerpt of the minutes of said meeting.

22. This Affidavit is sworn in support of the instant Application and for no other or improper purpose.

SWORN/AFFIRMED BEFORE ME at)
the Town of Oakville, in the Province of)
Ontario, this 22nd of October, 2019.)



A Commissioner & etc.)



Stephanie A. Fleming

**THIS IS EXHIBIT "A" TO THE AFFIDAVIT
OF STEPHANIE FLEMING,
SWORN THIS 22nd DAY OF October, 2019.**



A Commissioner, & etc.



COUNCIL MINUTES

June 12, 2012

The Council meets in Regular Session in the Council Chambers this day at 5:00 p.m.

PRESENT: Mayor J.F. Fontana; Councillors B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant and S.E. White and C. Saunders (City Clerk).

ABSENT: Councillors S. Orser and N. Branscombe.

ALSO PRESENT: T. Dobbie, M. Hayward, J. Braam, J.P. Barber, K. Dawtrey, J.M. Fleming, E. Gamble, T. Johnson, G.T. Hopcroft, G. Kotsifas, B. Krichker, L. Livingstone, V. McAlea Major, D. O'Brien, L. Rowe, R. Sharpe, L. Stevens, J. Taylor, M. Turner, B. Warner, R. Welker, B. Westlake-Power and P. White.

At the beginning of the Meeting all Members are present, except Councillors S. Orser, N. Branscombe and P. Hubert.

I RECOGNITIONS

1. His Worship the Mayor presents a plaque for "London's Featured Company" to Primus Business Services.
2. His Worship the Mayor and Margaret Martin, Regional Field Officer, The Duke of Edinburgh's Award recognize the recipients of The Duke of Edinburgh's Bronze Award.

II DISCLOSURES OF PECUNIARY INTEREST

Motion made by Councillor P. Hubert to Approve that the following actions be taken with respect to the Association of Municipalities of Ontario (AMO) Board of Directors:

- a) NO ACTION BE TAKEN with respect to the request of Councillor D. Brown for nomination to the AMO Board of Directors; it being noted that Councillor D. Brown indicated she wished to withdraw her request; and
- b) on the recommendation of the Director of Intergovernmental and Community Liaison, the nomination of Grant Hopcroft, Director of Intergovernmental and Community Liaison, to the 2012-2014 Association of Municipalities of Ontario (AMO) Board of Directors – Secretary-Treasurer BE SUPPORTED.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

18. Letter of Support - OLG Slots at Western Fair Charity Event

Motion made by Councillor P. Hubert to Approve that the following actions be taken in response to a request by J. Simmons of the Slots at the Western Fair District, regarding an upcoming charitable fundraising event:

- a) the Mayor BE REQUESTED to immediately write a letter expressing the City of London's support for the OLG Slots and Casino's application to the AGCO for a lottery licence to run a raffle and 50/50 draw at its upcoming charity golf tournament on June 25, 2012 at Tamarack Ridge, being hosted by the Slots at the Western Fair District; it being noted that this is a fundraising initiative for Federated Health Charities, which is a Public Service Ontario umbrella that was established to assist its members in donating to 16 charitable health organizations; it being further noted that the letter being sought is time sensitive given the application deadline; and
- b) the actions stated in part a), above, BE CONFIRMED by the Municipal Council.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

18th Report of the Finance and Administrative Services Committee

Councillor P. Hubert presents

Motion made by Councillor P. Hubert to Note the receipt of the 18th Report of the Finance and Administrative Services Committee.

Motion made by Councillor J.B. Swan that it BE NOTED that the Investment and Economic Prosperity Committee received the attached presentation from Steve Pellarin, London Small Business Centre, requesting financial support for micro loans for small businesses; it being understood that the proposal will be evaluated in accordance with the established criteria;

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

- l) Kilmer Brownfield Management Limited – Remediation and Rezoning to Facilitate the Redevelopment of 111 Horton Street East (the Hydro Lands)

Motion made by Councillor J.B. Swan that it **BE NOTED** that the Investment and Economic Prosperity Committee received the attached presentation from Pamela Kraft, Kilmer Brownfield Management Limited, with respect to a proposed partnership with the City of London to remediate and develop the London Hydro lands; it being understood that the proposal will be evaluated in accordance with the established criteria;

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

- m) The London Multicultural Community Association – London Immigrant Business Entrepreneurship Accelerator Centre

Motion made by Councillor J.B. Swan that it **BE NOTED** that the Investment and Economic Prosperity Committee received the attached presentation from Jack Malkin, The London Multicultural Community Association, entitled “London Immigrant Business Entrepreneur Accelerator Centre”, with respect to a request for funding to establish the Accelerator Centre; it being understood that the proposal will be evaluated in accordance with the established criteria.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, J.L. Baechler, M. Brown, P. Hubert, D.G. Henderson, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (13)

- n) Western Fair District – Modernizing Land Based Gambling in Ontario

Motion made by Councillor J.B. Swan and seconded by Councillor B. Polhill to Amend part n) of clause 2 by deleting the clause in its entirety and replacing it with the following new clause n):

That the following actions be taken with respect to the Western Fair District presentation regarding the establishment of Ontario Gaming Zones:

- i) the Ontario Lottery Gaming Commission and the Provincial Government BE ADVISED that The Corporation of the City of London is a willing host community and supports the continuation of the Western Fair District (WFD) as a gaming site and as a site for an expanded gaming program;
- ii) the WFD BE REQUESTED to report back at a future Investment and Economic Prosperity Committee (IEPC) meeting on the potential impacts that an expanded gaming program at the WFD would have on the community; and,
- iii) the Civic Administration BE DIRECTED to make the necessary arrangements for the IEPC to hold any Public Participation Meeting that may be required to advance the development of an expanded gaming facility;

it being noted that the Investment and Economic Prosperity Committee received the ~~attached~~ presentation from Hugh Mitchell, Western Fair District, regarding this matter.

At 9:41 PM the Mayor places Councillor M. Brown in the Chair, and leaves the meeting.

Motion made by Councillor H.L. Usher and seconded by Councillor S.E. White to Approve that pursuant to section 9.6 of the Council Procedure By-law, Councillor D.G. Henderson be permitted to speak longer than 5 minutes with respect to part n) of clause 2.

Motion Passed

Motion made by Councillor J.L. Baechler and seconded by Councillor D. Brown to Approve that pursuant to section 9.6 of the Council Procedure By-law, Councillor H.L. Usher be permitted to speak longer than 5 minutes with respect to part n) of clause 2.

Motion Passed

At 10:10 PM the Mayor resumes the Chair and Councillor M. Brown takes his seat at the Council Board.

The motion to Amend part n) of clause 2 is put.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, M. Brown, P. Hubert, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (11)

NAYS: J.L. Baechler, D.G. Henderson (2)

The motion to adopt part n) i) of clause 2, as amended, is put.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, M. Brown, P. Hubert, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant (10)

NAYS: J.L. Baechler, D.G. Henderson, S.E. White (3)

The motion to adopt the balance of part n), of clause 2, as amended, is put.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, W.J. Armstrong, J.B. Swan, M. Brown, P. Hubert, P. Van Meerbergen, D. Brown, H.L. Usher, J.P. Bryant, S.E. White (11)

NAYS: J.L. Baechler, D.G. Henderson (2)

Clause 2n), as amended, reads as follows:

That the following actions be taken with respect to the Western Fair District presentation regarding the establishment of Ontario Gaming Zones:

- i) the Ontario Lottery Gaming Commission and the Provincial Government BE ADVISED that The Corporation of the City of London is a willing host community and supports the continuation of the Western Fair District (WFD) as a gaming site and as a site for an expanded gaming program;
- ii) the WFD BE REQUESTED to report back at a future Investment and Economic Prosperity Committee (IEPC) meeting on the potential impacts that an expanded gaming program at the WFD would have on the community; and,
- iii) the Civic Administration BE DIRECTED to make the necessary arrangements for the IEPC to hold any Public Participation Meeting that may be required to advance the development of an expanded gaming facility;

it being noted that the Investment and Economic Prosperity Committee received the attached presentation from Hugh Mitchell, Western Fair District, regarding this matter.

3. Deferred Matters/Additional Business

Motion made by Councillor J.B. Swan to Approve that the Civic Administration **BE DIRECTED** to advise the community that investment and economic prosperity proposals received after June 1, 2012 will not be considered in 2012.

At 10:18 PM, Councillor W.J. Armstrong leaves the meeting.

At 10:19 PM, Councillor P. Van Meerbergen leaves the meeting.

Motion made by Councillor J.L. Baechler and seconded by Councillor J.B. Swan to Amend clause 3 at the end of the clause by adding the following wording, "it being noted that the RFP related to the City's UTRCA lands would not be subject to the June 1st deadline".

THIS IS **EXHIBIT "B"** TO THE AFFIDAVIT
OF **STEPHANIE FLEMING**,
SWORN THIS **22nd** DAY OF **October, 2019**.



A Commissioner, & etc.



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

London
CANADA

June 21, 2012

Hugh Mitchell
Western Fair District

I hereby certify that the Municipal Council, at its session held on June 12th, 2012, resolved:

That the following actions be taken with respect to the Western Fair District presentation regarding the establishment of Ontario Gaming Zones:

- i) the Ontario Lottery Gaming Commission and the Provincial Government **BE ADVISED** that The Corporation of the City of London is a willing host community and supports the continuation of the Western Fair District (WFD) as a gaming site and as a site for an expanded gaming program;
- ii) the WFD **BE REQUESTED** to report back at a future Investment and Economic Prosperity Committee (IEPC) meeting on the potential impacts that an expanded gaming program at the WFD would have on the community; and,
- iii) the Civic Administration **BE DIRECTED** to make the necessary arrangements for the IEPC to hold any Public Participation Meeting that may be required to advance the development of an expanded gaming facility,

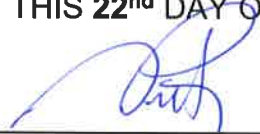
it being noted that the Investment and Economic Prosperity Committee received the attached presentation from Hugh Mitchell, Western Fair District, regarding this matter. (2n/10/IEPC)

C. Saunders
City Clerk
/ds

cc: T. Dobbie, Interim City Manager
M. Hayward, City Treasurer, Chief Financial Officer
J. Fleming, Director of Planning
K. Graham, Manager, Corporate Initiatives
G. Hopcroft, Director, Intergovernmental and Community Liaison

The Corporation of the City of London
Office: 519-661-2500 ext. 5422
Fax: 519-661-4892
www.london.ca

THIS IS **EXHIBIT "C"** TO THE AFFIDAVIT
OF **STEPHANIE FLEMING**,
SWORN THIS **22nd** DAY OF **October, 2019**.

A handwritten signature in blue ink, appearing to be 'D. H.', is written over a horizontal line.

A Commissioner, & etc.

1ST REPORT OF THE

STRATEGIC PRIORITIES AND POLICY COMMITTEE

-
Meeting held on December 11, 2017, commencing at 4:02 PM, in the Council Chambers, Second Floor, London City Hall.

PRESENT: Mayor M. Brown and Councillors M. van Holst, B. Armstrong, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H.L. Usher, T. Park and J. Zaifman and L. Rowe (Secretary).


ALSO PRESENT: M. Hayward, A.L. Barbon, G. Barrett, B. Card, I. Collins, B. Coxhead, S. Datars Bere, A. Hagan, G. Kotsifas, L. Livingstone, M. Marcellin, P. McKague, J. Smout, S. Spring, S. Stafford, B. Warner, R. Wilcox and P. Yeoman.

I. CALL TO ORDER

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

II. CONSENT ITEMS

2. Financial and Other Resources Required to Host International Plowing Match 2020 

That the following actions be taken with respect to the 2020 International Plowing Match:

- a) the staff report dated December 11, 2017, entitled "Financial and Other Resources Required to Host International Plowing Match 2020", BE RECEIVED; and
- b) the communication dated December 4, 2017, from Councillor B. Armstrong, providing additional letters of support for hosting the 2020 International Plowing Match, BE RECEIVED.

Voting Record:

Motion to Approve parts a) and b).

YEAS: M. Brown, M. van Holst, B. Armstrong, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H.L. Usher, T. Park, J. Zaifman (14)

NAYS: M. Salih (1)

Motion to Approve a new part c) that states “No further action be taken by the City of London to pursue hosting the 2020 International Plowing Match.”

Motion Failed

YEAS: M. Salih, J. Helmer, J. Morgan, P. Hubert, T. Park, J. Zaifman (6)

NAYS: M. Brown, M. van Holst, B. Armstrong, M. Cassidy, P. Squire, A. Hopkins, V. Ridley, S. Turner, H.L. Usher (9)

III. SCHEDULED ITEMS

3. Proposed Casino Expansion

That the following actions be taken with respect to the proposed Casino expansion in London:

a) the attached presentation by K. Andrews, Senior Vice President and Managing Director, Ontario for Gateway Casinos and Entertainment Limited and the verbal delegation from P. Pellizzari, Executive Director of Social Responsibility for the Ontario Lottery and Gaming Corporation (OLG), outlining the OLG’s role in the expansion project, BE RECEIVED; and

b) the information provided in a), above, BE REFERRED to the Civic Administration for consideration in developing options for seeking public input into this matter, as part of its report back on the steps that are required to be taken by the Municipal Council, under O.Reg. 81/12 under the Ontario Lottery and Gaming Corporation Act, 1999, for the proposed expansion of a gaming site in London.

Motion Passed

YEAS: M. Brown, M. van Holst, B. Armstrong, M. Salih, J. Helmer, P. Squire, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H.L. Usher, T. Park, J. Zaifman (13)

IV. ITEMS FOR DIRECTION

4. 2019 Development Charges (DC) Study - Growth Projections

**THIS IS EXHIBIT "D" TO THE AFFIDAVIT
OF STEPHANIE FLEMING,
SWORN THIS 22nd DAY OF October, 2019.**



A Commissioner, & etc.

WELCOME TO GATEWAY CASINOS & ENTERTAINMENT



CELEBRATING 25 YEARS IN THE BUSINESS OF ENTERTAINMENT



Gateway by the Numbers



61,50 employees
across Canada



26 properties



282 table games



68 restaurants



272 hotel rooms



9,593 slots

Gateway Casinos

Redevelopment & Growth Strategy

- Fundamental shift in business model
- From “Slots in a box” to entertainment destinations
- Brand development – both property and food and beverage
- Investing capital, driving economic development and job creation
- Strategic acquisitions
- Delivering quality customer experiences
- Since 2013, Gateway has invested \$325 M and created an additional 1,500 jobs through this strategy

Recent Redevelopment Projects



Grand Villa Edmonton - Summer 2016



Cascades Casino Penticton - Spring 2017



Starlight Casino Edmonton - Winter 2017

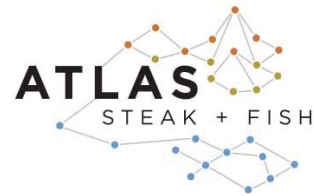


Starlight Casino Point Edward - 2018

Casino Property Brands



Some of Our Exciting Restaurant Brands



Langley



New Westminster



Squamish



Vernon



Kamloops



Edmonton



STAKEHOLDERS



Community Issues and Stakeholders

- Municipalities
- First Nations
- Horse racing
- Responsible gambling



- Strive to be a good neighbour in the communities where we operate
- Our team members are important ambassadors for our Gateway Gives program
- Supporting local charities and community initiatives
- Give our time, resources and properties to help pitch in

Celebrating 25 Days of Giving

The 25 Days of Giving campaign will contribute **\$5,000** to a worthy local charity selected by employees, in each of our communities. Through GatewayGIVES deserving, employee-selected, charities across Canada will receive

\$125,000 in Charitable Support



Congratulations

**RONALD
McDONALD
HOUSE**

Southwestern Ontario

An Exciting New Chapter

With over 20 years of Canadian gaming experience, Gateway Casinos & Entertainment understands what it takes to be a successful, trusted operator in Canadian communities. Gateway Ontario marks an exciting new chapter in the continued growth of one of Canada's premier gaming and entertainment operators.

[Read More](#)

GATEWAY ONTARIO

LONDON HEAD OFFICE –PALL MALL

'HUB AND SPOKE' SOUTHWEST

GATEWAY AND MODERNIZATION

RFP PROCESS

SELECTED PROPONENT DECEMBER 2016

TWO BUNDLES – 11 FACILITIES THROUGHOUT ONTARIO

ASSUMED OPERATIONS MAY 9, 2016

BEGAN MEETINGS WITH WFA AND CITY IN FEBRUARY 2017

GATEWAY AND MODERNIZATION

LONDON DEVELOPMENT:

\$142 MILLION TOTAL CAPITAL

NEW GAMING FLOOR

FOUR RESTAURANTS

125 ROOM HOTEL

APPROXIMATELY 700 INCREMENTAL JOBS



Proposed Development Option - RFP

1203



Proposed Development Option -RFP



GATEWAY CASINOS WESTERN FAIR OPTION DECEMBER 11, 2017



Suite 412, 160 Pears Avenue
Toronto, ON, M5R 3P8
t. (416) 539-0763 | w. cumulusarch.com



Suite 200, 99 Blue Jays Way
Toronto, ON, M5V 3G9
t. (416) 341-2348 | w. makaywong.com



Suite 303, 256 Pall Mall Street
London, ON, N6A 5P5
w. gatewaycasinos.com

1203



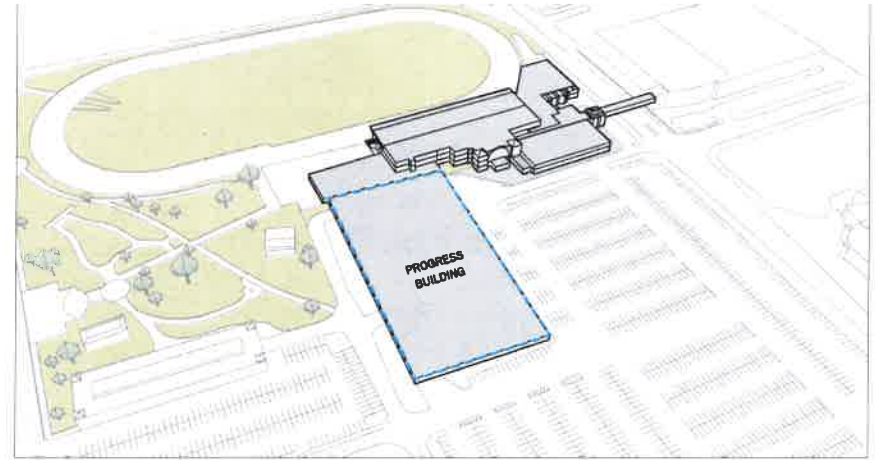
EXISTING WESTERN FAIR CONDITION

GATEWAY CASINO WESTERN FAIR OPTION

London Council Meeting
December 11th, 2017



mackaywong



EXISTING WESTERN FAIR CONDITION

GATEWAY CASINO WESTERN FAIR OPTION

London Council Meeting
December 11th, 2017



mackaywong



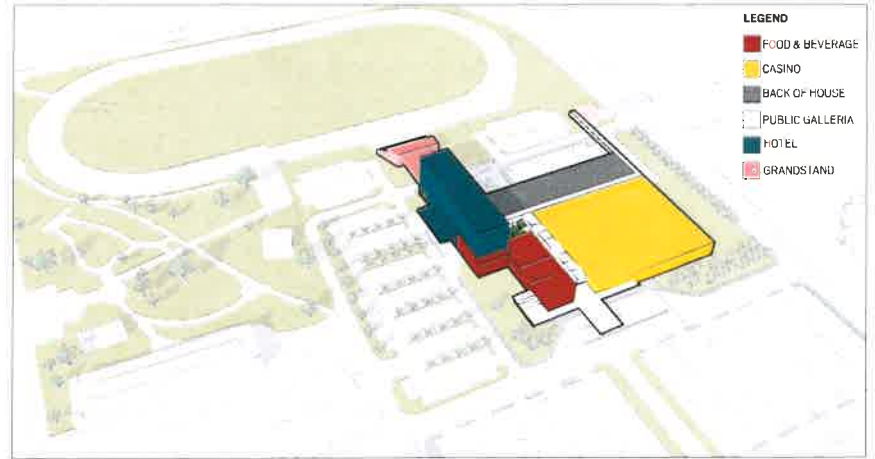
PHASE 1 PROGRAM

GATEWAY CASINO WESTERN FAIR OPTION

London Council Meeting
December 11th, 2017



mackaywong



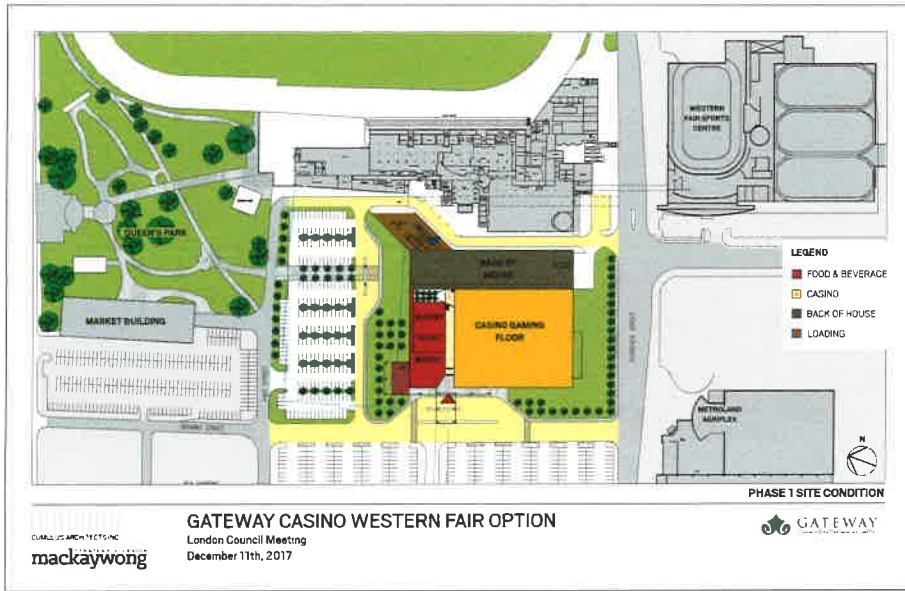
PHASE 2 PROGRAM

GATEWAY CASINO WESTERN FAIR OPTION

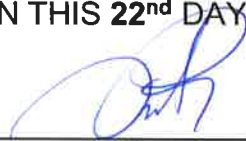
London Council Meeting
December 11th, 2017



mackaywong



THIS IS **EXHIBIT "E"** TO THE AFFIDAVIT
OF **STEPHANIE FLEMING**,
SWORN THIS **22nd** DAY OF **October, 2019**.



A Commissioner, & etc.



January 17, 2018

City of London Strategic Priorities and Policy Committee
c/o Linda Rowe – City Clerk London
 300 Dufferin Avenue
 London Ontario
 PO BOX 5035
 N6A 4L9

Jake Pastore
*Director, Municipal &
 Community Relations*

4120 Yonge Street
 Suite 500
 Toronto, Ontario M2P 2B8

4120, rue Yonge
 Bureau 500
 Toronto (Ontario)
 M2P 2B8

Tel. (416) 224-7047
 Fax (416) 224-7002

www.OLG.ca

Strategic Priorities and Policy Committee,

On December 11, 2017, when your committee met regarding the proposed casino expansion with representatives from Gateway Casinos and Entertainment Limited (Gateway) and Ontario Lottery and Gaming Corporation (OLG), there was a request for more information. Please find OLG's responses below.

Q. What is the operating process between OLG and Gateway? What was the service agreement?

A. In May 2017, OLG signed a 20-year Casino Operating and Services Agreement (COSA) with Gateway Casinos & Entertainment Limited (Gateway). Under the agreement, Gateway took over day-to-day operations and the assets of the Southwest Gaming Bundle.

The Southwest Gaming Bundle includes:

- OLG Slots at Western Fair District
- OLG Slots at Clinton Raceway
- OLG Slots at Dresden Raceway
- OLG Slots at Hanover Raceway
- OLG Slots at Woodstock Raceway
- OLG Casino Point Edward

While Gateway is responsible for the day-to-day gaming operations in the bundle, OLG continues to:

- Provide strategic oversight of the Gaming Bundle and Ontario gaming marketplace—including approvals related to material changes to the business
- Conduct and manage gaming in the bundle
- Require compliance with applicable laws, regulations and standards
- Be the owner of key player information
- Require the Service Provider to uphold the high standards of OLG's Responsible Gambling ("RG") program, including the self-exclusion program
- Make Municipality Contribution Agreement payments to host communities.

OLG will continue to “conduct and manage” gaming in Ontario on behalf of the Crown in accordance with the Criminal Code of Canada. In essence, OLG will continue to be the operating mind behind the delivery of gaming across the Province.

The Service Provider (Gateway in this case) has been appointed by OLG to operate the casinos in the Southwest Gaming Bundle.

Q. Who decides on the size of the casino? What authority does the municipality have?

- A. The contract between OLG and the Service Provider (Gateway) prescribes the maximum number of electronic gaming positions and the maximum number of live table gaming positions that Gateway is permitted to operate in each gaming zone. The maximum positions are intended to enable future growth in the market based on customer demand. Generally, the maximum positions are higher than the existing product base. These maximum amounts were established by OLG to ensure gaming balance across the Province and were derived from OLG’s market analysis, taking into account existing product and customer demand, population and general location of gaming sites.

Notwithstanding these prescribed maximum amounts, prior to establishing a new casino site or adding live table games to an existing casino site that does not already have live table games, approval must be obtained from the Minister of Finance (“Minister”) in accordance with Regulation 81/12 of the *Ontario Lottery and Gaming Corporation Act*.

In order to obtain the requisite Regulation 81/12 approval, OLG prepares a business case for the Minister that sets out such matters as viability, costs, adequacy of Responsible Gambling and compliance with applicable law and other matters regarding the proposed new casino.

Before the Minister is able to consider such a request, the municipality must pass (at its discretion) a Council Resolution supporting the establishment of the gaming site in the municipality and provide such Resolution to OLG, accompanied by a description of the steps the municipality took to seek public input and a summary of the public input received. Upon receipt of municipal approval, the Service Provider is required to submit additional information to OLG, including architectural drawings and plans and physical layout (including floor plans) for the new or expanded casino.

Q. What is OLG’s approach to Anti Money Laundering (AML)?

A. OLG AML COMPLIANCE PROGRAM

General

OLG has an AML Compliance Program in place for all gaming sites in Ontario so as to adhere to its federal and provincial regulatory requirements. OLG’s AML Compliance Program includes mandatory AML policies, procedures and training for gaming sites, OLG monitoring of the operation of OLG’s AML policies and procedures at gaming sites, and OLG analyzing customer transactions and submitting required reports to the Financial Transactions and Reports Analysis Centre of Canada - FINTRAC.

Key Stakeholders & Roles

OLG's AML Unit is led by the Director, Anti-Money Laundering. This Unit is responsible for the AML Compliance Program and applies a risk-based approach to the oversight and analysis of sites operated by OLG or Service Providers and their AML reporting requirements. OLG continually reviews the efficacy of its AML Compliance Program and monitors developments in other Canadian jurisdictions to incorporate evolving best practices. OLG's AML Unit reports to the Vice President of Compliance, who in turn, reports to OLG's Chief Compliance Officer.

Operators, be they OLG or Service Providers, manage the day-to-day operations of casino properties. Operators develop and manage the customer relationship and represent the first line of defense in identifying and reporting potential suspicious transactions. OLG requires that gaming site operators meet all regulatory requirements set out in the federal *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* and as required by the regulators FINTRAC and the AGCO. As Service Providers take over the operation of modernized gaming sites in Ontario, OLG requires them to comply with our AML Compliance Program.

OPP Casino Enforcement Unit officers are regularly on site at many Ontario casinos. OLG and its Service Providers provide relevant information on suspicious behaviour to the OPP Unit including copies of any suspicious transaction reports.

Q. Council would like to see more information on the relationship with OLG and Gateway. They need to understand more of what this is before they decide.

A. Please see response in Q1 above.

Q. Council would like to see a business case, on the results of a broader public consultation.

A. Public consultation will take place by the City as a requirement of Regulation 81/12 approval. Current and potential host municipalities have full discretion to size and scope their public consultation as they see fit, commensurate with local preferences. Gateway may provide more detailed information on consultations that they have undertaken as a part of any future re-zoning process in the community.

Q. Council wants to see a concept of all this coming together (Gateway's presentation and OLG's Responsible Gambling). Want to see anticipated numbers, a general economic impact, social impact etc.

A. Gambling is an activity that has the potential to result in problem behaviour for a small portion of the population. Approximately 1.2 per cent of adults in Ontario have a severe or moderate gambling problem. OLG seeks to prevent problem gambling from occurring in the first place, and to provide a bridge to assistance for those who need it. OLG needs a sustainable player base, which means working to broaden its appeal to a large number of casual players who engage in healthy play – not a small number of problem players.

OLG takes its Responsible Gambling programming seriously. With nearly \$57 million spent annually on research, prevention, and treatment, Ontario dedicates more funding to Responsible Gambling (RG) than any other jurisdiction in North America. Part of these costs support OLG's research program which reflects OLG's continued commitment to enhancing the RG sector's capacity for evidence-based policy and program development, program evaluation, and decision making. OLG is committed to creating strong direct links and ongoing communications between research, policy and design. This is evidenced through OLG's efforts to research, evaluate, and continuously improve its RG program, in collaboration with independent and academic researchers, industry partners, independent agencies within the responsible gambling field, and Service Providers.

OLG's relationships with communities and municipalities represent a key way of meeting OLG's obligation to the public of Ontario and meeting the expectation that OLG conducts and manages lotteries, casinos and slots facilities and Charitable Gaming Centres in a responsible manner. OLG's treatment referral strategy and programs rely on strong relationships with support services in local communities, including problem gambling and credit counsellors. OLG continues to broaden and deepen its engagement with stakeholders from this sector, which enhances our ability to communicate information about our RG program and also to engage in a dialogue with local experts on the effectiveness of our programming and how we can continue to meet the changing needs of local communities.

OLG's Social Responsibility team members also engage with a diverse range of local community groups beyond the treatment provider and credit counselling sector on an ongoing basis in response to requests for information in the form of meetings, briefings, ad hoc focus groups and advisory panel sessions that all facilitate exchange of information. OLG uses these opportunities to share information about its responsible gambling program and also to seek collaborative ways to implement relevant RG programming.

All of OLG's gaming sites have Responsible Gambling features, including:

- PlaySmart Centres independently operated by the Responsible Gambling Council that provide information, assistance and referrals to players;
- Mandatory training provided by the Centre for Addiction and Mental Health to all front line and management staff that focuses on recognizing potential problem gambling behaviours and knowing how to respond to them; and
- A Self-Exclusion program with facial recognition technology, loyalty card alerts, and prize disenfranchisement.

In 2016, OLG launched PlaySmart, Ontario's most comprehensive gambling education program that provides facts, tools, and advice about gambling in Ontario. As part of the PlaySmart program, OLG has introduced My PlaySmart Tools, a personal customized budget tracking tool that allow customers to track their daily slot machine play by setting budgets on the amount of time and money they want to spend. The objective of this initiative is to encourage controlled, safe and sustainable play as part of the customer experience and will be accessible for all customers at all Gaming Sites in Ontario.

OLG is developing a PlaySmart Risk Analytics program that aims to identify and segment the player population according to risk in order to reduce the at-risk player population and promote a sustainable player base and support new player education initiatives. The program is based on applying statistical models based on play behaviours to identify at risk players and to provide those players with appropriate support tools and referrals to support services.

Responsible Gambling is, and will continue to be, a key focus of OLG's business. All gaming sites in Ontario have achieved RG Check accreditation, the most rigorous responsible gambling accreditation program in the world based on a comprehensive set of RG standards. OLG is proud to have earned the highest level of certification from the World Lottery Association for its innovative Responsible Gambling program.

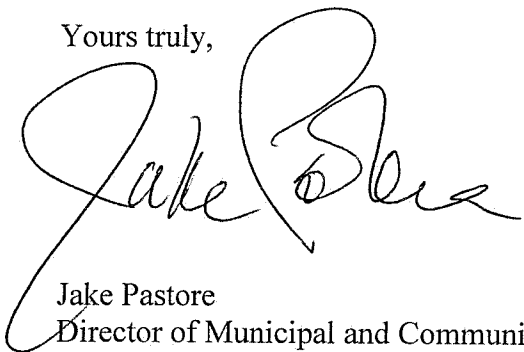
In addition to the above responses, one Councilor asked Gateway, who from the City attended a meeting in February 2017 (referenced in Gateway's presentation). OLG held a North and Southwest Regional Mayors' meeting in Toronto in February 2017, which was attended by a City of London representative. OLG and Gateway also met with the Mayor regarding its preliminary plans in February 2017. Prior to those meetings, OLG met with the Mayor in 2015 regarding its overall modernization plans and processes.

Please note OLG and Gateway also met with other city representatives on April 4, 2017. The following city representatives were invited and attended this meeting.

George Kotsifas, John Fleming, Michael Tomazincic, Adam Salton, Peter Kokkoros, Anna Lisa Barbon, Bill Warner, Edward Soldo and Kristen Pawelec

I hope these responses provide Council members with the information they requested. If there are any further questions, please do not hesitate to contact me.

Yours truly,



Jake Pastore
Director of Municipal and Community Relations, OLG

cc. Keith Andrews, Vice President Ontario Gaming Operations – Gateway Casinos

THIS IS **EXHIBIT "F"** TO THE AFFIDAVIT
OF **STEPHANIE FLEMING**,
SWORN THIS **22nd** DAY OF **October, 2019**.



A Commissioner, & etc.

TO:	CHAIR AND MEMBERS STRATEGIC PRIORITIES AND POLICY COMMITTEE MEETING OF JANUARY 29, 2018
FROM:	ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES & CITY TREASURER, CHIEF FINANCIAL OFFICER
SUBJECT:	REQUIREMENTS FOR A PROPOSED EXPANSION OF A GAMING SITE

RECOMMENDATION

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, with the concurrence of the City Manager, the following actions be taken:

- a) this report regarding the municipal requirements that are required to be satisfied as part of the approval process, under O. Reg. 81/12 under the *Ontario Lottery and Gaming Corporation Act, 1999*, for the proposed expansion of a gaming site in London **BE RECEIVED** for information; and,
- b) Civic Administration **BE DIRECTED** to implement the proposed options for public input consisting of a Public Open House and Information Session as well as a Public Participation session to be held at a meeting of the Strategic Priorities and Policy Committee.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

IEPC – November 20, 2012 – Municipality Contribution Agreement Ontario Lottery and Gaming Corporation

IEPC – June 9, 2012 - Delegation - Hugh Mitchell, Western Fair District re Modernizing Land Based Gaming in Ontario

IEPC – August 26, 2013 - Municipality Contribution Agreement Ontario Lottery and Gaming Corporation

Corporate Services - March 8, 2016 – Ontario Lottery And Gaming Corporation’s Community Recognition Program

LINK TO THE STRATEGIC PLAN

The Ontario Lottery and Gaming Corporation and Gateway Casinos and Entertainment Limited proposed expansion of a gaming site in London advances the following areas of focus and objectives of Council’s Strategic Plan:

- Growing our Economy
 - 4. Strategic, collaborative partnerships
 - A) Work better together for economic growth: Western Fair District, London Economic Development Corporation, London Hydro, London International Airport, Tourism London, London Convention Centre, Covent Garden Market, London Chamber of Commerce, Business Improvement Areas, and other key stakeholders.

PURPOSE OF REPORT

On November 14, 2017, Municipal Council resolved that the following actions be taken:

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken:

- a) *the Civic Administration BE DIRECTED to invite representatives from the Ontario Lottery and Gaming Corporation and Gateway Casinos and Entertainment Limited to a future meeting of the Strategic Priorities and Policy Committee for the purpose of outlining their plans with respect to the proposed expansion of a gaming site in London, in order to provide Municipal Council with the information necessary for it to seek public input into the expansion of the proposed gaming site as required under O. Reg. 81/12 under the Ontario Lottery and Gaming Corporation Act, 1999; and*
- b) *the Civic Administration BE DIRECTED to report back at a future meeting of the Strategic Priorities and Policy Committee on the steps that are required to be taken by the Municipal Council, under O.Reg. 81/12 under the Ontario Lottery and Gaming Corporation Act, 1999, for the proposed expansion of a gaming site in London including options for seeking public input into this matter.*

This report responds to item b) of the Council resolution.

BACKGROUND

On May 29, 2013, Ontario Lottery and Gaming Corporation (OLG) issued to the market RFPQ# 1314-001 for Gaming Bundle 4 (Southwest). The Southwest Gaming Bundle includes:

- OLG Slots at Western Fair
- OLG Slots at Clinton Raceway
- OLG Slots at Dresden Raceway
- OLG Slots at Hanover Raceway
- OLG Slots at Woodstock Raceway
- OLG Casino at Point Edward

Gaming Zone SW4 includes parts or all of the City of London, Middlesex County (Township of Middlesex Centre, Thames Centre, Strathroy-Caradoc), City of St.Thomas and Elgin County (Municipality of Central Elgin, Township of Southwold). This gaming zone includes approximately 357,000 residents and is served by OLG Slots at Western Fair District.

On December 13, 2016, OLG announced it had selected Gateway Casinos & Entertainment Limited (Gateway) as the service provider for the Southwest Gaming Bundle. In May 2017, OLG signed a 20-year Casino Operating and Services Agreement (COSA) with Gateway.

Gateway is the largest and most diversified gaming company in Canada. Operating in British Columbia, Edmonton and Ontario, Gateway has over 5,200 employees and operates 23 gaming properties with 248 tables, over 8,400 slots, 54 restaurants and bars and 272 hotel rooms. Gateway is also the selected service provider in Northern Ontario, and Gateway will add three properties and two new planned builds to their portfolio.

The current lease for the slot premises is between Western Fair Association (landlord) and the OLG (tenant). Gateway has taken over the slot operations including the assignment of the lease of the premises rented from the Western Fair Association for the slot facility. This lease will expire on March 31, 2020 and further extensions will be subject to negotiations directly between the Western Fair Association and Gateway. The lease is of rentable floor space. The fixtures and equipment are owned by the service provider. The slot premises are located on lands owned jointly 50/50 by the Western Fair Association and the City of London.

Currently there are 738 slot positions at the Gateway Slots at the Western Fair District. Under the modernization and COSA Agreement, the slots can be expanded up to 1,200 electronic gaming positions and 300 live table gaming positions. The expansion of the slots and addition of table gaming is subject to the completion of a business case **by the OLG and approval of the Ministry of Finance**. The addition of table gaming as part of an expansion triggers the requirements outlined in the regulation to be completed. The *Ontario Lottery and Gaming Corporation Act, 1999* as set out in *O. Reg. 81/12 attached* as Appendix "A" requires that the OLG prepares a business case for the proposed gaming site that sets out the cost of establishing the proposed gaming site, demonstrates the viability of the proposed gaming site and the adequacy of responsible gaming features for the proposed gaming site and any other matters

that are considered appropriate for the Ministry of Finance review and approval. The municipality is not a party to the business case.

The City of London has a Municipality Contribution Agreement with the OLG for the slot premises located at the Western Fair. Under the Contribution Agreement, the City receives approximately \$4.5 million in revenue annually from the OLG for its operations at the Western Fair. With an expansion of the gaming facilities, increased revenues will result to the City through the contribution agreement. The Contribution Agreement is between the OLG and the City and is separate and distinct from the lease with the Western Fair Association.

On December 11, 2018, Gateway representatives attended the Strategic Planning and Policy Committee to present their proposed plans for a casino expansion at the Western Fair District. The proposed development for an expanded casino with hotel and restaurants is estimated to be a \$140 million dollar project.

MUNICIPAL REQUIREMENTS FOR AN EXPANSION OF A GAMING SITE

The *Ontario Lottery and Gaming Corporation Act, 1999* as set out in O. Reg. 81/12 attached as Appendix 'A' requires that a municipal council seek public input into the establishment, including expansion, of a proposed gaming site in the municipality and provide OLG a description of the steps it took to do so and a summary of the public input it received. In addition, the municipal council must pass a resolution supporting the expansion of a gaming site in the municipality at the planned location and provide a copy of the resolution to OLG.

At the June 9, 2012 meeting of the Investment and Economic Prosperity Committee meeting, the committee received a presentation from the Western Fair District with respect to the expanded gaming initiative in the Southwest Zone. As a result, Council passed a resolution on June 12, 2012 which is attached as Appendix "B" that identified London as a willing host community supporting the continuation of the Western Fair District as a gaming site and as a site for expanded gaming.

In addition to the municipal approval under the regulation for any new or expanded gaming site, the service provider will be responsible for obtaining the usual municipal approvals and permits including zoning, site plan approvals, minor variances and building permits all as required.

City Administration are recommending a zoning application to amend the zoning for the intended proposed land uses. This process could be initiated quickly and will require a proposal summary for pre-consultation with Planning Services to determine what studies may be required to support the application. Should Gateway want to proceed with this application, a proposal summary should be prepared as soon as possible by Gateway and the City Administration will initiate the application, with the consent of the WFA and Gateway.

PROPOSED OPTIONS FOR PUBLIC INPUT

The following is a list of public input methods that municipalities throughout the province have used in some form to gauge public comments and feedback. Some communities have only used one method while others have done more; however, they are all deemed acceptable forms of public input under O. Reg. 81/12. Public input could include any of the following:

- Presentations to City Council by the Service Provider on proposed developments
- Public Participation meetings to hear delegations from the public
- Posted invitation to the public through local media requesting submissions from the public regarding the proposed development or expansion of the casino
- Online survey for the public
- Open house sessions in different parts of the city to collect public input
- Presentations and public input from specific community groups (ie Chamber of Commerce, Business Improvement Areas, Economic Development Corporation)
- Neighbourhood community meeting to receive and answer questions or concerns

To provide an opportunity for community stakeholders within the City of London to obtain information, ask questions and provide public input on the proposed expansion of a gaming site, the following public engagement methods are being proposed:

Engagement Type	Location
Public Open House and Information Session <ul style="list-style-type: none"> - Q&A, receive feedback and input from public, provide information on proposed gaming site - OLG and Gateway should be present also provide information and answer questions 	Proposed to be held at location within Ward 4 in close proximity to the current gaming site at the Western Fair grounds
Public Participation Meeting – Strategic Priorities and Policy Committee <ul style="list-style-type: none"> - Public is invited to provide input to committee regarding proposed gaming - OLG and Gateway should be present also to answer questions 	Council Chambers

The proposed public input in the preceding chart has been confirmed in writing with OLG representatives that it will satisfy the requirements of the Regulation. The public engagement could be completed in March 2018 to allow sufficient time for public notice.

A summary of next steps is summarized in the chart below:

City	Western Fair	Gateway	OLG
- Hold public participation & engagement	- Attend public participation	- Public participation & engagement	- Attend public participation
- Approve gaming expansion (Reconfirm previous approval)		- Finalize and submit proposal for expanded gaming	- Finalize business case and submit to Ministry of finance
- Negotiate lease	- Negotiate lease	- Negotiate lease	
		- Seek zoning amendment	

CONCLUSION

This report illustrates the requirements that Municipal Council must fulfill as part of the approval process, under O. Reg. 81/12 of the *Ontario Lottery and Gaming Corporation Act, 1999*, for the proposed expansion of a gaming site in London. The proposed public consultation plan consisting of a public open house and information session as well as a public participation meeting will satisfy the requirements of the Regulation.

This report was prepared with the assistance of Mark Johnson, Business Planning and Process Manager and Bill Warner, Manager, Realty Services.

RECOMMENDED BY:	REVIEWED AND CONCURRED BY:
ANNA LISA BARBON, CGA, CPA MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER	MARTIN HAYWARD, CGA, CPA CITY MANAGER

cc. B. Card, Managing Director, Corporate Services and City Solicitor
B. Warner, Manager, Realty Services
J. Smout, Solicitor II

APPENDIX “A”

Ontario Lottery and Gaming Corporation act, 1999

ONTARIO REGULATION 81/12 REQUIREMENTS FOR ESTABLISHING A GAMING SITE

Definitions

1. In this Regulation,
 “band”, “council of the band” and “reserve” have the same meanings as in the *Indian Act* (Canada); (“bande”, “conseil de la bande”, “réserve”)
 “municipality” means a lower-tier or single-tier municipality. (“municipalité”) O. Reg. 81/12, s. 1.

Requirements

2. (1) Subject to subsections (2) and (3), the Corporation may authorize the establishment of a gaming site on an electronic channel or, at premises approved by the Corporation, in a municipality or on a reserve. O. Reg. 81/12, s. 2 (1).

(2) The Corporation shall not authorize the establishment of a gaming site until after the Corporation takes the steps and requires that the conditions are met as follows:

1. The Corporation prepares a business case for the proposed gaming site that,
 - i. sets out the cost of establishing the proposed gaming site,
 - ii. demonstrates the viability of the proposed gaming site and the adequacy of responsible gaming features for the proposed gaming site, and
 - iii. sets out or demonstrates any other matter that the Corporation considers appropriate.
2. The Corporation gives a copy of the business case, and any other information requested by the Minister or by the Minister of Finance, to the Minister and the Minister of Finance for review.
3. In the case of a proposed gaming site to be established at premises in a municipality or on a reserve,
 - i. the municipal council or the council of the band, as the case may be, seeks public input into the establishment of the proposed gaming site and gives the Corporation, in writing, a description of the steps it took to do so and a summary of the public input it received, and
 - ii. the municipal council or the council of the band, as the case may be, passes a resolution supporting the establishment of the gaming site in the municipality or on the band’s reserve and gives a copy of the resolution to the Corporation.
4. The Minister and the Minister of Finance agree to the business case prepared by the Corporation.
5. The Corporation publishes a notice in a newspaper or on the Corporation’s website, or both, as determined by the Corporation, advising that the proposed gaming site is to be established and containing the information that the Corporation considers appropriate. O. Reg. 81/12, s. 2 (2).

(3) If both of the following circumstances apply, the Corporation shall not authorize the establishment of the gaming site until after the Corporation takes the step set out in paragraph 5 of subsection (2), and the steps and conditions set out in paragraphs 1, 2, 3 and 4 of subsection (2) need not be taken or met:

1. The proposed gaming site is to be established in a municipality or on a reserve at the same premises where a charitable organization conducts and manages one or more lottery schemes pursuant to a provincial order in council and a licence issued by the municipal council, council of the band or the Registrar of Alcohol, Gaming and Racing.
2. The lottery schemes offered at the proposed gaming site and described in paragraph 1 are restricted to the following games conducted and managed by the Corporation:
 - i. Lotteries, using paper tickets.
 - ii. Raffles, using paper tickets.
 - iii. Paper break open tickets.
 - iv. Break open tickets sold by means of an electronic break open ticket dispenser.
 - v. Break open tickets played on an electronic bingo device.
 - vi. Bingo, using paper cards.
 - vii. Bingo played on an electronic bingo device.
 - viii. Instant games played on an electronic bingo device. O. Reg. 81/12, s. 2 (3).

APPENDIX “A” continued**Exception — proposed gaming site to sell lottery tickets**

3. The Corporation may authorize the establishment of a gaming site solely for the sale of lottery tickets by a person authorized by the Corporation to sell lottery tickets for a lottery scheme. The steps and conditions set out in subsection 2 (2) need not be taken or met in this case. O. Reg. 81/12, s. 3.

4. OMITTED (REVOKES OTHER REGULATIONS). O. Reg. 81/12, s. 4.

5. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 81/12, s. 5.



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

London
CANADA

June 21, 2012

Hugh Mitchell
Western Fair District

I hereby certify that the Municipal Council, at its session held on June 12th, 2012, resolved:

That the following actions be taken with respect to the Western Fair District presentation regarding the establishment of Ontario Gaming Zones:

- i) the Ontario Lottery Gaming Commission and the Provincial Government **BE ADVISED** that The Corporation of the City of London is a willing host community and supports the continuation of the Western Fair District (WFD) as a gaming site and as a site for an expanded gaming program;
- ii) the WFD **BE REQUESTED** to report back at a future Investment and Economic Prosperity Committee (IEPC) meeting on the potential impacts that an expanded gaming program at the WFD would have on the community; and,
- iii) the Civic Administration **BE DIRECTED** to make the necessary arrangements for the IEPC to hold any Public Participation Meeting that may be required to advance the development of an expanded gaming facility,

it being noted that the Investment and Economic Prosperity Committee received the attached presentation from Hugh Mitchell, Western Fair District, regarding this matter. (2n/10/IEPC)

C. Saunders
City Clerk
/ds

cc: T. Dobbie, Interim City Manager
M. Hayward, City Treasurer, Chief Financial Officer
J. Fleming, Director of Planning
K. Graham, Manager, Corporate Initiatives
G. Hopcroft, Director, Intergovernmental and Community Liaison

The Corporation of the City of London
Office: 519-661-2500 ext. 5422
Fax: 519-661-4892
www.london.ca

**THIS IS EXHIBIT "G" TO THE AFFIDAVIT
OF STEPHANIE FLEMING,
SWORN THIS 22nd DAY OF October, 2019.**



A Commissioner, & etc.

2ND REPORT OF THE
STRATEGIC PRIORITIES AND POLICY COMMITTEE

-
Meeting held on January 29, 2018, commencing at 4:00 PM, in the Council Chambers, Second Floor, London City Hall.

PRESENT: Mayor M. Brown and Councillors M. van Holst, B. Armstrong, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H.L. Usher and J. Zaifman and L. Rowe (Secretary).

ABSENT: Councillor T. Park.

ALSO PRESENT: M. Hayward, A.L. Barbon, B. Card, I. Collins, B. Coxhead, S. Datars Bere, K. Edwards, M. Feldberg, J.M. Fleming, L. Livingstone, A. Macpherson, S. Mathers, D. Munteer, A. Patis, M. Ribera, C. Saunders, J. Smolarek, R. Wilcox, J. Winston and P. Yeoman.

I. CALL TO ORDER

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

II. CONSENT ITEMS

2. Requirements for a Proposed Expansion of a Gaming Site



That the following actions be taken with respect to the proposed expansion of a gaming site in London:

- a) the staff report dated January 29, 2018, regarding the municipal requirements that are required to be satisfied as part of the approval process, under O. Reg. 81/12 under the Ontario Lottery and Gaming Corporation Act, 1999, for the proposed expansion of a gaming site in London, BE RECEIVED for information;
- b) the Civic Administration BE DIRECTED to implement the proposed options for public input consisting of a Public Open House and Information Session, an online survey, as well as a Public Participation session to be held at a meeting of the Strategic Priorities and Policy Committee;
- c) the Civic Administration BE DIRECTED to invite the Old East Village BIA to assist with organizing the public open house, and to also engage directly with the Old East Village Community Association about the public open house;
- d) the Civic Administration BE DIRECTED to engage with all relevant stakeholders, such as London Middlesex Counselling and Addiction Services and any other relevant community groups, to receive their input on the proposed gaming site expansion; and
- e) the Civic Administration BE DIRECTED to obtain a copy of the related Service Agreement between the Ontario Lottery and Gaming Corporation and Gateway Casinos & Entertainment Limited, in order for the City to better understand the provisions under which an expanded casino would be operated;

it being noted that the Strategic Priorities and Policy Committee received a communication dated January 17, 2018 from Jake Pastore, Director of Municipal and Community Relations, OLG with respect to this matter.

Motion Passed

YEAS: M. Brown, B. Armstrong, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H.L. Usher (12)

3. Transient Accommodation Tax



THIS IS **EXHIBIT "H"** TO THE AFFIDAVIT
OF **STEPHANIE FLEMING**,
SWORN THIS **22nd** DAY OF **October, 2019**.



A Commissioner, & etc.



COUNCIL
MINUTES
THIRD MEETING

January 30, 2018

The Council meets in Regular Session in the Council Chambers this day at 4:03 P.M.

PRESENT: Mayor M. Brown, Councillors M. van Holst, B. Armstrong, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, S. Turner, H.L. Usher and C. Saunders (City Clerk).

ABSENT: Councillors V. Ridley, T. Park and J. Zaifman.

ALSO PRESENT: M. Hayward, A.L. Barbon, B. Card, B. Coxhead, S. Datars Bere, J.M. Fleming, T. Gaffney, G. Kotsifas, L. Livingstone, P. McKague, D. O'Brien, A. Patis, M. Ribera, L. Rowe, S. Stafford, J. Stanford, B. Warner, B. Westlake-Power and J. Wills.

At the beginning of the Meeting all Members are present, except Councillors M. Salih, M. Cassidy, V. Ridley, T. Park and J. Zaifman.

At 4:06 PM, Councillor M. Salih enters the meeting.

I DISCLOSURES OF PECUNIARY INTEREST

Councillor S. Turner discloses a pecuniary interest in:

- a) clause 14 of the 3rd Report of the Planning and Environment Committee and related Bill No. 63, having to do with the location of potential Supervised Consumption Facilities in London, by indicating that his supervisor, Dr. C. Mackie, CEO and Medical Officer of Health, Middlesex-London Health Unit, had delegation status at this meeting and his employer, the Middlesex London Health Unit has direct involvement in this matter.
- b) clause 3 of the 2nd Report of the Community and Protective Services Committee and related Bill No. 64, having to do with proposed amendments to the Business Licensing By-law, by indicating that his employer, the Middlesex London Health Unit, is involved in the enforcement of this By-law.
- c) part d) of clause 6 of the 2nd Report of the Community and Protective Services Committee and related Bill No. 61, having to do with the authorization and approval of a Child Care Services Apportionment and Agency Agreement, by indicating that his spouse is employed by Childreach.

Councillor P. Hubert discloses a pecuniary interest in part b) of clause 6 of the 2nd Report of the Community and Protective Services Committee and related Bill No. 59, having to do with the authorization and approval of an Ontario Works Services Costs Apportionment and Agency Agreement, by indicating that he is the Executive Director of a social service agency with a Purchase of Service Agreement with Ontario Works.

Motion Passed

YEAS: M. Brown, M. van Holst, B. Armstrong, M. Salih, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, S. Turner, H.L. Usher (12)

Clause 14, as amended, reads as follows:

"Whereas on January 12, 2018 the Mayor of London publicly extended his apology for the actions of a previous Mayor and Council for discrimination, as ruled on by the Ontario Human Rights Commission, against the LGBTQ2 community over the 1995 proclamation of Gay Pride:

- a) the Mayor's apology BE AFFIRMED by City Council, and an official apology BE EXTENDED on behalf of City Council;
- b) all Londoners BE ADVISED that City Hall is open, for employment, for volunteer service on committees and boards, and for seeking positions on Council, for all Londoners regardless of their sexual orientation or gender identity; and,
- c) the City Solicitor BE DIRECTED to review and report back with respect to the request that any previously provided confidential reports prepared by the City Solicitor's Office between 1995 and 1998, in response to this matter, be publicly released;

it being noted that S. Lewis appeared as a delegation to respond to any questions the Corporate Services Committee had with respect to his written submission."

IX ADDED REPORTS

2nd Report of the Strategic Priorities and Policy Committee
Councillor P. Hubert presents.



Motion made by Councillor P. Hubert to Approve clauses 1, 2 and 5 through 11.

1. Disclosure of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Requirements for a Proposed Expansion of a Gaming Site

That the following actions be taken with respect to the proposed expansion of a gaming site in London:

- a) the staff report dated January 29, 2018, regarding the municipal requirements that are required to be satisfied as part of the approval process, under O. Reg. 81/12 under the Ontario Lottery and Gaming Corporation Act, 1999, for the proposed expansion of a gaming site in London, BE RECEIVED for information;

- b) the Civic Administration BE DIRECTED to implement the proposed options for public input consisting of a 1226 Public Open House and Information Session, an online survey, as well as a Public Participation session to be held at a meeting of the Strategic Priorities and Policy Committee;
- c) the Civic Administration BE DIRECTED to invite the Old East Village BIA to assist with organizing the public open house, and to also engage directly with the Old East Village Community Association about the public open house;
- d) the Civic Administration BE DIRECTED to engage with all relevant stakeholders, such as London Middlesex Counselling and Addiction Services and any other relevant community groups, to receive their input on the proposed gaming site expansion; and
- e) the Civic Administration BE DIRECTED to obtain a copy of the related Service Agreement between the Ontario Lottery and Gaming Corporation and Gateway Casinos & Entertainment Limited, in order for the City to better understand the provisions under which an expanded casino would be operated;

it being noted that the Strategic Priorities and Policy Committee received a communication dated January 17, 2018 from Jake Pastore, Director of Municipal and Community Relations, OLG with respect to this matter.

5. Development Charges: Core Area Servicing Studies

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken with respect to the financing of growth-related infrastructure works for infill and intensification:

- a) the Core Area Servicing Studies for water, wastewater, and stormwater services contained in the respective Executive Summaries appended to the staff report dated January 29, 2018 as Appendix 'A', and as further described in the staff report, BE ENDORSED to inform the funding of growth-related infrastructure projects to support infill and intensification development; it being noted that the projects identified in the Core Area Servicing Studies will be refined through the 2019 Development Charges Background Study and included in the relevant Multi-year Capital Budget Updates;
- b) the Local Servicing Policy appended to the staff report dated January 29, 2018 as Appendix 'C' BE ENDORSED as the funding approach for infill and intensification projects identified in the 2014 Development Charges Background Study and BE REVIEWED for inclusion in the 2019 Development Charge Background Study; and
- c) the Civic Administration BE AUTHORIZED to undertake all administrative acts necessary to integrate the funding policies outlined in the Core Area Servicing Studies for infrastructure improvements required to service infill and intensification developments;

it being noted that the Strategic Priorities and Policy Committee received the attached presentation from M. Feldberg, Manager III, Development Finance, with respect to this matter.

6. 2019 Development Charges (DC) Study – DC Area Rating Policy Review

That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the following actions be taken:

THIS IS **EXHIBIT "I"** TO THE AFFIDAVIT
OF **STEPHANIE FLEMING**,
SWORN THIS **22nd** DAY OF **October, 2019**.



A Commissioner, & etc.



P.O. Box 5035
300 Dufferin Avenue
London, ON
N6A 4L9

January 31, 2018

A. L. Barbon
Managing Director, Corporate Services and City Treasurer, Chief Financial Officer

I hereby certify that the Municipal Council, at its meeting held on January 30, 2018 resolved:

That the following actions be taken with respect to the proposed expansion of a gaming site in London:

- a) the staff report dated January 29, 2018, regarding the municipal requirements that are required to be satisfied as part of the approval process, under O. Reg. 81/12 under the Ontario Lottery and Gaming Corporation Act, 1999, for the proposed expansion of a gaming site in London, BE RECEIVED for information;
- b) the Civic Administration BE DIRECTED to implement the proposed options for public input consisting of a Public Open House and Information Session, an online survey, as well as a Public Participation session to be held at a meeting of the Strategic Priorities and Policy Committee;
- c) the Civic Administration BE DIRECTED to invite the Old East Village BIA to assist with organizing the public open house, and to also engage directly with the Old East Village Community Association about the public open house;
- d) the Civic Administration BE DIRECTED to engage with all relevant stakeholders, such as London Middlesex Counselling and Addiction Services and any other relevant community groups, to receive their input on the proposed gaming site expansion; and
- e) the Civic Administration BE DIRECTED to obtain a copy of the related Service Agreement between the Ontario Lottery and Gaming Corporation and Gateway Casinos & Entertainment Limited, in order for the City to better understand the provisions under which an expanded casino would be operated;

it being noted that the Strategic Priorities and Policy Committee received a communication dated January 17, 2018 from Jake Pastore, Director of Municipal and Community Relations, OLG with respect to this matter. (2/2/SPPC)

C. Saunders
City Clerk
/hw

cc: M. Hayward, City Manager
B. Card, Managing Director, Corporate Services and City Solicitor
B. Warner, Manager, Realty Services
J. Smout, Solicitor II
Strategic Priorities and Policy Committee Deferred

TO:	CHAIR AND MEMBERS STRATEGIC PRIORITIES AND POLICY COMMITTEE MEETING OF JANUARY 29, 2018
FROM:	ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES & CITY TREASURER, CHIEF FINANCIAL OFFICER
SUBJECT:	REQUIREMENTS FOR A PROPOSED EXPANSION OF A GAMING SITE

RECOMMENDATION

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, with the concurrence of the City Manager, the following actions be taken:

- a) this report regarding the municipal requirements that are required to be satisfied as part of the approval process, under O. Reg. 81/12 under the *Ontario Lottery and Gaming Corporation Act, 1999*, for the proposed expansion of a gaming site in London **BE RECEIVED** for information; and,
- b) Civic Administration **BE DIRECTED** to implement the proposed options for public input consisting of a Public Open House and Information Session as well as a Public Participation session to be held at a meeting of the Strategic Priorities and Policy Committee.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

IEPC – November 20, 2012 – Municipality Contribution Agreement Ontario Lottery and Gaming Corporation

IEPC – June 9, 2012 - Delegation - Hugh Mitchell, Western Fair District re Modernizing Land Based Gaming in Ontario

IEPC – August 26, 2013 - Municipality Contribution Agreement Ontario Lottery and Gaming Corporation

Corporate Services - March 8, 2016 – Ontario Lottery And Gaming Corporation’s Community Recognition Program

LINK TO THE STRATEGIC PLAN

The Ontario Lottery and Gaming Corporation and Gateway Casinos and Entertainment Limited proposed expansion of a gaming site in London advances the following areas of focus and objectives of Council's Strategic Plan:

- Growing our Economy
 - 4. Strategic, collaborative partnerships
 - A) Work better together for economic growth: Western Fair District, London Economic Development Corporation, London Hydro, London International Airport, Tourism London, London Convention Centre, Covent Garden Market, London Chamber of Commerce, Business Improvement Areas, and other key stakeholders.

PURPOSE OF REPORT

On November 14, 2017, Municipal Council resolved that the following actions be taken:

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken:

- a) the Civic Administration BE DIRECTED to invite representatives from the Ontario Lottery and Gaming Corporation and Gateway Casinos and Entertainment Limited to a future meeting of the Strategic Priorities and Policy Committee for the purpose of outlining their plans with respect to the proposed expansion of a gaming site in London, in order to provide Municipal Council with the information necessary for it to seek public input into the expansion of the proposed gaming site as required under O. Reg. 81/12 under the Ontario Lottery and Gaming Corporation Act, 1999; and
- b) the Civic Administration BE DIRECTED to report back at a future meeting of the Strategic Priorities and Policy Committee on the steps that are required to be taken by the Municipal Council, under O.Reg. 81/12 under the Ontario Lottery and Gaming Corporation Act, 1999, for the proposed expansion of a gaming site in London including options for seeking public input into this matter.

This report responds to item b) of the Council resolution.

BACKGROUND

On May 29, 2013, Ontario Lottery and Gaming Corporation (OLG) issued to the market RFPQ# 1314-001 for Gaming Bundle 4 (Southwest). The Southwest Gaming Bundle includes:

- OLG Slots at Western Fair
- OLG Slots at Clinton Raceway
- OLG Slots at Dresden Raceway
- OLG Slots at Hanover Raceway
- OLG Slots at Woodstock Raceway
- OLG Casino at Point Edward

Gaming Zone SW4 includes parts or all of the City of London, Middlesex County (Township of Middlesex Centre, Thames Centre, Strathroy-Caradoc), City of St. Thomas and Elgin County (Municipality of Central Elgin, Township of Southwold). This gaming zone includes approximately 357,000 residents and is served by OLG Slots at Western Fair District.

On December 13, 2016, OLG announced it had selected Gateway Casinos & Entertainment Limited (Gateway) as the service provider for the Southwest Gaming Bundle. In May 2017, OLG signed a 20-year Casino Operating and Services Agreement (COSA) with Gateway.

Gateway is the largest and most diversified gaming company in Canada. Operating in British Columbia, Edmonton and Ontario, Gateway has over 5,200 employees and operates 23 gaming properties with 248 tables, over 8,400 slots, 54 restaurants and bars and 272 hotel rooms. Gateway is also the selected service provider in Northern Ontario, and Gateway will add three properties and two new planned builds to their portfolio.

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Currently there are 738 slot positions at the Gateway Slots at the Western Fair District. Under the modernization and COSA Agreement, the slots can be expanded up to 1,200 electronic gaming positions and 300 live table gaming positions. The expansion of the slots and addition of table gaming is subject to the completion of a business case **by the OLG and approval of the Ministry of Finance**. The addition of table gaming as part of an expansion triggers the requirements outlined in the regulation to be completed. The *Ontario Lottery and Gaming Corporation Act, 1999* as set out in O. Reg. 81/12 attached as Appendix "A" requires that the OLG prepares a business case for the proposed gaming site that sets out the cost of establishing the proposed gaming site, demonstrates the viability of the proposed gaming site and the adequacy of responsible gaming features for the proposed gaming site and any other matters

that are considered appropriate for the Ministry of Finance review and approval. The municipality is not a party to the business case.

The City of London has a Municipality Contribution Agreement with the OLG for the slot premises located at the Western Fair. Under the Contribution Agreement, the City receives approximately \$4.5 million in revenue annually from the OLG for its operations at the Western Fair. With an expansion of the gaming facilities, increased revenues will result to the City through the contribution agreement. The Contribution Agreement is between the OLG and the City and is separate and distinct from the lease with the Western Fair Association.

On December 11, 2018, Gateway representatives attended the Strategic Planning and Policy Committee to present their proposed plans for a casino expansion at the Western Fair District. The proposed development for an expanded casino with hotel and restaurants is estimated to be a \$140 million dollar project.

MUNICIPAL REQUIREMENTS FOR AN EXPANSION OF A GAMING SITE

The *Ontario Lottery and Gaming Corporation Act, 1999* as set out in O. Reg. 81/12 attached as Appendix 'A' requires that a municipal council seek public input into the establishment, including expansion, of a proposed gaming site in the municipality and provide OLG a description of the steps it took to do so and a summary of the public input it received. In addition, the municipal council must pass a resolution supporting the expansion of a gaming site in the municipality at the planned location and provide a copy of the resolution to OLG.

At the June 9, 2012 meeting of the Investment and Economic Prosperity Committee meeting, the committee received a presentation from the Western Fair District with respect to the expanded gaming initiative in the Southwest Zone. As a result, Council passed a resolution on June 12, 2012 which is attached as Appendix "B" that identified London as a willing host community supporting the continuation of the Western Fair District as a gaming site and as a site for expanded gaming.

In addition to the municipal approval under the regulation for any new or expanded gaming site, the service provider will be responsible for obtaining the usual municipal approvals and permits including zoning, site plan approvals, minor variances and building permits all as required.

City Administration are recommending a zoning application to amend the zoning for the intended proposed land uses. This process could be initiated quickly and will require a proposal summary for pre-consultation with Planning Services to determine what studies may be required to support the application. Should Gateway want to proceed with this application, a proposal summary should be prepared as soon as possible by Gateway and the City Administration will initiate the application, with the consent of the WFA and Gateway.

PROPOSED OPTIONS FOR PUBLIC INPUT

The following is a list of public input methods that municipalities throughout the province have used in some form to gauge public comments and feedback. Some communities have only used one method while others have done more; however, they are all deemed acceptable forms of public input under O. Reg. 81/12. Public input could include any of the following:

- Presentations to City Council by the Service Provider on proposed developments
- Public Participation meetings to hear delegations from the public
- Posted invitation to the public through local media requesting submissions from the public regarding the proposed development or expansion of the casino
- Online survey for the public
- Open house sessions in different parts of the city to collect public input
- Presentations and public input from specific community groups (ie Chamber of Commerce, Business Improvement Areas, Economic Development Corporation)
- Neighbourhood community meeting to receive and answer questions or concerns

To provide an opportunity for community stakeholders within the City of London to obtain information, ask questions and provide public input on the proposed expansion of a gaming site, the following public engagement methods are being proposed:

Engagement Type	Location
Public Open House and Information Session - Q&A, receive feedback and input from public, provide information on proposed gaming site - OLG and Gateway should be present also provide information and answer questions	Proposed to be held at location within Ward 4 in close proximity to the current gaming site at the Western Fair grounds
Public Participation Meeting – Strategic Priorities and Policy Committee - Public is invited to provide input to committee regarding proposed gaming - OLG and Gateway should be present also to answer questions	Council Chambers

The proposed public input in the preceding chart has been confirmed in writing with OLG representatives that it will satisfy the requirements of the Regulation. The public engagement could be completed in March 2018 to allow sufficient time for public notice.

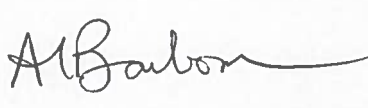
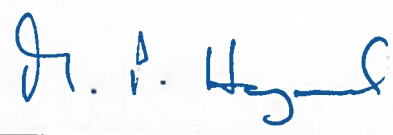
A summary of next steps is summarized in the chart below:

City	Western Fair	Gateway	OLG
- Hold public participation & engagement	- Attend public participation	- Public participation & engagement	- Attend public participation
- Approve gaming expansion (Reconfirm previous approval)		- Finalize and submit proposal for expanded gaming	- Finalize business case and submit to Ministry of finance
- Negotiate lease	- Negotiate lease	- Negotiate lease	
		- Seek zoning amendment	

CONCLUSION

This report illustrates the requirements that Municipal Council must fulfill as part of the approval process, under O. Reg. 81/12 of the *Ontario Lottery and Gaming Corporation Act, 1999*, for the proposed expansion of a gaming site in London. The proposed public consultation plan consisting of a public open house and information session as well as a public participation meeting will satisfy the requirements of the Regulation.

This report was prepared with the assistance of Mark Johnson, Business Planning and Process Manager and Bill Warner, Manager, Realty Services.

RECOMMENDED BY:	REVIEWED AND CONCURRED BY:
	
ANNA LISA BARBON, CGA, CPA MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER	MARTIN HAYWARD, CGA, CPA CITY MANAGER

- cc. B. Card, Managing Director, Corporate Services and City Solicitor
- B. Warner, Manager, Realty Services
- J. Smout, Solicitor II

APPENDIX "A"

Ontario Lottery and Gaming Corporation act, 1999

ONTARIO REGULATION 81/12 REQUIREMENTS FOR ESTABLISHING A GAMING SITE

Definitions

1. In this Regulation,

"band", "council of the band" and "reserve" have the same meanings as in the *Indian Act* (Canada); ("bande", "conseil de la bande", "réserve")

"municipality" means a lower-tier or single-tier municipality. ("municipalité") O. Reg. 81/12, s. 1.

Requirements

2. (1) Subject to subsections (2) and (3), the Corporation may authorize the establishment of a gaming site on an electronic channel or, at premises approved by the Corporation, in a municipality or on a reserve. O. Reg. 81/12, s. 2 (1).

(2) The Corporation shall not authorize the establishment of a gaming site until after the Corporation takes the steps and requires that the conditions are met as follows:

1. The Corporation prepares a business case for the proposed gaming site that,
 - i. sets out the cost of establishing the proposed gaming site,
 - ii. demonstrates the viability of the proposed gaming site and the adequacy of responsible gaming features for the proposed gaming site, and
 - iii. sets out or demonstrates any other matter that the Corporation considers appropriate.
2. The Corporation gives a copy of the business case, and any other information requested by the Minister or by the Minister of Finance, to the Minister and the Minister of Finance for review.
3. In the case of a proposed gaming site to be established at premises in a municipality or on a reserve,
 - i. the municipal council or the council of the band, as the case may be, seeks public input into the establishment of the proposed gaming site and gives the Corporation, in writing, a description of the steps it took to do so and a summary of the public input it received, and
 - ii. the municipal council or the council of the band, as the case may be, passes a resolution supporting the establishment of the gaming site in the municipality or on the band's reserve and gives a copy of the resolution to the Corporation.
4. The Minister and the Minister of Finance agree to the business case prepared by the Corporation.
5. The Corporation publishes a notice in a newspaper or on the Corporation's website, or both, as determined by the Corporation, advising that the proposed gaming site is to be established and containing the information that the Corporation considers appropriate. O. Reg. 81/12, s. 2 (2).

(3) If both of the following circumstances apply, the Corporation shall not authorize the establishment of the gaming site until after the Corporation takes the step set out in paragraph 5 of subsection (2), and the steps and conditions set out in paragraphs 1, 2, 3 and 4 of subsection (2) need not be taken or met:

1. The proposed gaming site is to be established in a municipality or on a reserve at the same premises where a charitable organization conducts and manages one or more lottery schemes pursuant to a provincial order in council and a licence issued by the municipal council, council of the band or the Registrar of Alcohol, Gaming and Racing.
2. The lottery schemes offered at the proposed gaming site and described in paragraph 1 are restricted to the following games conducted and managed by the Corporation:
 - i. Lotteries, using paper tickets.
 - ii. Raffles, using paper tickets.
 - iii. Paper break open tickets.
 - iv. Break open tickets sold by means of an electronic break open ticket dispenser.
 - v. Break open tickets played on an electronic bingo device.
 - vi. Bingo, using paper cards.
 - vii. Bingo played on an electronic bingo device.
 - viii. Instant games played on an electronic bingo device. O. Reg. 81/12, s. 2 (3).

APPENDIX "A" continued**Exception — proposed gaming site to sell lottery tickets**

3. The Corporation may authorize the establishment of a gaming site solely for the sale of lottery tickets by a person authorized by the Corporation to sell lottery tickets for a lottery scheme. The steps and conditions set out in subsection 2 (2) need not be taken or met in this case. O. Reg. 81/12, s. 3.

4. OMITTED (REVOKES OTHER REGULATIONS). O. Reg. 81/12, s. 4.

5. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 81/12, s. 5.

APPENDIX "B"



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

London
CANADA

June 21, 2012

Hugh Mitchell
Western Fair District

I hereby certify that the Municipal Council, at its session held on June 12th, 2012, resolved:

That the following actions be taken with respect to the Western Fair District presentation regarding the establishment of Ontario Gaming Zones:

- i) the Ontario Lottery Gaming Commission and the Provincial Government **BE ADVISED** that The Corporation of the City of London is a willing host community and supports the continuation of the Western Fair District (WFD) as a gaming site and as a site for an expanded gaming program;
- ii) the WFD **BE REQUESTED** to report back at a future Investment and Economic Prosperity Committee (IEPC) meeting on the potential impacts that an expanded gaming program at the WFD would have on the community; and,
- iii) the Civic Administration **BE DIRECTED** to make the necessary arrangements for the IEPC to hold any Public Participation Meeting that may be required to advance the development of an expanded gaming facility,

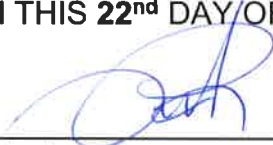
it being noted that the Investment and Economic Prosperity Committee received the attached presentation from Hugh Mitchell, Western Fair District, regarding this matter. (2n/10/IEPC)

C. Saunders
City Clerk
/ds

cc: T. Dobbie, Interim City Manager
M. Hayward, City Treasurer, Chief Financial Officer
J. Fleming, Director of Planning
K. Graham, Manager, Corporate Initiatives
G. Hopcroft, Director, Intergovernmental and Community Liaison

The Corporation of the City of London
Office: 519-661-2500 ext. 5422
Fax: 519-661-4892
www.london.ca

THIS IS **EXHIBIT "J"** TO THE AFFIDAVIT
OF **STEPHANIE FLEMING**,
SWORN THIS **22nd** DAY OF **October, 2019**.



A Commissioner, & etc.

From: Barbon, Anna Lisa [<mailto:ABarbon@London.ca>]
Sent: Wednesday, March 21, 2018 12:35 PM
To: Jake Pastore <jpastore@olg.ca>
Subject: 81/12 Resolution

Hi Jake,

Further to our earlier discussions with respect to regulation 81/12 we are proceeding with the public consultation plan including the public participation meeting planned for April 23. Our report for that meeting would be to summarize the feedback we received at the public session and online survey.

I have attached the June 9, 2012 resolution that was previously passed by municipal council. Can you please confirm whether this resolution that our Council passed in 2012 is still valid and if it has any connection to the public input process that we are undertaking now to satisfy 81/12?

If the Council requires another resolution to support 81/12, I would ask that you please provide a sample resolution that will satisfy the regulation? It would be our expectation this will occur after the public participation part of the meeting on April 23.

Thanks very much. See you later this week.

ALB

Anna Lisa Barbon, CPA, CGA

Managing Director, Corporate Services and

City Treasurer, Chief Financial Officer

City of London

300 Dufferin Ave., P.O. Box 5035, London, ON N6A 4L9

P: 519.661.CITY (2489) x 4705 | Fax: 519.661.5932

<<mailto:abarbon@london.ca>> abarbon@london.ca | <<http://www.london.ca/>> www.london.ca

THIS IS **EXHIBIT "K"** TO THE AFFIDAVIT
OF **STEPHANIE FLEMING**,
SWORN THIS **22nd** DAY OF **October, 2019**.



A Commissioner, & etc.

-----Original Message-----

From: Jake Pastore <jpastore@olg.ca>
Sent: Monday, March 26, 2018 12:15 PM
To: Barbon, Anna Lisa <ABarbon@London.ca>
Subject: RE: 81/12 Resolution

Anna Lisa,

Thanks kindly for forwarding the Council resolution that was sent to WFD in June of 2012.

This resolution was clearly passed with respect to a WFD presentation to Council they provided that evening. The resolution confirms London's participation and continuation as a "willing host community" and goes on to support WFD as a site for an expanded gaming program. It also asks WFD to report back to Council on potential impacts of expanded gaming and asks Council Committee to make arrangements for public participation for any expanded gaming programs at WFD.

As you know, OLG and Government have now issued Regulation 81-12 that replaced any previous municipal processes for gaming expansion in the province including referendums. I believe you have copies of this regulation.

The regulation is specific to expanded gaming in the broader municipality rather than at a specific site and requires the municipality advertise and acquire public feedback before Council approves a resolution indicating their support for expanded gaming within their jurisdiction.

I have attached below a sample resolution that could be approved by the City of London, once they have considered the public input they received, business acceptance feedback and a staff recommendation.

Whereas, the Corporation of the City of London is already a current OLG host gaming municipality to an existing slots facility and have restated our support in a resolution passed on June 12, 2012;

And whereas; the Corporation of the City of London, has undertaken steps under Regulation 81-12 of the OLGC Act. 1999 including advertising and acquirement of public feedback to confirm its support for expanded gambling within its jurisdiction;

Be it resolved that the Corporation of the City of London again fully endorse a location for a new casino-style gaming facility within its jurisdiction which includes, but is not limited to, a wide variety of entertainment options such as sport betting, charitable gaming, electronic casino gaming devices and live table casino games.

Anna Lisa, this is just an example resolution. You could and likely will design your own based on your internal process.

Hope this helps. Best regards,

Giacomo (Jake) Pastore
Director, Municipal and Community Relations OLG Corporate Affairs
Phone: 416-224-7047 Cell: 416-508-4389

From: Barbon, Anna Lisa [<mailto:ABarbon@London.ca>]
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If the Council requires another resolution to support 81/12, I would ask that you please provide a sample resolution that will satisfy the regulation? It would be our expectation this will occur after the public participation part of the meeting on April 23.

Thanks very much. See you later this week.

ALB

Anna Lisa Barbon, CPA, CGA

Managing Director, Corporate Services and

City Treasurer, Chief Financial Officer

City of London

300 Dufferin Ave., P.O. Box 5035, London, ON N6A 4L9

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<<mailto:abarbon@london.ca>> abarbon@london.ca | <<http://www.london.ca/>> www.london.ca

THIS IS **EXHIBIT "L"** TO THE AFFIDAVIT
OF **STEPHANIE FLEMING**,
SWORN THIS **22nd** DAY OF **October, 2019**.



A Commissioner, & etc.

APPENDIX "A"


Display Boards for Public Open House and
Information Session

Expanded Gaming - Participate

Take our survey:
getinvolved.london.ca

Public Participation Meeting:
April 23 at 4 p.m. at City Hall

london.ca



Expanded Gaming - Background

- Currently there are 738 slot machines at the Western Fair District.
- These slots are operated by Gateway Casinos & Entertainment Limited on behalf of The Ontario Lottery and Gaming Corporation (OLG).
- The City of London is seeking public input to inform a Council resolution that would allow for expanded gaming, if passed.

london.ca

APPENDIX "A"


Display Boards for Public Open House and Information Session



Expanded Gaming – Key Facts

- This consultation is focused only on whether or not to expand gaming in London.
- Although the current site for gaming in London is at the Western Fair District, a decision has not been made regarding a site for future gaming.
- At this stage, because only expanded gaming is being considered, an alternative location to the current site is not part of the discussion.
- If expanded gaming is passed by Council, Londoners would have the opportunity to provide feedback through a future planning application process (Official Plan and/or Zoning By-law amendment).

london.ca



What is expanded gaming?

The OLG Modernization and Casino Operating and Services Agreement allows for up to 1,200 slots at a casino as well as up to 50 live table games.

Live table games include games such as poker, black jack, roulette and others.

london.ca

APPENDIX “A”**Display Boards for Public Open House and
Information Session****Expanded Gaming – Financial Impacts**

- Currently the City has a contribution agreement with the OLG for the slot revenues from Western Fair District.
- Under the contribution agreement, the City receives a percentage of slot revenues, based on a standardized formula. In 2017, this payment was approximately \$5 million from the OLG through its operations at the Western Fair District.
- These revenues are used at Council's discretion to fund infrastructure investments and other capital projects.
- If there is an expansion of gaming the City would receive increased revenues, based on this agreement.

london.ca

THIS IS **EXHIBIT "M"** TO THE AFFIDAVIT
OF **STEPHANIE FLEMING**,
SWORN THIS **22nd** DAY OF **October, 2019**.



A Commissioner, & etc.

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Get Involved website

Have you seen the people that play at the casino slots? They are smokers and look like drugies. Do we want more people to become like that? Casinos are designed for people to loose money, 30% chances of winning. Why are we encouraging this in our society?
concern with regard to negatively impacting the western fair and current fair buildings
If we turn this down another communtiy close by will reep the rewards. I would rather play in my city then going to another community as I do now
Gaming is addictive. Poor people get poorer. Negative social impact on families.
Provides more jobs in London .Provides a larger tax base.
City wastes a lot of money and I am tired of paying for the crazy ideas Matt brown wants. BRT, flex street, back to the river.. letÂ's tax rather stupid that gamble to pay for these stupid ideas instead of me b
Gambling additions are a huge concern for some. I'm not sure additional slots would be a responsible thing for the city of London to back.
Gaming preys on those who often can least afford it, or are addicted to it. Gaming should be available to those who can most afford it and not miss their assured losses. Let those who have money to lose travel to gaming locations such as Windsor or Vegas and not to ones in our own backyard.
Would you like your kids to go and play there one day? If "NO" do not do it. If "YES", then go ahead add to it.
I enjoy live table games
With everything going on in Old East, this area of town is coming back to life, which is amazing. With the factory, redevelopment of the McCormick Lands, the craft breweries, etc. all starting up it is becoming seen as the entertainment district for the City. This area of town has needed attention for some time, and allowing expansion of gaming at the Western Fair is one way to get us there. I think this neighbourhood has the potential to become a new, postive area of town despite it's recent history. Supporting initiatives like this will allow this area to continue to thrive, and for lack of better term, will no longer be such an "eye sore" as gaming expansion will bring jobs and other opportunities in the nearby area. The majority of time when someone comes to London, they enter the City from the east end, and they see Hamilton Road and Dundas Street, areas which have fallen behind. It's important to make these corridors as attractive as possible as they are gateways to our City's. I live on the west end, and as nice as it is that this is where development is focused no one from out of town sees it, and it's not how we are judged by every other municipality. We need to continue to invest in the east end of London.
I'm in recovery from a Gambling Addiction & I personally Believe that up grading the Casino here in London ont would cause more problems than good
London had a referendum on casinos. The vote was clearly against them. If you are to proceed with a casino, other than slots, there should be another referendum.
not needed
Government endorsed gambling just to make a few bucks is wrong. Very little revenue generated goes back to the community. It's like a giant cash vacuum. Build an area that's a much larger attraction for families and people out of town.
Tourism
I don't use the facility myself
The bigger the pile of money, the more the criminals.
Gambling is a zero-sum activity that uses human time and resources but produces nothing.
Moral corruption
Silly idea

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Get Involved website – Continued

Gambling is an unfortunate way to prey on the desperate and financially unsophisticated.
There is a place for gaming entertainment and it is adequately covered at present. Destroying the inner fabric of the city based on further revenue for Council and all that entails does not seem to me to be a satisfactory argument. Thank you.
The casino is large enough in its current form and doesn't drive tourism. Rather, it simply takes money from people who might not be able to afford to lose it and reallocates it to OLG. If London kept a larger share I would be more in support, but \$5 million is not enough to warrant expansion here.
do not know enough about it
I believe that this is a strong fit with the highly successful slots program at Western Fair; expanding to table games keeps that operation competitive. Failing to expand to table games will simply mean that players interested in that opportunity will go elsewhere; why would we do that if we have the space/opportunity to build on the current success of the Western Fair Slots Program?
Government sponsored casino gambling ... parallels the separate and unequal life patterns in education, marriage, work, and play that increasingly divide us into haves and have-nots. Those in the upper ranks of the income distribution rarely, if ever, make it a weekly habit to gamble at the local casino. Those in the lower ranks of the income distribution often do. Those in the upper ranks rarely, if ever, contribute a large share of their income to the state's take of casino revenues. Those in the lower ranks do!
Increased gambling addiction among citizens: London government should not be treating Londoners as expendable.
Frequent users can not afford to gamble it is destroying families
Keep casino gaming revenue in local instead of going out to Lasvegas.
Casinos are the saddest places on earth
The result of a desperate Provincial Government's attempt to raise revenue, in any manner possible. Do people really want to gamble as the Liberals believe? Too many people lost their jobs, and horses their lives, with the cancellation of the slots at racetracks. This Provincial Government is totally amoral.
London has the opportunity to be a world class "destination city", look at what full casino's have done for tourism in Windsor and Niagara.
Gaming is immoral and addictive
What has been put in place, to help the people with a gambling addiction? My ex husband has gone bankrupt twice, as well as lost his job do to gambling. There was not much help out there for the families.
The poor go who can't afford to lose and can't live on their minimal incomes. It's a lose lose for them.
Any expansion will inevitably require a contribution from the taxpayers. We have other things to spend their money on too.
Tourisim and keeping money with in the city rather then people traveling to Windsor, Niagara, Sarnia or Brantford
Gambling is not a social activity that I feel should be promoted. Ultimately criminals are involved.
Contributes to the ever growing problem gambler and affects the community negatively as a whole
Live entertainment in an area that's already being developed. There is already live horse racing.
I now go to Caesar's in Windsor. London is too small for me and not enough slots to play on.
How would expansion of current site affect parking? Variety of events at the 2 sites cause full parking. Concerned that another new construction project means more reduced or eliminated parking.

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Get Involved website – Continued

Parking is already terrible
Gaming does not attract tourists to city and so is not a true economic development opportunity. The revenue it raises is typically from those who can't really afford to play.
Gambling is cancerous, this is enabling addicts to throw their financial status to the bin and support the already wealthy.
Addiction danger
Use of Western Fair space needs planning
You haven't seen desperation until you've watched someone feed all their cash into a machine, then use the credit card for a cash advance, then ask you to cash a cheque for them all in the hopes of hitting a jackpot
Addictions that ruin lives and the cost of rehabilitation.
This is entertainment that a municipal government should not be able to stop a reasonable amount of expansion.
Will bring lots of people to the city to spend money
Families are hurt by addictions.
Expanded gaming and casinos will not have a positive impact on our community and will support addictive gambling addictions from some of our most vulnerable populations. There are insufficient public benefits to allowing this expansion of gambling in our community
from News in the Globe, Gateway is clearly not a good business to work with. Why is this not being published in the Free Press
Concern re Western Fair's agricultural and entertainment (Fall Fair)
Gambling addictions are my main concern and lack of help for addiction; also concerned about access for people who should obviously not gamble
The concept on which the expansion is based e.g. a self-enclosed experience with hotel and restaurants can be harmful to local economies. It would be useful to discuss how they could connect and have synergy with what is occurring around them beyond purchasing local products.

Public Comments – Social Media

Facebook Comments
<p>City Post: We're considering expanded gaming in London. We need your input to assist Council on making a decision on future gaming in the city. Take our quick survey and attend our Open House on March 22. Learn more: https://getinvolved.london.ca/expansion-gaming</p> <p>Comment: Kill it with fire. Governments, including the city, should have nothing to do with gambling. Exploiting citizens for a few tax dollars? Nope.</p> <p>Reply: Not sure I could express my views more succinctly. then this. What he said.</p> <p>Comment: As someone who has seen the effects of gambling addiction, I'd rather see all gaming ended, not expanded. And no....this is not an isolated case. It is rampant. Shame on those who promote it.</p> <p>Comment: Where do the profits from the casinos go. Give me a rundown first, then I'll let you know what I think.</p> <p>Comment: If you don't act now it will (already is) go to someplace else.....quit deferring things!</p> <p>Comment: Why would you not want a huge hotel/casino in a larger city!? Hop to it!</p>

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Social Media – Continued

Comment: Time and again it has been shown that government-sponsored gambling is just a tax primarily imposed on those who are least able to afford it and that it is clearly motivated as an auxiliary revenue stream which makes having any genuine care for those who are most direly impacted an inherent financial conflict of interest for the Provincial and the Municipal Governments. As such, I'm *totally* against any kind or form of increasing these kinds of inequitable, predatory, illicit, under-the-table, taxation methods. How about you put a hefty municipal tax on driving luxury cars to make up that revenue instead? Oh, you say that rich people don't want to pay more taxes? I'm shocked...

Comment: Expand all you want. Just make sure there is prayer rooms.

Comment: Do it! I love table games! Slots are boring.

Comment: The mayor and council do not care what anyone thinks. They do as they want.

City Post: The City of London is considering expanded gaming in London. Learn more and provide your input at our Public Open House and Information Session this Thursday at Kiwanis Seniors' Community Centre from 6 - 8 p.m.

Can't make it to the Open House? No problem. You can take our quick survey online here: <https://getinvolved.london.ca/expansion-gaming>

Comment: And here I was hoping for D&D gaming

Reply: Or an arcade.

Reply: Or a huge indoor jumping castle.

Reply: if only..

Comment: Expand something useful like bike lanes. Stop expanding things that only make people miserable. Try spending money where it is actually needed. Fools and their money...

Reply: The city isn't spending the money

Reply: Bike lanes that people dont use

Reply: London ia so far behind thw times on this issie. A casino takes your money and the stress kills people. Bikes help people live longer.

Reply: Money raised from projects like this is what pays for your bike lanes.

Reply: Would the city be providing real info on this? The old crap of look we make X amount in tax revenue but fail to mention that the city will pay out double that in funding. How about other impacts, like increasing police cost in that area, because other cities have found the crime rate go up around gaming facilities.

Reply: I would like to see more bike lanes too. Maybe a bigger casino will pay for it. And maybe better facilities will mean we get better entertainment acts stopping in London. For a city our size we don't get a lot of really good entertainment.

Reply: A casino would bring more revenue in for the city... especially with the new ikea and that coming. People might actually spend a weekend or week in London doing things instead of passing by

Comment: London gamblers are leaving London to spend their money on tables and hotels and restaurants so it might as well be here and keep the revenue in London.

Reply: 100% agreed

Comment: get it done Build in London or loose out again on jobs...lets get together fast on this one before it goes away like so many have done..

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Social Media – Continued

Comment: It speaks volumes that they try and hide this in plain sight, why not call it "expanded gambling"? Why is there a picture of not-gaming, when any other proposal might show the indicated activity through its picture? Maybe I'm nitpicking, but I feel like London Council must be hoping this slips by under peoples noses before we can argue against it!

Comment: \$5 million extra revenue is tempting.... expanding it is even more tempting, as you don't need to raise taxes to get more income for the city. So, if you don't want this, are you willing to accept a tax hike?

\$ 5 million already saves a family of four about 60\$ a year on taxes... \$5 a month. Expanding it with, say, \$10 million more revenues would chip off \$10 a month of your current property tax bill. Or have more services available....like all the wishes above... add a flurry of extra jobs, and there is even more gain. More tourists coming? = even more income for the city.

But... what about the "but"s? Extra costs of addictions in gambling? Extra traffic =more and wider roads? =another expense. Missing all that data and considerations.

Comment: I don't see how this will be a positive benefit to the community. Increased revenue is the only upside I can see and it doesn't outweigh the costs.

Reply: Its not costing the city anything. They rent the land right now but the city dosnt tell you how many millions they make off that in a year. They want to buy the land and expand if not they want to build some were else. Its more money for the city not less and more jobs. This city leaders don't have a clue of what they are doing.

Reply: I wasn't talking about monetary cost...

Reply: Umm... lots of jobs? Positive impact on surrounding businesses? Brings more visitors to London?

Reply: What costs!!??.

Reply: How many more problem gamblers will this create? Why would a government condone something that for the most part does harm? Sure they say it's entertainment and stay within your limits but the system is rigged in the house's favour. It's a con game the government makes billions a year across the province on. So you can teach your kids the harms of gambling but what happens when they become a problem gambler and rob you blind? The government sure isn't going to give you your money back.

Comment: Expanded gaming in Chatham possibly. Already gaming in Sarnia and Brantford. Less than 1 and a half hours away. Maybe its worth it? Maybe not.

Comment: Money should not be used to divide or harass solving problems and bringing harmony should be first and last in jobs to govern in the city hall mislead should be stopped it's not easy but can be done to protect the civil and descent into the city build what's needed first

Comment: Just what London needs to help the addicted crack addicts

Reply: It's mostly older people at the casino. Loosing your inheritance you ungrateful brats!

Reply: Sorry I live in london, casino money didn't help fund the schools like goverment officals promised.. what does inheritance mean?

Comment: Why is Western Fair allowed to buy up private property tax paying homes a day to pay the City of London anything close to what we should be getting ?

London does not own Western Fair properties ! Every time they purchase another home to tear down to make more parking , we have lost more tax revenue . Guess who picks up the short fall !

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Social Media – Continued

Reply: But the casino would bring in more tax revenue than a house now wouldn't it? Not saying I'd like to lose houses especially with the cost being so obscene these days but it's better for the city to have a casino with consistent revenue unfortunately.

Comment: Nevermind the slots. London just needs a poker club

Comment: London needs other things before this

Reply: Such as? What else is going to bring in as much revenue? *serious question*

Comment: London Ontario expanding gaming? I have no idea what these means but hey, gaming is awesome. [#PCMASTERRACE](#)

Comment: Just let the private business, run its business! City officials can't run the city, little own a business

Comment: Expanding gaming in london, just don't spend it on Ubisoft. They're such a shit company.

Comment: Come on. The province depends on this money. \$2 billion last year.

Comment: try expanding stuff like gardening areas where people can go and grow their own gardens

Comment: Expand add a hotel and meeting centre link it to the race track the economic spin offs would be huge for east end

Comment: YES!

Comment: Survey done No

Comment: No!!!

Comment: No we don't need it

Comment: Sorry for the word mistakes

Comment: Blackjack baby!

Comment: No!

City Post: Do you support or oppose the idea of expanded gaming in London? We want to know. Take our quick survey online: <https://getinvolved.london.ca/expansion-gaming>

Comment: Maybe London should focus more on affordable housing and less on trying to take more money from people with gambling addictions.

Comment: This dog and pony show of community engagement is beyond absurd:

Considering that the ONLY thing City Council sees in this proposal is legions of giant dollar-signs dancing above their heads, there's no chance at all that politicians are going to let ANY semblance of social responsibility, decency or morality stand between them and those sweet, sweet, non-tax revenues...

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Social Media – Continued

Comment: Does the city have a measure in place to help people with gambling problems?

This should be asked first rather than how are we going to scam the rest of your hard earned dollar

Comment: does it really matter what we say, you always do what you want to do anyways despite what londoners say.

Comment: Just is radicular the Municipal Government want to expand the Casino use the money for something else

Twitter Comments

Why bother? There was a majority of residents who voted against gaming previously and council totally ignored it and implemented gaming. [#fakeconsultation](#)

WOOOHOOO about time !!

Expand Gambling EXPAND PROBLEMS LndOnt.spend\$\$ for save injection zones,clean needles, Methadon Clinics TO PROTECT CITIZENS FROM THEMSELVES NonTRANSPARENT CASINO DECEIVES LOOSE NECESSARY & Essential \$\$ in a FIXED OUTCOME Machine STOP MISLEADING-PROTECT Citizens from themselves

Yes just what the community needs more gambling. How about we legalize pot too. Oh wait we are. Liberals are destroying out Nation. But make sure you don't use Sir or Madam or Miss or Mr. Cause the polite terminology is not right anymore. Ba ha ha. The absurdity of it

**THIS IS EXHIBIT "N" TO THE AFFIDAVIT
OF STEPHANIE FLEMING,
SWORN THIS 22nd DAY OF October, 2019.**



A Commissioner, & etc.

APPENDIX 'B'

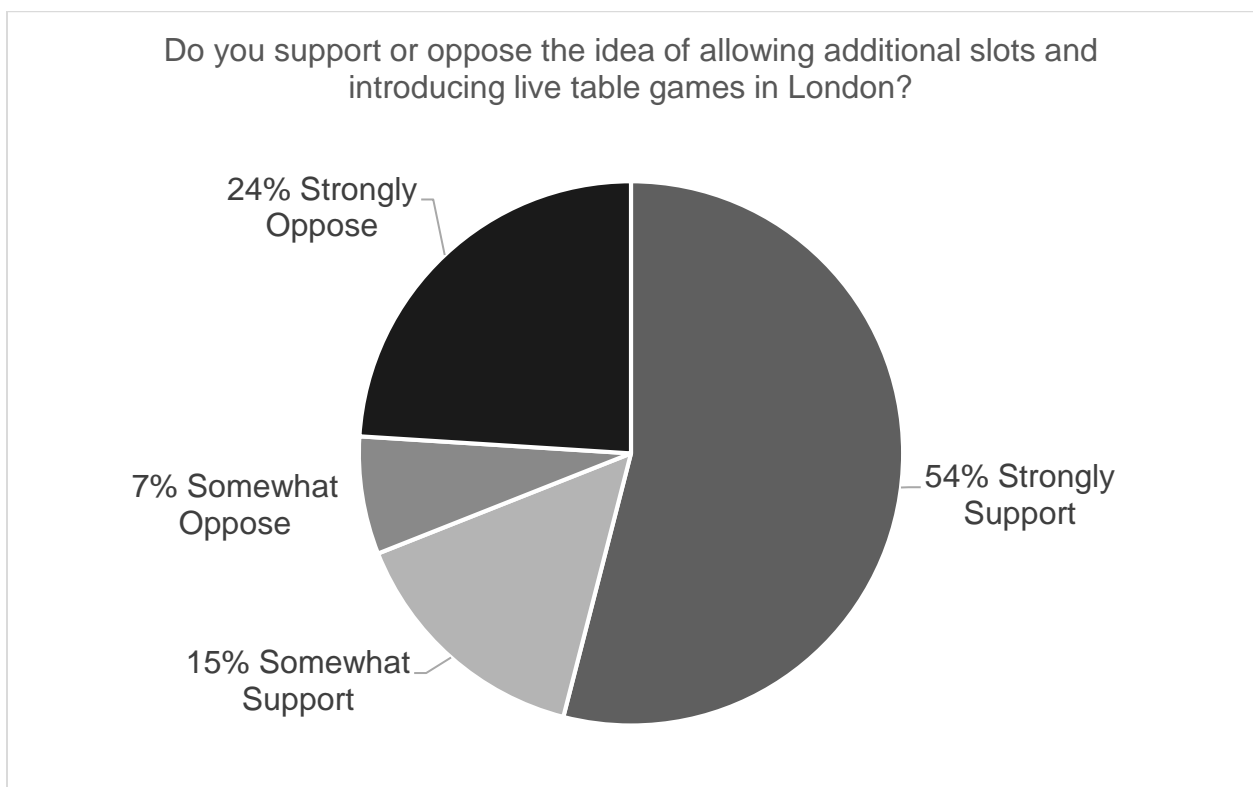
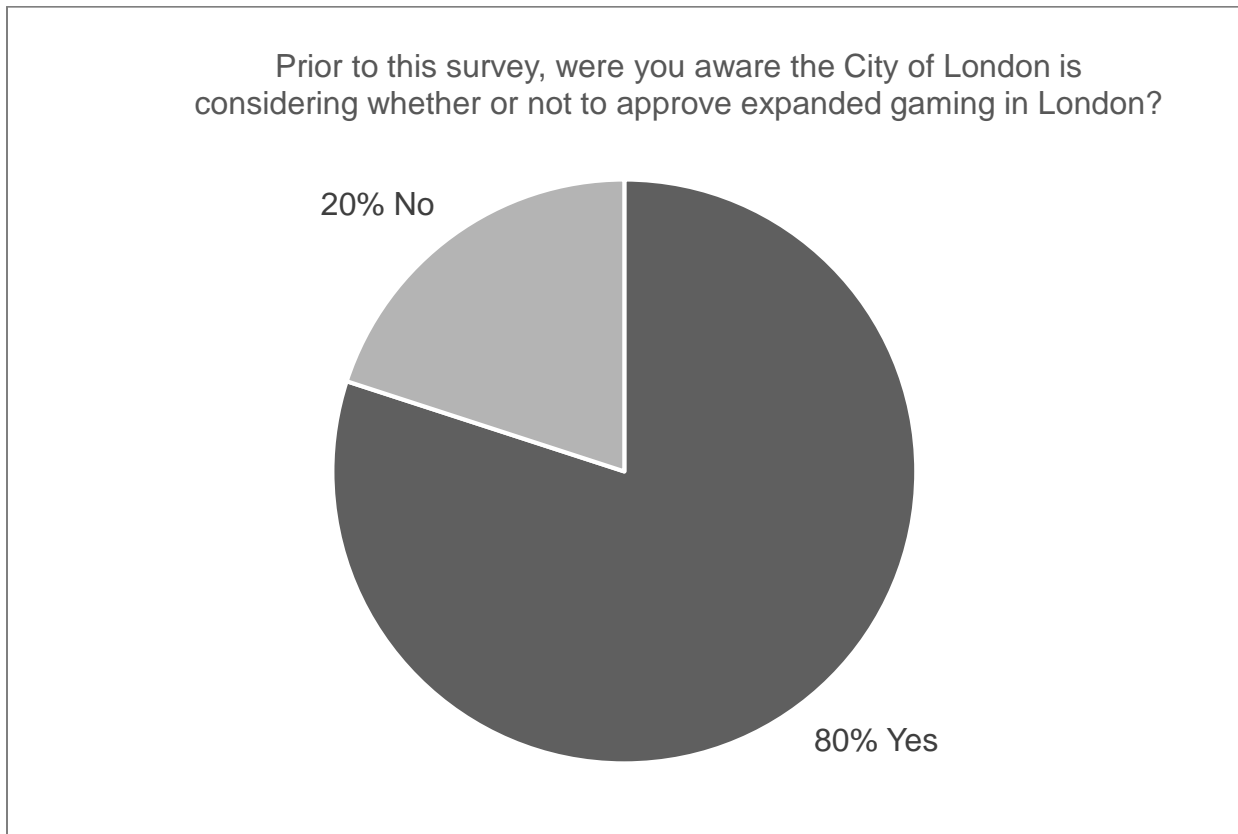
Summary of Public Consultation Results

Get Involved website

Survey results:

- Visitors to the site: 1,768
- Survey participants: 727

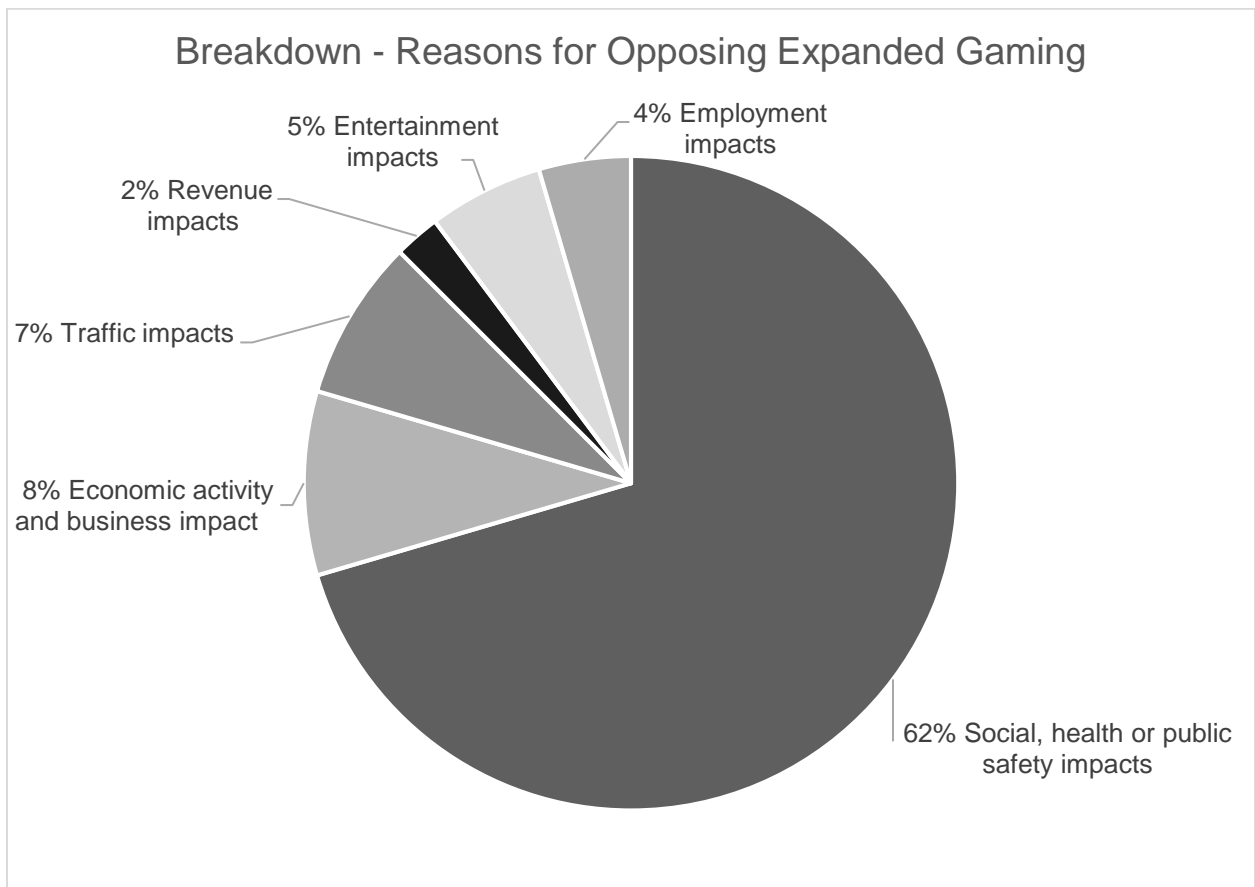
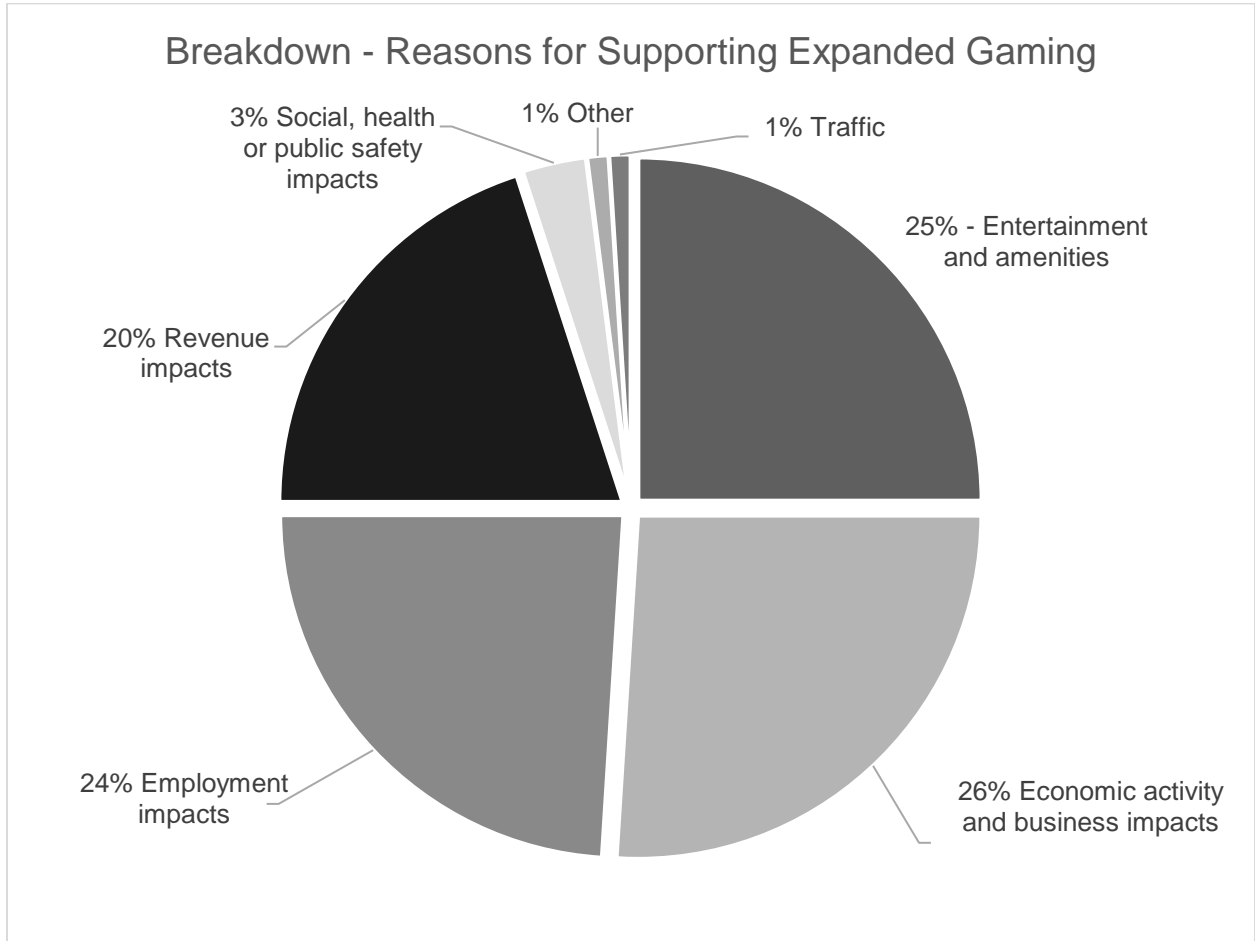
The following tables provide a summary of the results to the survey questions.



APPENDIX 'B'

Summary of Public Consultation Results

Get Involved website – Continued



THIS IS **EXHIBIT "O"** TO THE AFFIDAVIT
OF **STEPHANIE FLEMING**,
SWORN THIS 22nd DAY OF **October, 2019**.



A Commissioner, & etc.

TO:	CHAIR AND MEMBERS STRATEGIC PRIORITIES AND POLICY COMMITTEE MEETING ON APRIL 23, 2018
FROM:	ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES & CITY TREASURER, CHIEF FINANCIAL OFFICER
SUBJECT:	PUBLIC CONSULTATION - PROPOSED EXPANSION OF A GAMING SITE

RECOMMENDATIONS

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer the following report **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

“Requirements for a Proposed Expansion of a Gaming Site,” Strategic Priorities and Policy Committee, January 29, 2018

“Ontario Lottery And Gaming Corporation’s Community Recognition Program,” Corporate Services Committee, March 8, 2016

“Municipality Contribution Agreement Ontario Lottery and Gaming Corporation,” Investment and Economic Prosperity Committee, August 26, 2013

“Municipality Contribution Agreement Ontario Lottery and Gaming Corporation,” Investment and Economic Prosperity Committee, November 20, 2012

“Delegation - Hugh Mitchell, Western Fair District re Modernizing Land Based Gaming in Ontario,” Investment and Economic Prosperity Committee, June 9, 2012

LINK TO THE STRATEGIC PLAN

The Ontario Lottery and Gaming Corporation and Gateway Casinos and Entertainment Limited proposed expansion of a gaming site in London advances the following areas of focus and objectives of Council's Strategic Plan:

- Growing our Economy
 4. Strategic, collaborative partnerships
 - A) Work better together for economic growth: Western Fair District, London Economic Development Corporation, London Hydro, London International Airport, Tourism London, London Convention Centre, Covent Garden Market, London Chamber of Commerce, Business Improvement Areas, and other key stakeholders.

PURPOSE OF REPORT

On January 30, 2018, Municipal Council resolved that the following actions be taken:

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken:

- a) the staff report dated January 29, 2018, regarding the municipal requirements that are required to be satisfied as part of the approval process, under O. Reg. 81/12

under the Ontario Lottery and Gaming Corporation Act, 1999, for the proposed expansion of a gaming site in London, BE RECEIVED for information;

- b) the Civic Administration BE DIRECTED to implement the proposed options for public input consisting of a Public Open House and Information Session, an online survey, as well as a Public Participation session to be held at a meeting of the Strategic Priorities and Policy Committee;
- c) the Civic Administration BE DIRECTED to invite the Old East Village BIA to assist with organizing the public open house, and to also engage directly with the Old East Village Community Association about the public open house;
- d) the Civic Administration BE DIRECTED to engage with all relevant stakeholders, such as London Middlesex Counselling and Addiction Services and any other relevant community groups, to receive their input on the proposed gaming site expansion; and
- e) the Civic Administration BE DIRECTED to obtain a copy of the related Service Agreement between the Ontario Lottery and Gaming Corporation and Gateway Casinos & Entertainment Limited, in order for the City to better understand the provisions under which an expanded casino would be operated.

This report responds to items b), c), d) and e) of the Council resolution.

BACKGROUND

In January 2018, Civic Administration submitted a report to the Strategic Priorities and Policy Committee that outlined the requirements that Municipal Council must fulfill as part of the approval process, under O. Reg. 81/12 of the *Ontario Lottery and Gaming Corporation Act, 1999*, for the proposed expansion of a gaming site in London. The regulation requires that a municipal council seek public input into the establishment, including expansion, of a proposed gaming site in the municipality. It is noted that only expanded gaming is being considered at this time, as the location for gaming in London is not part of the discussion. Further, should Municipal Council wish to support the expansion of a gaming site in London, it has to pass a positive resolution, as the resolution passed on June 12, 2012 regarding gaming in London does not satisfy the regulatory requirements.

Following the January 2018 report, Civic Administration implemented the proposed options for public consultation consisting of an online survey, and a public open house and information session during the month of March. Detailed information on the material presented at the open house and information session is provided in Appendix 'A'. In addition to the two options that have been implemented, a public participation meeting is planned to be held at the April 23, 2018 meeting of the Strategic and Priorities and Policy Committee, to invite the public to provide input directly to the committee regarding proposed gaming expansion in London. Representatives from the Ontario Lottery and Gaming Corporation (OLG) will also be present at the meeting to answer questions that may arise.

Civic Administration requested a copy of the related Service Agreement between the Ontario Lottery and Gaming Corporation and Gateway Casinos & Entertainment Limited. The OLG provided a response that indicated they are "unable to provide the Casino Operating and Services Agreement (COSA) as it contains information that:

- a) reveals third party commercial, financial information, supplied in confidence by the third party Service Provider, that if disclosed could reasonably be expected to result in the harms set out in sections (a) to (c) of s. 17(1) of the *Freedom of Information and Protection of Privacy Act* (Ontario). Disclosure could result in third parties gaining access to the Service Provider's confidential financial information and commercial information revealing its financial modelling and methodology; and
- b) could reasonably be expected to prejudice the economics interests of OLG if disclosed, since OLG is currently in the midst of the procurement process for other gaming bundles in Ontario."

The OLG did provide a copy of the RFPQ#1314-001 for the Southwest Gaming Bundle. In response, civic administration has provided a number of specific questions to the OLG for a response in the absence of receiving the COSA that will be the subject of a future report to Council.

PUBLIC CONSULTATION PROCESS AND RESULTS

Overview

As part of the process to consider expanded gaming in London, the City has engaged with Londoners to assist Council in their decision and to satisfy the requirements under O. Reg. 81/12 of the *Ontario Lottery and Gaming Corporation Act, 1999*. The following sections provide an overview of the public consultation process, specifically the approaches used and the feedback received from the community to date.

The objective of the public consultation process was to provide opportunities for residents and business owners in London to offer their feedback about expanded gaming in the community. As part of the process the City used both broad outreach as well as targeted opportunities to reach Londoners and ask for their input and feedback on expanded gaming. For broad outreach the City used the following key activities to obtain feedback and input from the community:

- **Online Survey:** The City posted content on the Get Involved website on March 8, 2018, to both inform the public about current gaming in London and expanded gaming, as well as invite their input through an online survey, which was open from March 8 – March 28, 2018.
- **Public Open House and Information Session:** The City hosted an open house at the Kiwanis Seniors' Community Centre on March 22, 2018, in consultation with the Old East Village BIA, to share this information in person and invite people to attend to learn more about the proposal and provide feedback on it. The open house included the following:
 - Opening comments – City of London
 - Information about expanded gaming – OLG and Gateway Casinos and Entertainment
 - Q&A session – All
 - Hard copy survey and comment cards were distributed

The City used the following activities to publicize and promote the opportunity for the public to provide input regarding expanded gaming in London.

- Social Media
 - Generic social media messaging promoting the getinvolved.london.ca survey and the open house, which included the use of Twitter and Facebook
- Print Advertising
 - London Free Press
 - The Londoner, including issuance of Public Notices
- Poster Distribution
 - City Hall, Community Centres, and Libraries
- Web
 - Homepage image london.ca, Open house event in london.ca calendar, and Our City e-newsletter placement

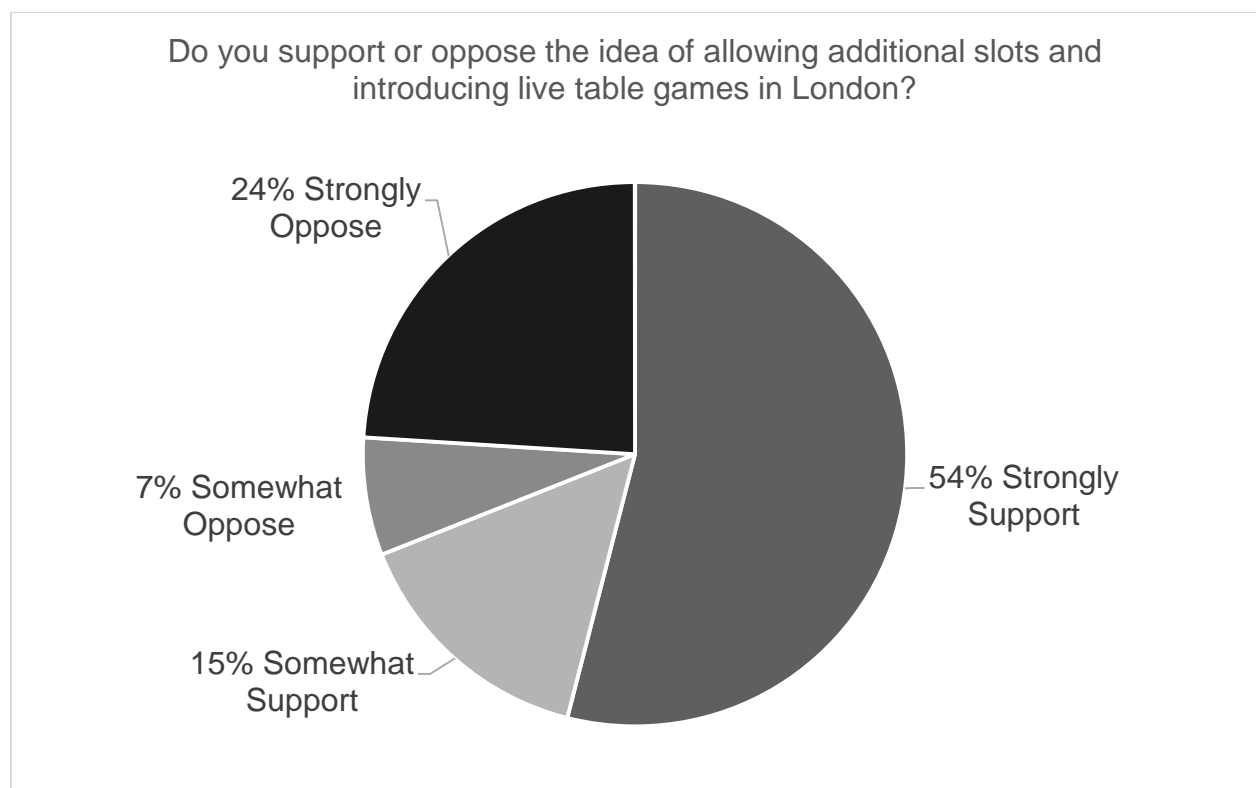
In addition, the City reached out to targeted groups in the community to ensure that they were aware of the proposal, and invited them to participate and/or to provide comments in writing. These groups included:

- Canadian Mental Health Association – Middlesex
- Addiction Services Thames Valley
- Youth Outreach Worker - Youth Gambling Program, YMCA

Communication with these groups informed them that the City is considering expanding gaming in London, is seeking input from the public, and is making an effort to engage with all relevant stakeholders to assist Council in evaluating and making a decision on the future of gaming in the city. An overview of the options to participate was provided to these groups (engagement website, key dates for online survey, open house and information session and public participation meeting). As well, the City asked representatives from these groups to share information about the engagement process with their networks and encouraged them to submit any additional comments or feedback as individual organizations. To date, the City has not received specific comments directly from any of the groups, however, they may submit information through the public participation meeting.

Online Survey Results

The following section provides a summary of the results from the Get Involved website. During the posting of the survey on the website, which was open from March 8 - 28, 2018, there were 1,768 visitors to the site, and 727 individuals participated in the survey. To measure support for the expansion of gaming in London, survey participants were asked to respond to three questions. A summary of the results for the survey, as well as other public consultation feedback is provided in Appendix 'B'. To assist Council in their consideration of a resolution, Civic Administration has provided below the results of the overall opinion question, which asked the public whether it supports or is opposed to the expansion of gaming in London.



DRAFT RESOLUTION

In accordance with O. Reg. 81/12 of the *Ontario Lottery and Gaming Corporation Act, 1999*, should Council wish to support the expansion of a gaming site in London, the following resolution has been provided below for consideration at the April 23, 2018 meeting of the Strategic Priorities and Policy Committee:

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the expansion of a gaming site to include entertainment options that would allow for up to 1,200 slots at a casino, and up to 50 live table games, within the jurisdiction of The Corporation of the City of London, BE ENDORSED; it being noted that The Corporation of the City of London:

- is already a current Ontario Lottery Gaming host gaming municipality to an existing slots facility;
- passed a resolution, on June 12, 2012, advising the Ontario Lottery Gaming Commission and the Provincial Government that The Corporation of the City of London is a willing host community and supports the continuation of the Western Fair District (WFD) as a gaming site and as a site for an expanded gaming program; and
- has undertaken steps under Regulation 81-12 of the *Ontario Lottery and Gaming Corporation Act, 1999*, including advertising and acquirement of public feedback, to confirm its support for expanded gambling within its jurisdiction.

CONCLUSION

This report presents the results of the public consultation process completed during the month of March regarding the expansion of a proposed gaming site in the city. To date, the process has included a public open house and information session, as well as a survey to measure support for expanded gaming in London. Further, a public participation meeting is planned to be held at the April 23, 2018 meeting of the Strategic and Priorities and Policy Committee, to invite the public to provide input directly to the committee regarding proposed gaming expansion in London. The public consultation process implemented by the City satisfies the requirements set out in O. Reg. 81/12 of the *Ontario Lottery and Gaming Corporation Act, 1999*. Should Council wish to support the expansion of a gaming site in London, a draft resolution is provided for their consideration.

Acknowledgements

This report was prepared with the assistance of Meagan Geudens, Tara Thomas and Patti McKague from Communications.

PREPARED BY:	RECOMMENDED BY:
MARK JOHNSON, RPP BUSINESS PLANNING PROCESS MANAGER FINANCE AND CORPORATE SERVICES	ANNA LISA BARBON, CPA, CGA MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER

Attach: Appendix 'A' – Display Boards for Public Open House and Information Session
 Appendix 'B' – Summary of Public Consultation Results

cc: B. Warner, Manager, Realty Services
 P. McKague, Director, Strategic Communications and Community Engagement

APPENDIX "A"


Display Boards for Public Open House and
Information Session

Expanded Gaming - Participate

Take our survey:
getinvolved.london.ca

Public Participation Meeting:
April 23 at 4 p.m. at City Hall

london.ca



Expanded Gaming - Background

- Currently there are 738 slot machines at the Western Fair District.
- These slots are operated by Gateway Casinos & Entertainment Limited on behalf of The Ontario Lottery and Gaming Corporation (OLG).
- The City of London is seeking public input to inform a Council resolution that would allow for expanded gaming, if passed.

london.ca

APPENDIX "A"


Display Boards for Public Open House and Information Session



Expanded Gaming – Key Facts

- This consultation is focused only on whether or not to expand gaming in London.
- Although the current site for gaming in London is at the Western Fair District, a decision has not been made regarding a site for future gaming.
- At this stage, because only expanded gaming is being considered, an alternative location to the current site is not part of the discussion.
- If expanded gaming is passed by Council, Londoners would have the opportunity to provide feedback through a future planning application process (Official Plan and/or Zoning By-law amendment).

london.ca



What is expanded gaming?

The OLG Modernization and Casino Operating and Services Agreement allows for up to 1,200 slots at a casino as well as up to 50 live table games.

Live table games include games such as poker, black jack, roulette and others.

london.ca

APPENDIX "A"**Display Boards for Public Open House and
Information Session****Expanded Gaming – Financial Impacts**

- Currently the City has a contribution agreement with the OLG for the slot revenues from Western Fair District.
- Under the contribution agreement, the City receives a percentage of slot revenues, based on a standardized formula. In 2017, this payment was approximately \$5 million from the OLG through its operations at the Western Fair District.
- These revenues are used at Council's discretion to fund infrastructure investments and other capital projects.
- If there is an expansion of gaming the City would receive increased revenues, based on this agreement.

london.ca

APPENDIX 'B'

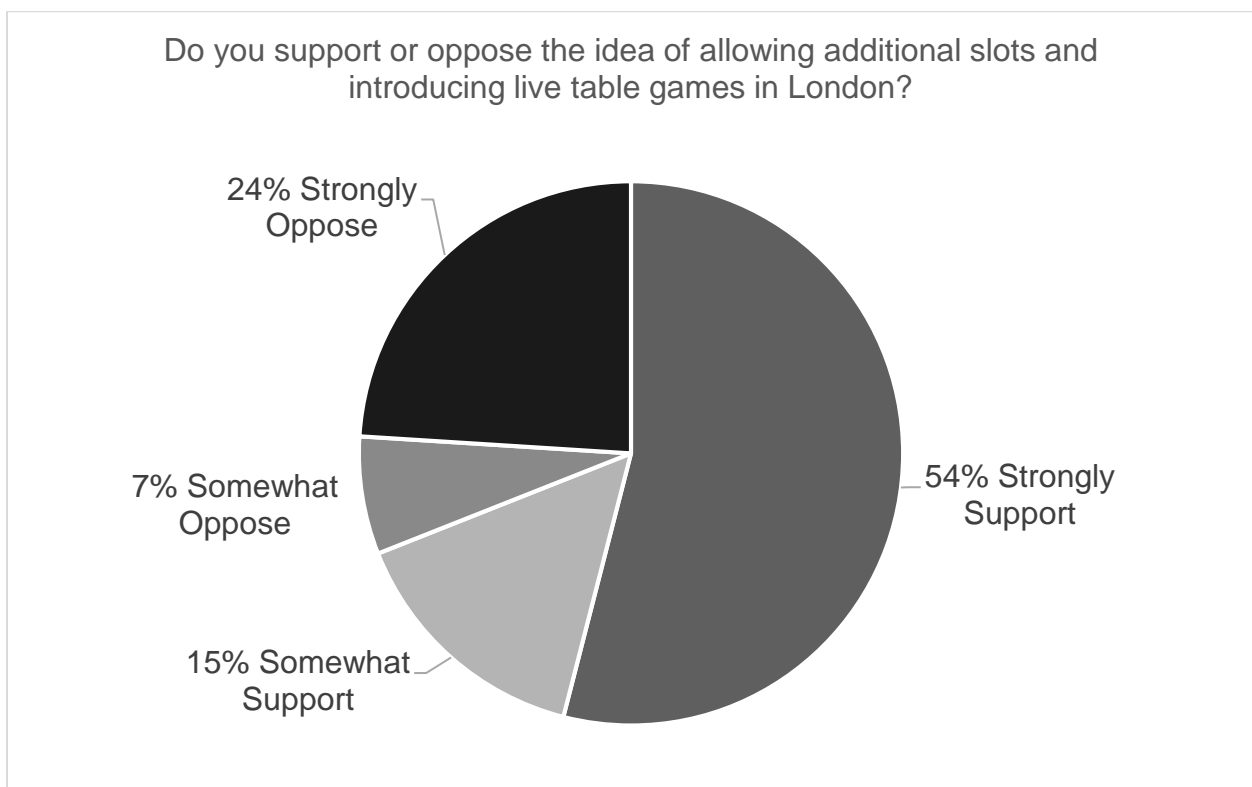
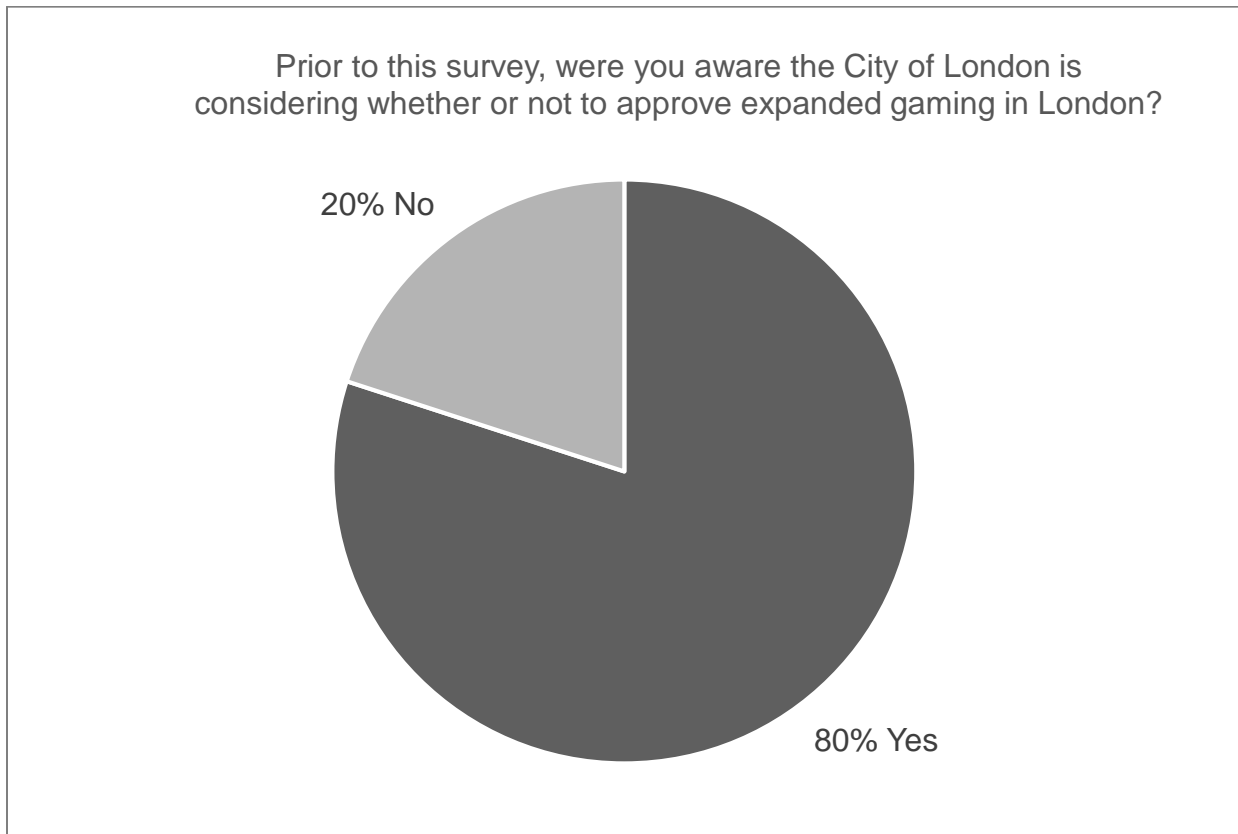
Summary of Public Consultation Results

Get Involved website

Survey results:

- Visitors to the site: 1,768
- Survey participants: 727

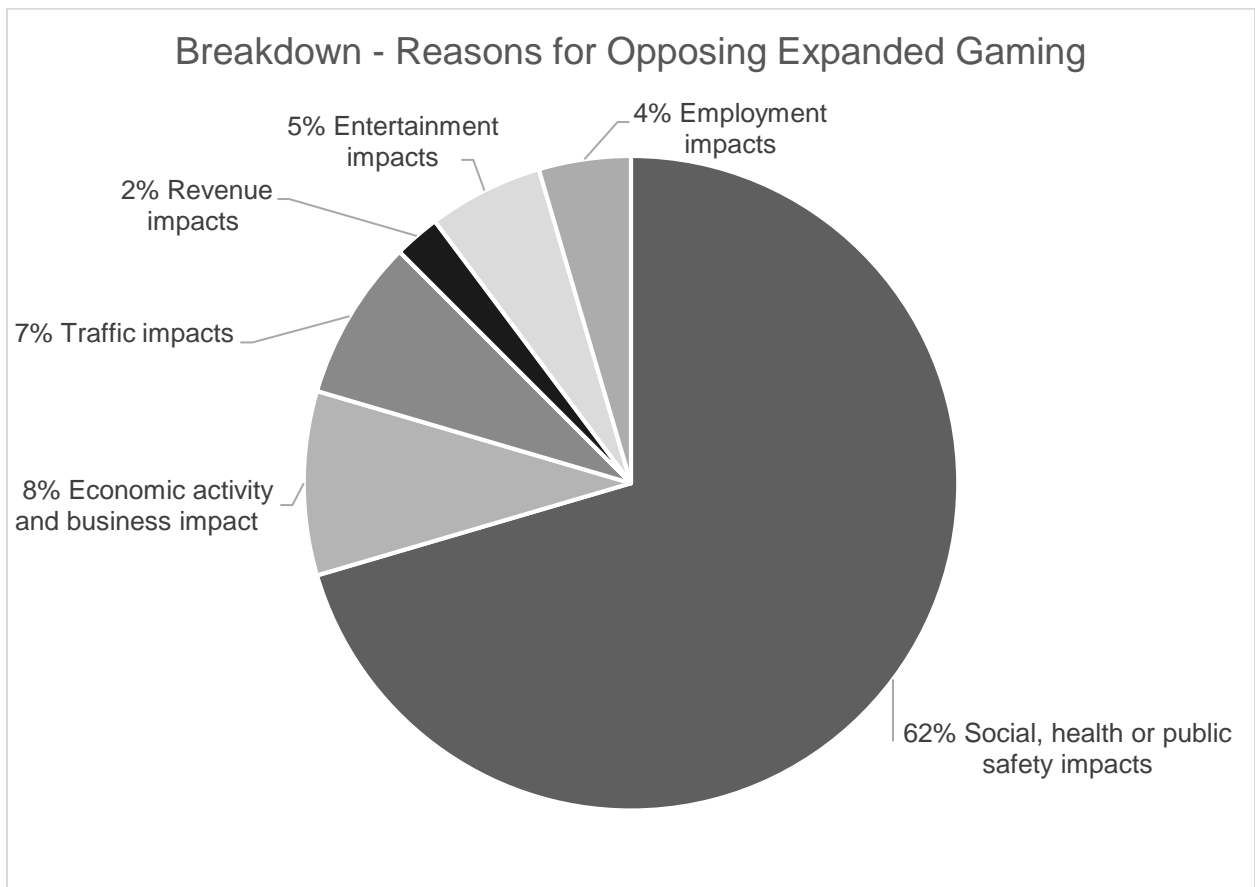
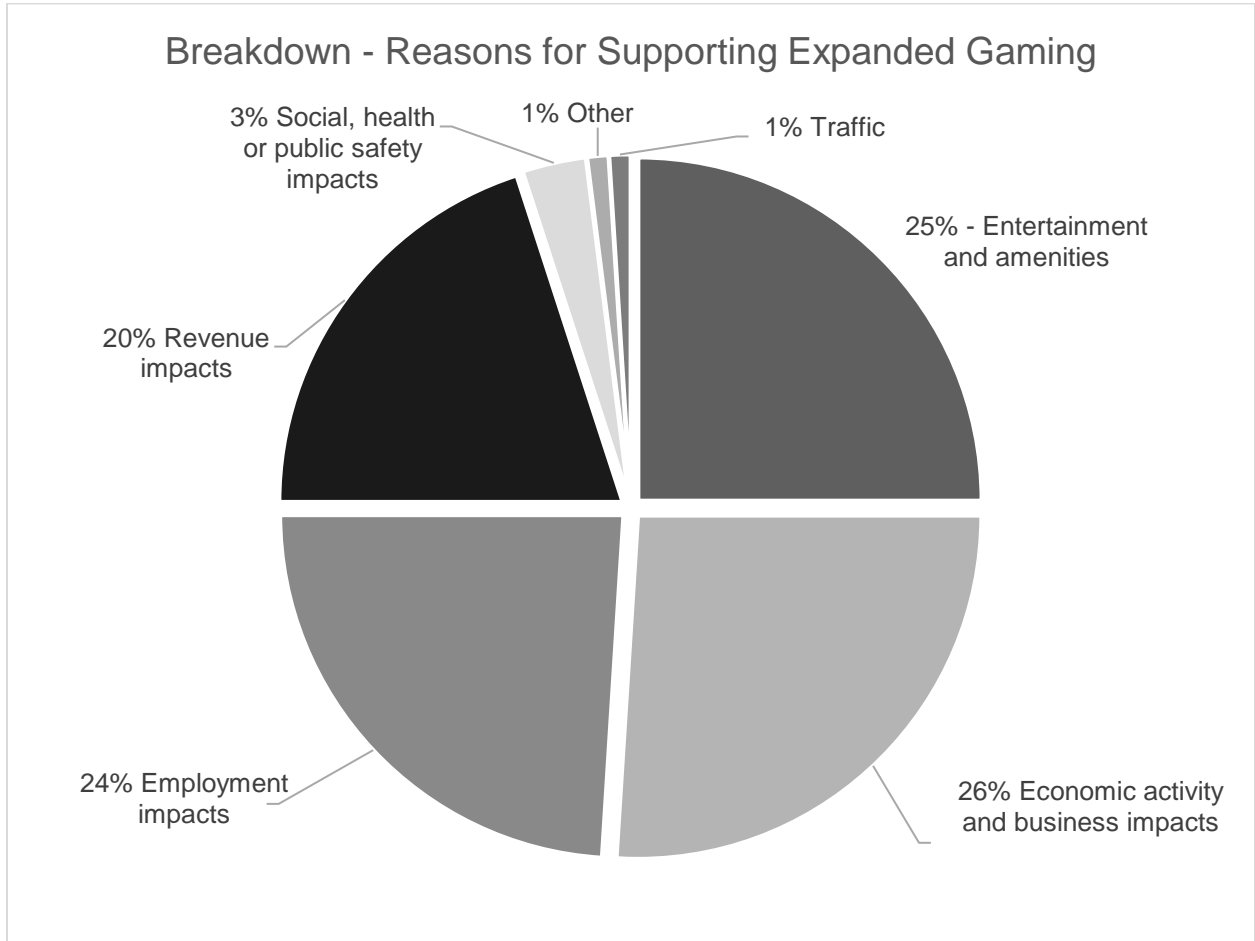
The following tables provide a summary of the results to the survey questions.



APPENDIX 'B'

Summary of Public Consultation Results

Get Involved website – Continued



APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Get Involved website

Have you seen the people that play at the casino slots? They are smokers and look like drugies. Do we want more people to become like that? Casinos are designed for people to loose money, 30% chances of winning. Why are we encouraging this in our society?
concern with regard to negatively impacting the western fair and current fair buildings
If we turn this down another communtiy close by will reep the rewards. I would rather play in my city then going to another community as I do now
Gaming is addictive. Poor people get poorer. Negative social impact on families.
Provides more jobs in London .Provides a larger tax base.
City wastes a lot of money and I am tired of paying for the crazy ideas Matt brown wants. BRT, flex street, back to the river.. letÂ's tax rather stupid that gamble to pay for these stupid ideas instead of me b
Gambling additions are a huge concern for some. I'm not sure additional slots would be a responsible thing for the city of London to back.
Gaming preys on those who often can least afford it, or are addicted to it. Gaming should be available to those who can most afford it and not miss their assured losses. Let those who have money to lose travel to gaming locations such as Windsor or Vegas and not to ones in our own backyard.
Would you like your kids to go and play there one day? If "NO" do not do it. If "YES", then go ahead add to it.
I enjoy live table games
With everything going on in Old East, this area of town is coming back to life, which is amazing. With the factory, redevelopment of the McCormick Lands, the craft breweries, etc. all starting up it is becoming seen as the entertainment district for the City. This area of town has needed attention for some time, and allowing expansion of gaming at the Western Fair is one way to get us there. I think this neighbourhood has the potential to become a new, postive area of town despite it's recent history. Supporting initiatives like this will allow this area to continue to thrive, and for lack of better term, will no longer be such an "eye sore" as gaming expansion will bring jobs and other opportunities in the nearby area. The majority of time when someone comes to London, they enter the City from the east end, and they see Hamilton Road and Dundas Street, areas which have fallen behind. It's important to make these corridors as attractive as possible as they are gateways to our City's. I live on the west end, and as nice as it is that this is where development is focused no one from out of town sees it, and it's not how we are judged by every other municipality. We need to continue to invest in the east end of London.
I'm in recovery from a Gambling Addiction & I personally Believe that up grading the Casino here in London ont would cause more problems than good
London had a referendum on casinos. The vote was clearly against them. If you are to proceed with a casino, other than slots, there should be another referendum.
not needed
Government endorsed gambling just to make a few bucks is wrong. Very little revenue generated goes back to the community. It's like a giant cash vacuum. Build an area that's a much larger attraction for families and people out of town.
Tourism
I don't use the facility myself
The bigger the pile of money, the more the criminals.
Gambling is a zero-sum activity that uses human time and resources but produces nothing.
Moral corruption
Silly idea

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Get Involved website – Continued

Gambling is an unfortunate way to prey on the desperate and financially unsophisticated.
There is a place for gaming entertainment and it is adequately covered at present. Destroying the inner fabric of the city based on further revenue for Council and all that entails does not seem to me to be a satisfactory argument. Thank you.
The casino is large enough in its current form and doesn't drive tourism. Rather, it simply takes money from people who might not be able to afford to lose it and reallocates it to OLG. If London kept a larger share I would be more in support, but \$5 million is not enough to warrant expansion here.
do not know enough about it
I believe that this is a strong fit with the highly successful slots program at Western Fair; expanding to table games keeps that operation competitive. Failing to expand to table games will simply mean that players interested in that opportunity will go elsewhere; why would we do that if we have the space/opportunity to build on the current success of the Western Fair Slots Program?
Government sponsored casino gambling ... parallels the separate and unequal life patterns in education, marriage, work, and play that increasingly divide us into haves and have-nots. Those in the upper ranks of the income distribution rarely, if ever, make it a weekly habit to gamble at the local casino. Those in the lower ranks of the income distribution often do. Those in the upper ranks rarely, if ever, contribute a large share of their income to the state's take of casino revenues. Those in the lower ranks do!
Increased gambling addiction among citizens: London government should not be treating Londoners as expendable.
Frequent users can not afford to gamble it is destroying families
Keep casino gaming revenue in local instead of going out to Lasvegas.
Casinos are the saddest places on earth
The result of a desperate Provincial Government's attempt to raise revenue, in any manner possible. Do people really want to gamble as the Liberals believe? Too many people lost their jobs, and horses their lives, with the cancellation of the slots at racetracks. This Provincial Government is totally amoral.
London has the opportunity to be a world class "destination city", look at what full casino's have done for tourism in Windsor and Niagara.
Gaming is immoral and addictive
What has been put in place, to help the people with a gambling addiction? My ex husband has gone bankrupt twice, as well as lost his job do to gambling. There was not much help out there for the families.
The poor go who can't afford to lose and can't live on their minimal incomes. It's a lose lose for them.
Any expansion will inevitably require a contribution from the taxpayers. We have other things to spend their money on too.
Tourisim and keeping money with in the city rather then people traveling to Windsor, Niagara, Sarnia or Brantford
Gambling is not a social activity that I feel should be promoted. Ultimately criminals are involved.
Contributes to the ever growing problem gambler and affects the community negatively as a whole
Live entertainment in an area that's already being developed. There is already live horse racing.
I now go to Caesar's in Windsor. London is too small for me and not enough slots to play on.
How would expansion of current site affect parking? Variety of events at the 2 sites cause full parking. Concerned that another new construction project means more reduced or eliminated parking.

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Get Involved website – Continued

Parking is already terrible
Gaming does not attract tourists to city and so is not a true economic development opportunity. The revenue it raises is typically from those who can't really afford to play.
Gambling is cancerous, this is enabling addicts to throw their financial status to the bin and support the already wealthy.
Addiction danger
Use of Western Fair space needs planning
You haven't seen desperation until you've watched someone feed all their cash into a machine, then use the credit card for a cash advance, then ask you to cash a cheque for them all in the hopes of hitting a jackpot
Addictions that ruin lives and the cost of rehabilitation.
This is entertainment that a municipal government should not be able to stop a reasonable amount of expansion.
Will bring lots of people to the city to spend money
Families are hurt by addictions.
Expanded gaming and casinos will not have a positive impact on our community and will support addictive gambling addictions from some of our most vulnerable populations. There are insufficient public benefits to allowing this expansion of gambling in our community
from News in the Globe, Gateway is clearly not a good business to work with. Why is this not being published in the Free Press
Concern re Western Fair's agricultural and entertainment (Fall Fair)
Gambling addictions are my main concern and lack of help for addiction; also concerned about access for people who should obviously not gamble
The concept on which the expansion is based e.g. a self-enclosed experience with hotel and restaurants can be harmful to local economies. It would be useful to discuss how they could connect and have synergy with what is occurring around them beyond purchasing local products.

Public Comments – Social Media

Facebook Comments
<p>City Post: We're considering expanded gaming in London. We need your input to assist Council on making a decision on future gaming in the city. Take our quick survey and attend our Open House on March 22. Learn more: https://getinvolved.london.ca/expansion-gaming</p> <p>Comment: Kill it with fire. Governments, including the city, should have nothing to do with gambling. Exploiting citizens for a few tax dollars? Nope.</p> <p>Reply: Not sure I could express my views more succinctly. then this. What he said.</p> <p>Comment: As someone who has seen the effects of gambling addiction, I'd rather see all gaming ended, not expanded. And no....this is not an isolated case. It is rampant. Shame on those who promote it.</p> <p>Comment: Where do the profits from the casinos go. Give me a rundown first, then I'll let you know what I think.</p> <p>Comment: If you don't act now it will (already is) go to someplace else.....quit deferring things!</p> <p>Comment: Why would you not want a huge hotel/casino in a larger city!? Hop to it!</p>

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Social Media – Continued

Comment: Time and again it has been shown that government-sponsored gambling is just a tax primarily imposed on those who are least able to afford it and that it is clearly motivated as an auxiliary revenue stream which makes having any genuine care for those who are most direly impacted an inherent financial conflict of interest for the Provincial and the Municipal Governments. As such, I'm *totally* against any kind or form of increasing these kinds of inequitable, predatory, illicit, under-the-table, taxation methods. How about you put a hefty municipal tax on driving luxury cars to make up that revenue instead? Oh, you say that rich people don't want to pay more taxes? I'm shocked...

Comment: Expand all you want. Just make sure there is prayer rooms.

Comment: Do it! I love table games! Slots are boring.

Comment: The mayor and council do not care what anyone thinks. They do as they want.

City Post: The City of London is considering expanded gaming in London. Learn more and provide your input at our Public Open House and Information Session this Thursday at Kiwanis Seniors' Community Centre from 6 - 8 p.m.

Can't make it to the Open House? No problem. You can take our quick survey online here: <https://getinvolved.london.ca/expansion-gaming>

Comment: And here I was hoping for D&D gaming

Reply: Or an arcade.

Reply: Or a huge indoor jumping castle.

Reply: if only..

Comment: Expand something useful like bike lanes. Stop expanding things that only make people miserable. Try spending money where it is actually needed. Fools and their money...

Reply: The city isn't spending the money

Reply: Bike lanes that people dont use

Reply: London ia so far behind thw times on this issie. A casino takes your money and the stress kills people. Bikes help people live longer.

Reply: Money raised from projects like this is what pays for your bike lanes.

Reply: Would the city be providing real info on this? The old crap of look we make X amount in tax revenue but fail to mention that the city will pay out double that in funding. How about other impacts, like increasing police cost in that area, because other cities have found the crime rate go up around gaming facilities.

Reply: I would like to see more bike lanes too. Maybe a bigger casino will pay for it. And maybe better facilities will mean we get better entertainment acts stopping in London. For a city our size we don't get a lot of really good entertainment.

Reply: A casino would bring more revenue in for the city... especially with the new ikea and that coming. People might actually spend a weekend or week in London doing things instead of passing by

Comment: London gamblers are leaving London to spend their money on tables and hotels and restaurants so it might as well be here and keep the revenue in London.

Reply: 100% agreed

Comment: get it done Build in London or loose out again on jobs...lets get together fast on this one before it goes away like so many have done..

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Social Media – Continued

Comment: It speaks volumes that they try and hide this in plain sight, why not call it "expanded gambling"? Why is there a picture of not-gaming, when any other proposal might show the indicated activity through its picture? Maybe I'm nitpicking, but I feel like London Council must be hoping this slips by under peoples noses before we can argue against it!

Comment: \$5 million extra revenue is tempting.... expanding it is even more tempting, as you don't need to raise taxes to get more income for the city. So, if you don't want this, are you willing to accept a tax hike?

\$ 5 million already saves a family of four about 60\$ a year on taxes... \$5 a month. Expanding it with, say, \$10 million more revenues would chip off \$10 a month of your current property tax bill. Or have more services available....like all the wishes above... add a flurry of extra jobs, and there is even more gain. More tourists coming? = even more income for the city.

But... what about the "but"s? Extra costs of addictions in gambling? Extra traffic =more and wider roads? =another expense. Missing all that data and considerations.

Comment: I don't see how this will be a positive benefit to the community. Increased revenue is the only upside I can see and it doesn't outweigh the costs.

Reply: Its not costing the city anything. They rent the land right now but the city dosnt tell you how many millions they make off that in a year. They want to buy the land and expand if not they want to build some were else. Its more money for the city not less and more jobs. This city leaders don't have a clue of what they are doing.

Reply: I wasn't talking about monetary cost...

Reply: Umm... lots of jobs? Positive impact on surrounding businesses? Brings more visitors to London?

Reply: What costs!!??.

Reply: How many more problem gamblers will this create? Why would a government condone something that for the most part does harm? Sure they say it's entertainment and stay within your limits but the system is rigged in the house's favour. It's a con game the government makes billions a year across the province on. So you can teach your kids the harms of gambling but what happens when they become a problem gambler and rob you blind? The government sure isn't going to give you your money back.

Comment: Expanded gaming in Chatham possibly. Already gaming in Sarnia and Brantford. Less than 1 and a half hours away. Maybe its worth it? Maybe not.

Comment: Money should not be used to divide or harass solving problems and bringing harmony should be first and last in jobs to govern in the city hall mislead should be stopped it's not easy but can be done to protect the civil and descent into the city build what's needed first

Comment: Just what London needs to help the addicted crack addicts

Reply: It's mostly older people at the casino. Loosing your inheritance you ungrateful brats!

Reply: Sorry I live in london, casino money didn't help fund the schools like goverment officals promised.. what does inheritance mean?

Comment: Why is Western Fair allowed to buy up private property tax paying homes a day to pay the City of London anything close to what we should be getting ?

London does not own Western Fair properties ! Every time they purchase another home to tear down to make more parking , we have lost more tax revenue . Guess who picks up the short fall !

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Social Media – Continued

Reply: But the casino would bring in more tax revenue than a house now wouldn't it? Not saying I'd like to lose houses especially with the cost being so obscene these days but it's better for the city to have a casino with consistent revenue unfortunately.

Comment: Nevermind the slots. London just needs a poker club

Comment: London needs other things before this

Reply: Such as? What else is going to bring in as much revenue? *serious question*

Comment: London Ontario expanding gaming? I have no idea what these means but hey, gaming is awesome. [#PCMASTERRACE](#)

Comment: Just let the private business, run its business! City officials can't run the city, little own a business

Comment: Expanding gaming in london, just don't spend it on Ubisoft. They're such a shit company.

Comment: Come on. The province depends on this money. \$2 billion last year.

Comment: try expanding stuff like gardening areas where people can go and grow their own gardens

Comment: Expand add a hotel and meeting centre link it to the race track the economic spin offs would be huge for east end

Comment: YES!

Comment: Survey done No

Comment: No!!!

Comment: No we don't need it

Comment: Sorry for the word mistakes

Comment: Blackjack baby!

Comment: No!

City Post: Do you support or oppose the idea of expanded gaming in London? We want to know. Take our quick survey online: <https://getinvolved.london.ca/expansion-gaming>

Comment: Maybe London should focus more on affordable housing and less on trying to take more money from people with gambling addictions.

Comment: This dog and pony show of community engagement is beyond absurd:

Considering that the ONLY thing City Council sees in this proposal is legions of giant dollar-signs dancing above their heads, there's no chance at all that politicians are going to let ANY semblance of social responsibility, decency or morality stand between them and those sweet, sweet, non-tax revenues...

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Social Media – Continued

Comment: Does the city have a measure in place to help people with gambling problems?

This should be asked first rather than how are we going to scam the rest of your hard earned dollar

Comment: does it really matter what we say, you always do what you want to do anyways despite what londoners say.

Comment: Just is radicular the Municipal Government want to expand the Casino use the money for something else

Twitter Comments

Why bother? There was a majority of residents who voted against gaming previously and council totally ignored it and implemented gaming. [#fakeconsultation](#)

WOOOHOOO about time !!

Expand Gambling EXPAND PROBLEMS LndOnt.spend\$\$ for save injection zones,clean needles, Methadon Clinics TO PROTECT CITIZENS FROM THEMSELVES NonTRANSPARENT CASINO DECEIVES LOOSE NECESSARY & Essential \$\$ in a FIXED OUTCOME Machine STOP MISLEADING-PROTECT Citizens from themselves

Yes just what the community needs more gambling. How about we legalize pot too. Oh wait we are. Liberals are destroying out Nation. But make sure you don't use Sir or Madam or Miss or Mr. Cause the polite terminology is not right anymore. Ba ha ha. The absurdity of it

April 12, 2018

London City Council
P.O Box 5035
London ON N6A 4L9

Dear Council Members,

As Chair of the Board of Western Fair Association (WFA), I write to share the Board's perspective on why any expanded gaming initiative in London is best situated at the Western Fair District (WFD). As you may well know, the true "owners" of WFA is its membership which includes a wide spectrum of agricultural and community organizations.

The WFA and the City of London have enjoyed a very unique, but synergistic partnership for over 150 years.

The WFD lands it occupies is jointly owned by both the City and WFA. The WFA remains a responsible and accountable steward of the lands and buildings for the joint benefit of the City and WFA and ultimately, for the benefit of the community and region it serves. WFA as a Not-for-Profit Agricultural Society has a mandate to educate and entertain with all and any surpluses from its operations being reinvested back into the jointly owned property and the programming activities that are embodied in its mandate.

The attachment is a concise summary of how an expanded gaming designation to the lands occupied by WFA will maximize the mutual benefits to both the City, WFA and ultimately the community.

Sincerely,

Joe Dales, Chair
Western Fair Association Board of Governors

cc: Anna Lisa Barbon, Managing Director, Corporate Services & City Treasurer, CFO

April 12, 2018

Why Expanded Gaming in London Should Be Designated at the Western Fair District?

If there is support for expanded gaming in the City of London (City) the maximum benefit to the Community and the City will come from designating Western Fair District (WFD) as the site.

- The City and Western Fair Association (WFA) have enjoyed a 150 year history together on this landmark site. As 50/50 owners the City and WFA have supported and developed it into a vibrant entertainment district. Rebranded as Western Fair District it has a high level of name recognition in southwestern Ontario. Approximately three million guests come to the site each year to find unique entertainment offerings including an annual fair, agricultural events and market, consumer and trade shows, gaming, racing, music and sports.
- A 2016 study by KPMG revealed that the activities of WFD contributed \$196.1 million annually in Gross Domestic Product to the economy of which \$146.1 million is non-gaming related.
- The site's brand recognition over the last twenty years has successfully supported the growth of gross gaming revenue to a level today that exceeds \$100M annually. This has included two previous gaming footprint expansions on the property.
- The Raceway at Western Fair District is the highest wagering Signature racetrack in Canada with Pari-Mutuel betting in calendar 2017 of \$36.7 million over 1,207 races. Gaming on horseracing has continued on the site since commencing in 1879.
- Two events (The Fair and The London Wine and Food Show) were recognized by Festivals and Events Ontario ("FEO") in 2018 as Top 100 events in the Province.
- The Sports Centre which is a venture between the City and WFA is operated for the betterment of the community has also hosted world class sports events such as sledge hockey, figure skating and curling.
- As a not for profit Agricultural Society any annual surpluses generated by WFA are re-invested back into the site's programming and facilities for the joint benefit of the City and WFA. Approximately \$90 million has been invested into capital projects since 2000 helping to ensure continual site development and renewal which also supports the revitalization of Old East Village as a dynamic and growing part of the City.

PUBLIC PARTICIPATION MEETING COMMENTS

3.1 PUBLIC PARTICIPATION MEETING – Public Consultation – Proposed Expansion of a Gaming Site

- Ed Betterley – suggesting that the gaming proponent’s approach says a lot about their business tactics and that he expects they will be very aggressive; indicating that they have come in offering buyouts to current employees and he does not feel that this is fair; stating that he is in support of expanded gaming, but that should be done through the casino that offers music entertainment, etc.; suggesting that the benefits that local patrons get are less than other gaming facilities; advising that one issue he has is that staff currently know him by name, but they almost always ask him to open any bags he is carrying, but the same staff don’t ask the female patrons to open any bags they are carrying; adding that the survey may have included 700 people, and asking why weren’t people surveyed outside the casino; and stating that the whole process could use more feedback.
- Mark Horner, racehorse owner, employer, located north of London – speaking to the benefits of expanded gaming at Western Fair; suggesting the proposed model will produce a win/win through the provision of 700 jobs, continuation of horseracing at Western Fair, and providing a full entertainment centre at one location; suggesting that not locating the expanded gaming at Western Fair would devastate horseracing in all of Southwestern Ontario; and strongly urging, on behalf of thousands of horse people, to keep gaming at the Western Fair District.
- Laura, 8-year volunteer with the Western Fair – indicating that she doesn’t believe gambling should be expanded as it is an individual activity that doesn’t promote social interaction; noting that there are a variety of activities at the Western Fair; suggesting that there is adequate gaming opportunities available to people in such places as Windsor, Niagara Falls and Las Vegas, all of which are quite easily accessible; listing all the enjoyable activities already available at the Western Fair District; and requesting that the City not proceed with endorsing expanded gaming.
- A. Straatman, Seelster Farms – indicating that she is in favour of expanded gaming; noting that Seelster Farms is a third generation operation, with approximately 200 horses, 600 acres and 20 full time employees; adding that she is representing more than 500 breeders in Ontario; advising that if Western Fair was not to have gaming, the best case scenario would be irreparable change to horseracing in Ontario; and urging the Municipal Council to vote for a win/win partnership for the Western Fair and Gateway.
- Wayne – indicating that he is totally against expanded gaming in London; suggesting that the Province sees gaming as an opportunity for revenues, but at the same time there are people begging on the street; stating that the Province is selling entertainment, but it is really selling gambling; noting that the Province has privatized gaming so that the general public can no longer access data regarding that activity; stating that gambling will be expanded, but it is just a question of where because it all boils down to dollars; advising that the proponent would not be here if they weren’t going to build a casino; advising that he had a responsibility to himself to express his feelings on expanded gaming and to try and help Council Members recognize the associated repercussions of expanded gaming; and adding that if you could take all of the monies people spend on gambling we would all be in much better shape.
- Jackie – suggesting that the proponent likes London, but that they are looking at other locations than Western Fair; stating that London needs a new casino, but not a bigger more profitable one as the current one is big enough; noting that she wants entertainment and horseracing to stay as it is; indicating that she does not want a hotel as that would take over from the Western Fair and replace current exhibit space; and asking that things stay as they are.

- R. Caranci, Paramount Developments Inc. – noting that one of the big factors in developing their property on Dundas Street was the Western Fair, which has been a large part of London for a number of years; indicating support for expanded gambling at the Western Fair District; stating that this part of London has needed rejuvenation, which is happening with projects such as the redevelopment of the former Kelloggs plant; advising that while there was a large outcry when gambling was originally allowed, at the end of the day it has proven to be the right decision; noting that the benefit to the City will be approximately \$6 million per year, with a lot of dollars to be invested in the London community; advising that Paramount Developments Inc. purchase their Dundas Street property as they wanted to help rejuvenate the Old East Village, applauding the decision by Gateway and its efforts to negotiate expanded gaming at the Western Fair District.
- J. Pastorius, Old East Village Business Improvement Area – making the attached presentation.
- S. Merritt, 831 Elias Street – indicating that she understands that the purpose of the public participating meeting is to speak to whether or not gaming should be expanded in London, but noting that the people who have spoken in favour of expanded gaming have done so in the context of horseracing and the Old East Village and have kept referring back to the Western Fair District; stating that she believes that that context is a safe one for expanded gaming and as a result would like to support the position of the Old East Business Improvement Area that all partners, including Gateway, should monitor effects on the local community; advising that because of its long history, Western Fair understands context in the community and how things will need to be rolled out; stating that the best place for expanded gaming is the Western Fair District, and emphasizing that expanded gaming will need to support growth and development of business and the needs of the community; summarizing that she supports, in context, expanded gaming in the Western Fair District.
- Pam, Ward 13 – indicating she doesn't feel anywhere informed enough to make a decision with respect to the expansion of gaming and that she is not likely alone; advising that she would like more information and that is critical for all parties as the decision will have a tremendous impact on the entire community; referencing that last week in the local newspaper there was an article indicating that 70% of survey responders supported expanded gaming, but that the online survey was unscientific; advising she is not sure where the gambling proceeds go and asking where the cost benefit analysis is; questioning how it is possible to make an informed decision without sufficient information such as whether or not expanded gaming has the potential to help revenues and provide an economic boost; noting the timing of the upcoming election...nothing like a political campaign to get people to care; and asking that we learn what we need to know.
- M. Bray – indicating support for expanded gaming and that she worked on this many years ago; noting she has always felt a casino should be located Downtown and that there are lots of sites between the London Convention Centre and Budweiser Gardens where a casino should go, even if the slot machines were left at the Western Fair District; and indicating that a Downtown casino would bring business into the core.
- F. Felici – stating there are other important issues beyond whether or not you support expanded gaming, including being involved in revitalization; advising that you really need to understand that where it operates is as important as if it is operated; and indicating that it could be very exciting and a unique opportunity for the Old East Village if the expanded gaming was located at the Western Fair District.
- D. Desantos, 809 Dundas Street – noting that expanded gaming would bring 700-1000 jobs to London and that's what we need; advising it would also help the construction industry and keeping gaming at the Western Fair District would also help the horse people.

- L. Sibley and L. Griffin, Addiction Services of Thames Valley – providing the attached presentation and concluding by emphasizing the need to have an effective local strategy in place, with adequate resources to offer educational opportunities to promote prevention, reduce the stigma attached with seeking treatment for gambling addiction, and to provide assistance to those affected by gambling addiction.
- Jeff Harmon, Edinburgh Street – advising that he had a very serious history of gambling addiction but now serves on the Addiction Services of Thames Valley Board of Directors; spoke to how gambling consumed him and resulted in the loss of family savings, loss of his professional designation, loss of his job and almost the loss of his marriage and would have most certainly taken his own life if it weren't for the support of his family and friends; stating that anyone could succumb to a gambling addiction just like he experienced because of the availability of gambling and, in particular, card games; advising that while he personally strongly opposes the expansion of gaming because of his own experience, as a Board Member he takes a more pragmatic view that resources need to be set aside for treatment and prevention to ensure that others don't end up going down the same path that he did.



Chair and Members
 Strategic Priorities and Policy Committee
 City of London
 300 Dufferin Avenue
 London, ON

April 23, 2018

Dear Chair and Members:

From the earliest days of the Old East Village revitalization efforts the Western Fair District has been a partner. In collaboration with the City of London and community residents the Old East Village BIA and Western Fair District stewarded the redevelopment of Queens Park over more than a ten-year period resulting in the final investment of the area's first splash pad this spring. In 2010, at the BIA's request the Western Fair District invested in parking lot improvements including gateway features in their northwest lots. Beyond their current gaming activities, in 2006 Western Fair District embraced the London Farmers Market, a private business located in the Confederation Building. The Market at the Western Fair District has become a significant economic driver for the Old East Village and in 2018 they furthered their commitment to this neighbourhood institution by taking over operations and discussing potential further development of market activities. These projects are examples of Western Fair's participation as a great community partner and neighbour.

It would have been natural for Londoners who support expanded gaming to have used the Western Fair District as a reference point as they are presently the provider of such activities. As the provider of a variety of events, activities and services, the site is consistently well maintained and well-staffed. This is the standard that Londoners are expecting and putting gambling aside for a moment, in our experience, there have been no negative impacts on revitalization as a result of activities on the Western Fair grounds.

This standard of excellence is also the standard that the Old East Village businesses and community have come to expect from the Western Fair District. The OLG has fulfilled its commitment to community engagement through the recent municipal process; however this is only the first phase of dialogue. If expanded gaming is to remain at the Western Fair District then the successful collaboration between the Old East Village and Western Fair District will need to include other partners such as Gateway Casinos who will also become stakeholders in our community.

If it is decided that expanded gaming is to be permanently located at 900 King Street the BIA would like to request a Community Partnership Committee be implemented as a mechanism for ongoing communication between all invested parties. Groups such as Western Fair District, City of London, Gateway Casinos, Old East Village BIA and community residents should be included, however this list is not exhaustive.

Early discussions suggest that there are great opportunities for cooperation between all groups. The Western Fair District understands and has participated in the urban renewal of Old East Village and with their continued partnership and the partnership of Gateway Casino's we will have the tools to work towards a development that can support the needs of all involved.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Pastorius".

Jennifer Pastorius
 BIA Manager

A handwritten signature in black ink, appearing to read "M. Drangova".

Maria Drangova
 BIA Board Chair




What is the Impact of Gambling Expansion for London?

Presented by
 Linda Sibley, Executive Director
 Lori Griffith, Coordinator
 Jeff Herman, Board Member, ADSTV
 (Separate Presentation)



HELP FOR YOU Addiction Services of Thames Valley / Services de toxicomanie de Thames Valley HELP FOR SOMEONE ELSE

ADSTV - IGDPGS

- Our services are listed on our website:
www.adstv.ca
- We are a treatment facility that also provides education in the schools and the community
- Caseloads are a mix between people with gambling problems and concerned significant others (spouses, adult children, parents)

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HELP FOR YOU Addiction Services of Thames Valley / Services de toxicomanie de Thames Valley HELP FOR SOMEONE ELSE

Our Intention

- Share our expertise after providing gambling treatment services for 20 years
- Provide some advice related to new prevention strategies for this community
- Assist with strategy for an expansion of gambling that maximizes benefits and minimizes costs as much as possible
- Remind you that there will be very real costs for some visitors to and residents of this community

freedom FROM ADDICTION

HELP FOR YOU Addiction Services of Thames Valley / Services de toxicomanie de Thames Valley HELP FOR SOMEONE ELSE

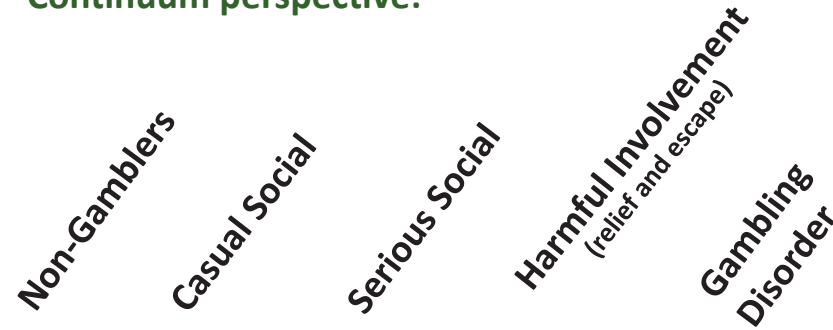
Gambling by the Numbers

- 1997 to April 2018:
 - 6290 persons identified gambling as a concern
 - 1.66% of London population over 20 years
 - 668 concerned significant others sought help
- When people experience problems with gambling many others are affected:
 - Entire family (sometimes three generations), friends, employers, peers, banks, retail business, charities for example

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Types of Gamblers

Continuum perspective:



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GAMBLING HARMS MIND MAP

This map visualizes gambling harm and the way in which these harms are distributed throughout the population. A systems approach that considers the socioeconomic and environmental determinants of gambling harms from a public health perspective can transform policy and healthcare service delivery, and may ultimately reduce the burden of gambling harm in our communities.

- ETHNICITY**: Non-White populations are significantly more likely to gamble than White populations, particularly among individuals who identify as Black or Chinese. Cultural differences, stressful living conditions, and social inequities experienced by Indigenous peoples contribute to how gambling is perceived, and to a higher prevalence of problematic gambling behaviour among these subgroups.
- AGE**: Youth and young adults are particularly vulnerable to experiencing harms from gambling as the popularity of for online gambling and simulated gambling through video games continues to expand. With gambling opportunities becoming increasingly marketed towards and accessible to adolescents and young adults, treatment or prevention methods designed for adults may fail to address the specific needs of this demographic.
- MENTAL HEALTH**: As many as 32% of problem gamblers struggle with major depression, compared to a national average of 4.2%. Gambling can serve as a coping mechanism or emotionally vulnerable individuals, and problem gambling is significantly associated with social anxiety, ADHD, impulsiveness, and mood and anxiety disorders. Problem gamblers are eight times more likely to be prescribed medication used to treat a mental health disorder.
- SUBSTANCE USE AND ADDICTIONS**: Substance use often coincides with problematic gambling behaviour and gambling harms. Problem gamblers are five times more likely to have nicotine dependence, 11 times more likely to have cannabis dependence, and 23 times more likely to have an alcohol use disorder.
- LIVING CONDITIONS**: Higher neighbourhood disadvantage, unstable housing conditions, and homelessness are associated with problematic gambling behaviour. In addition, just as an environment with highly accessible, cheap, energy-rich food promotes unhealthy eating habits, access to easy-to-use, socially accessible, and cheap forms of gambling is a risk factor for increased gambling harm.
- EDUCATION**: A person's education influences how they gamble, and their risk of problem gambling behaviour. People with higher education are more likely to gamble online, while lower educational attainment is linked as a risk factor for problematic gambling. Women with a high school education are up to four times more likely to be problem gamblers than women with a university degree demographic.
- SOCIOECONOMIC STATUS**: Higher income is associated with greater participation in lower-risk gambling and higher total spending. Lower income individuals are at a greater risk of suffering gambling harms, and spend proportionally more of their income on gambling activities. Land-based gambling opportunities are generally more readily available in low income areas.
- HEALTH BEHAVIOURS AND RISK FACTORS**: Gamblers are more likely to be sedentary, while physical activity is associated with a decreased risk for problem gambling. Problem gamblers are three times more likely to be obese, over two times more likely to report a lack of regular exercise, three times more likely to watch 20+ hours of TV per week, and four times more likely to report high caffeine intake.

GAMBLING RESEARCH EXCHANGE ONTARIO

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At Risk Gamblers

Canadian Gambling Digest 2013-2014

- 6.3 percent of people are thought to be “at risk gamblers and problem gamblers.”
- 6.3% of London population = 23,940
- Modernization (which means **privatization**) and increased accessibility to new forms of gambling may increase risk for Londoners

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“You don’t need to have a gambling problem to have problems from gambling”

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Questions?



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**THIS IS EXHIBIT "P" TO THE AFFIDAVIT
OF STEPHANIE FLEMING,
SWORN THIS 22nd DAY OF October, 2019.**



A Commissioner, & etc.

Strategic Priorities and Policy Committee Report

6th Meeting of the Strategic Priorities and Policy Committee
April 23, 2018

PRESENT: Mayor M. Brown, Councillors M. van Holst, B. Armstrong, J. Helmer, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park
ABSENT: M. Salih, M. Cassidy, J. Zaifman
ALSO PRESENT: M. Hayward, A.L. Barbon, H. Beecroft, B. Card, B. Coxhead, S. Datars Bere, J. Davies, A. Dunbar, J.M. Fleming, T. Gaffney, G. Kotsifas, L. Livingstone, S. Maguire, P. McKague, D. O'Brien, K. Paleczny, J. Parsons, A. Rammeloo, J. Ramsay, M. Ribera, A. Roseburgh, L. Rowe, C. Saunders, K. Scherr, E. Soldo, J. Stanford, B. Warner, R. Wilcox and P. Yeoman.

The meeting was called to order at 4:04 PM.

1. Disclosures of Pecuniary Interest

That it BE NOTED that the following pecuniary interests were disclosed:

- a) Councillor T. Park disclosed a pecuniary interest in clause 4.1 of this Report having to do with the Bus Rapid Transit Environmental Assessment Initiative, particularly as it relates to subsection a)iii) regarding the South Leg of the project in the area of Wellington Street, between Horton and the Thames River, and Wellington Road between the Thames River to Bond Street, by indicating that her family owns adjoining property.
- b) Councillor S. Turner disclosed a pecuniary interest in clause 4.1 of this Report having to do with the Bus Rapid Transit Environmental Assessment Initiative, particularly as it relates to subsection a)iii) regarding the South Leg of the project in the area of Wellington Street, between Horton and the Thames River, and Wellington Road between the Thames River to Bond Street, by indicating that his family owns adjoining property.
- c) Councillor J. Morgan disclosed a pecuniary interest in clause 4.1 of this Report having to do with the Bus Rapid Transit Environmental Assessment Initiative, particularly as it relates to subsection a)i) regarding the North leg of the project, as well as those portions of parts b), c), d), g) and h) pertaining to that portion of the project, by indicating that this leg of the project passes through the vicinity of his employer, Western University.

2. Consent

None.

3. Scheduled Items

- 3.1 Public Participation Meeting - Not to be heard before 4:00 PM - Public Consultation - Proposed Expansion of a Gaming Site

That the following actions be taken with respect to the proposed expansion of a gaming site in London:

- a) the staff report dated April 23, 2018 BE RECEIVED;
- b) the expansion of a gaming site to include entertainment options that would allow for up to 1,200 slots at a casino, and up to 50 live table games, within the jurisdiction of The Corporation of the City of London, BE ENDORSED; it being noted that The Corporation of the City of London prefers an expanded location at the Western Fair District;

c) the Civic Administration BE DIRECTED to report back on how some or all of the incremental revenues from expanded gaming, paid to The Corporation of the City of London according to the contribution agreement with the Ontario Lottery and Gaming Corporation, could be allocated to prevent, reduce or mitigate harms in the Zone SW 4 bundle from problem gambling, including fostering a partnership between the local community and the gaming operator; and

d) the Province of Ontario and the Alcohol and Gaming Commission of Ontario BE REQUESTED to flow the additional revenues from expanded gaming in London back into the community in a more significant way than the current funding arrangement, and that the Civic Administration BE DIRECTED to engage with relevant parties;

it being noted that the Strategic Priorities and Policy Committee received a communication from J. Dales, Chair, Western Fair Association Board of Governors, with respect to this matter;

it being pointed out that the individuals indicated on the attached public participation meeting record made oral submissions with respect to the proposed expansion of a gaming site in London.

Voting Record:

Moved by: H. Usher

Seconded by: M. van Holst

Motion to approve that the following actions be taken with respect to the proposed expansion of a gaming site in London:

a) the staff report dated April 23, 2018 BE RECEIVED;

it being noted that the Strategic Priorities and Policy Committee received a communication from J. Dales, Chair, Western Fair Association Board of Governors, with respect to this matter;

it being pointed out that the individuals indicated on the attached public participation meeting record made oral submissions with respect to the proposed expansion of a gaming site in London.

Yeas: (12): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, and T. Park

Absent (3): M. Salih, M. Cassidy, and J. Zaifman

Motion Passed (12 to 0)

Moved by: J. Morgan

Seconded by: P. Squire

Motion to approve that part b) commence with the words "the expansion of a gaming site to include entertainment options that would allow for up to 1,200 slots at a casino, and up to 50 live table games, within the jurisdiction of The Corporation of the City of London, BE ENDORSED;"

Yeas: (7): Mayor M. Brown, J. Helmer, P. Squire, J. Morgan, V. Ridley, S. Turner, and T. Park

Nays: (5): M. van Holst, B. Armstrong, P. Hubert, A. Hopkins, and H. Usher

Absent (3): M. Salih, M. Cassidy, and J. Zaifman

Motion Passed (7 to 5)

Moved by: J. Morgan
 Seconded by: P. Squire

Motion to approve the addition of the words "it being noted that The Corporation of the City of London prefers an expanded location at the Western Fair District;" to the end of part b).

Yeas: (11): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, H. Usher, and T. Park

Nays: (1): S. Turner

Absent (3): M. Salih, M. Cassidy, and J. Zaifman

Motion Passed (11 to 1)

Moved by: J. Helmer
 Seconded by: P. Hubert

Motion to approve the following part c)

c) the Civic Administration BE DIRECTED to report back on how some or all of the incremental revenues from expanded gaming, paid to The Corporation of the City of London according to the contribution agreement with the Ontario Lottery and Gaming Corporation, could be allocated to prevent, reduce or mitigate harms in the Zone SW 4 bundle from problem gambling, including fostering a partnership between the local community and the gaming operator;

Yeas: (11): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, and T. Park

Nays: (1): P. Squire

Absent (3): M. Salih, M. Cassidy, and J. Zaifman

Motion Passed (11 to 1)

Moved by: J. Morgan
 Seconded by: P. Squire

Motion to approve the following part d):

d) the Province of Ontario and the Alcohol and Gaming Commission of Ontario BE REQUESTED to flow the additional revenues from expanded gaming in London back into the community in a more significant way than the current funding arrangement; and that Civic Administration BE DIRECTED to engage with relevant parties;

Yeas: (12): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, and T. Park

Absent (3): M. Salih, M. Cassidy, and J. Zaifman

Motion Passed (12 to 0)

Moved by: M. van Holst
 Seconded by: B. Armstrong

Motion to approve that the Public Participation Meeting BE OPENED.

Yeas: (12): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, and T. Park

Absent (3): M. Salih, M. Cassidy, and J. Zaifman

Motion Passed (12 to 0)

Moved by: P. Hubert
Seconded by: A. Hopkins

Motion to Approve that the Public Participation Meeting BE CLOSED.

Yeas: (12): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, and T. Park

Absent (3): M. Salih, M. Cassidy, and J. Zaifman

Motion Passed (12 to 0)

4. Items for Direction

4.1 Bus Rapid Transit – Environmental Assessment Initiative

That the following actions be taken with respect to the Bus Rapid Transit Environmental Assessment Initiative:

- a) the staff report dated April 23, 2018, entitled “Bus Rapid Transit – Environmental Assessment Initiative”, together with the associated presentation made by the Project Director, Rapid Transit Implementation at the April 23, 2018 meeting of the Strategic Priorities and Policy Committee, as well as the communication dated April 12, 2018, from C. Butler, BE REFERRED to the May 7, 2018 meeting of the Strategic Priorities and Policy Committee for consideration and debate, in order to allow additional time for the public and the Council Members to review the information; and
- b) the communication dated April 15, 2018, from Councillor M. van Holst, requesting that the Civic Administration assist in clarifying the Municipal Council’s priorities with respect to the Rapid Transit Project, BE RECEIVED.

Voting Record:

Moved by: V. Ridley
Seconded by: A. Hopkins

That the following actions be taken with respect to the Bus Rapid Transit Environmental Assessment Initiative:

- a) the staff report dated April 23, 2018, entitled “Bus Rapid Transit – Environmental Assessment Initiative”, together with the associated presentation made by the Project Director, Rapid Transit Implementation at the April 23, 2018 meeting of the Strategic Priorities and Policy Committee, as well as the communication dated April 12, 2018, from C. Butler, BE REFERRED to the May 7, 2018 meeting of the Strategic Priorities and Policy Committee for consideration and debate, in order to allow additional time for the public and the Council Members to review the information; and

Yeas: (10): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, and T. Park

Nays: (2): S. Turner, and H. Usher

Absent (3): M. Salih, M. Cassidy, and J. Zaifman

Motion Passed (10 to 2)

Moved by: P. Hubert
 Seconded by: H. Usher

That the following part b) be approved:

b) the communication dated April 15, 2018, from Councillor M. van Holst, requesting that the Civic Administration assist in clarifying the Municipal Council's priorities with respect to the Rapid Transit Project, BE RECEIVED.

Yeas: (12): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, and T. Park

Motion Passed (12 to 0)

Moved by: V. Ridley
 Seconded by: P. Squire

That the order of business BE CHANGED in order to permit Item 4.1 to be dealt with prior to Item 3.1.

Yeas: (3): B. Armstrong, P. Squire, and V. Ridley

Nays: (9): Mayor M. Brown, M. van Holst, J. Helmer, J. Morgan, P. Hubert, A. Hopkins, S. Turner, H. Usher, and T. Park

Absent (3): M. Salih, M. Cassidy, and J. Zaifman

Motion Failed (3 to 9)**4.2 Motion on Daytime Meetings**

Moved by: M. van Holst
 Seconded by: J. Helmer

That the communication dated April 15, 2018, from Councillor M. van Holst, requesting that Council and Standing Committee meetings be scheduled during the day, where possible, with arrangements made to accommodate public participation meetings at appropriate times, BE RECEIVED.

Yeas: (12): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, and T. Park

Absent (3): M. Salih, M. Cassidy, and J. Zaifman

Motion Passed (12 to 0)**5. Deferred Matters/Additional Business**

None.

6. Adjournment

The meeting adjourned at 10:16 PM.

TO:	CHAIR AND MEMBERS STRATEGIC PRIORITIES AND POLICY COMMITTEE MEETING ON APRIL 23, 2018
FROM:	ANNA LISA BARBON MANAGING DIRECTOR, CORPORATE SERVICES & CITY TREASURER, CHIEF FINANCIAL OFFICER
SUBJECT:	PUBLIC CONSULTATION - PROPOSED EXPANSION OF A GAMING SITE

RECOMMENDATIONS

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer the following report **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

"Requirements for a Proposed Expansion of a Gaming Site," Strategic Priorities and Policy Committee, January 29, 2018

"Ontario Lottery And Gaming Corporation's Community Recognition Program," Corporate Services Committee, March 8, 2016

"Municipality Contribution Agreement Ontario Lottery and Gaming Corporation," Investment and Economic Prosperity Committee, August 26, 2013

"Municipality Contribution Agreement Ontario Lottery and Gaming Corporation," Investment and Economic Prosperity Committee, November 20, 2012

"Delegation - Hugh Mitchell, Western Fair District re Modernizing Land Based Gaming in Ontario," Investment and Economic Prosperity Committee, June 9, 2012

LINK TO THE STRATEGIC PLAN

The Ontario Lottery and Gaming Corporation and Gateway Casinos and Entertainment Limited proposed expansion of a gaming site in London advances the following areas of focus and objectives of Council's Strategic Plan:

- Growing our Economy
 4. Strategic, collaborative partnerships
 - A) Work better together for economic growth: Western Fair District, London Economic Development Corporation, London Hydro, London International Airport, Tourism London, London Convention Centre, Covent Garden Market, London Chamber of Commerce, Business Improvement Areas, and other key stakeholders.

PURPOSE OF REPORT

On January 30, 2018, Municipal Council resolved that the following actions be taken:

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken:

- a) the staff report dated January 29, 2018, regarding the municipal requirements that are required to be satisfied as part of the approval process, under O. Reg. 81/12

under the Ontario Lottery and Gaming Corporation Act, 1999, for the proposed expansion of a gaming site in London, BE RECEIVED for information;

- b) the Civic Administration BE DIRECTED to implement the proposed options for public input consisting of a Public Open House and Information Session, an online survey, as well as a Public Participation session to be held at a meeting of the Strategic Priorities and Policy Committee;
- c) the Civic Administration BE DIRECTED to invite the Old East Village BIA to assist with organizing the public open house, and to also engage directly with the Old East Village Community Association about the public open house;
- d) the Civic Administration BE DIRECTED to engage with all relevant stakeholders, such as London Middlesex Counselling and Addiction Services and any other relevant community groups, to receive their input on the proposed gaming site expansion; and
- e) the Civic Administration BE DIRECTED to obtain a copy of the related Service Agreement between the Ontario Lottery and Gaming Corporation and Gateway Casinos & Entertainment Limited, in order for the City to better understand the provisions under which an expanded casino would be operated.

This report responds to items b), c), d) and e) of the Council resolution.

BACKGROUND

In January 2018, Civic Administration submitted a report to the Strategic Priorities and Policy Committee that outlined the requirements that Municipal Council must fulfill as part of the approval process, under O. Reg. 81/12 of the *Ontario Lottery and Gaming Corporation Act, 1999*, for the proposed expansion of a gaming site in London. The regulation requires that a municipal council seek public input into the establishment, including expansion, of a proposed gaming site in the municipality. It is noted that only expanded gaming is being considered at this time, as the location for gaming in London is not part of the discussion. Further, should Municipal Council wish to support the expansion of a gaming site in London, it has to pass a positive resolution, as the resolution passed on June 12, 2012 regarding gaming in London does not satisfy the regulatory requirements.

Following the January 2018 report, Civic Administration implemented the proposed options for public consultation consisting of an online survey, and a public open house and information session during the month of March. Detailed information on the material presented at the open house and information session is provided in Appendix 'A'. In addition to the two options that have been implemented, a public participation meeting is planned to be held at the April 23, 2018 meeting of the Strategic and Priorities and Policy Committee, to invite the public to provide input directly to the committee regarding proposed gaming expansion in London. Representatives from the Ontario Lottery and Gaming Corporation (OLG) will also be present at the meeting to answer questions that may arise.

Civic Administration requested a copy of the related Service Agreement between the Ontario Lottery and Gaming Corporation and Gateway Casinos & Entertainment Limited. The OLG provided a response that indicated they are "unable to provide the Casino Operating and Services Agreement (COSA) as it contains information that:

- a) reveals third party commercial, financial information, supplied in confidence by the third party Service Provider, that if disclosed could reasonably be expected to result in the harms set out in sections (a) to (c) of s. 17(1) of the *Freedom of Information and Protection of Privacy Act* (Ontario). Disclosure could result in third parties gaining access to the Service Provider's confidential financial information and commercial information revealing its financial modelling and methodology; and
- b) could reasonably be expected to prejudice the economics interests of OLG if disclosed, since OLG is currently in the midst of the procurement process for other gaming bundles in Ontario."

The OLG did provide a copy of the RFPQ#1314-001 for the Southwest Gaming Bundle. In response, civic administration has provided a number of specific questions to the OLG for a response in the absence of receiving the COSA that will be the subject of a future report to Council.

PUBLIC CONSULTATION PROCESS AND RESULTS

Overview

As part of the process to consider expanded gaming in London, the City has engaged with Londoners to assist Council in their decision and to satisfy the requirements under O. Reg. 81/12 of the *Ontario Lottery and Gaming Corporation Act, 1999*. The following sections provide an overview of the public consultation process, specifically the approaches used and the feedback received from the community to date.

The objective of the public consultation process was to provide opportunities for residents and business owners in London to offer their feedback about expanded gaming in the community. As part of the process the City used both broad outreach as well as targeted opportunities to reach Londoners and ask for their input and feedback on expanded gaming. For broad outreach the City used the following key activities to obtain feedback and input from the community:

- **Online Survey:** The City posted content on the Get Involved website on March 8, 2018, to both inform the public about current gaming in London and expanded gaming, as well as invite their input through an online survey, which was open from March 8 – March 28, 2018.
- **Public Open House and Information Session:** The City hosted an open house at the Kiwanis Seniors' Community Centre on March 22, 2018, in consultation with the Old East Village BIA, to share this information in person and invite people to attend to learn more about the proposal and provide feedback on it. The open house included the following:
 - Opening comments – City of London
 - Information about expanded gaming – OLG and Gateway Casinos and Entertainment
 - Q&A session – All
 - Hard copy survey and comment cards were distributed

The City used the following activities to publicize and promote the opportunity for the public to provide input regarding expanded gaming in London.

- Social Media
 - Generic social media messaging promoting the getinvolved.london.ca survey and the open house, which included the use of Twitter and Facebook
- Print Advertising
 - London Free Press
 - The Londoner, including issuance of Public Notices
- Poster Distribution
 - City Hall, Community Centres, and Libraries
- Web
 - Homepage image london.ca, Open house event in london.ca calendar, and Our City e-newsletter placement

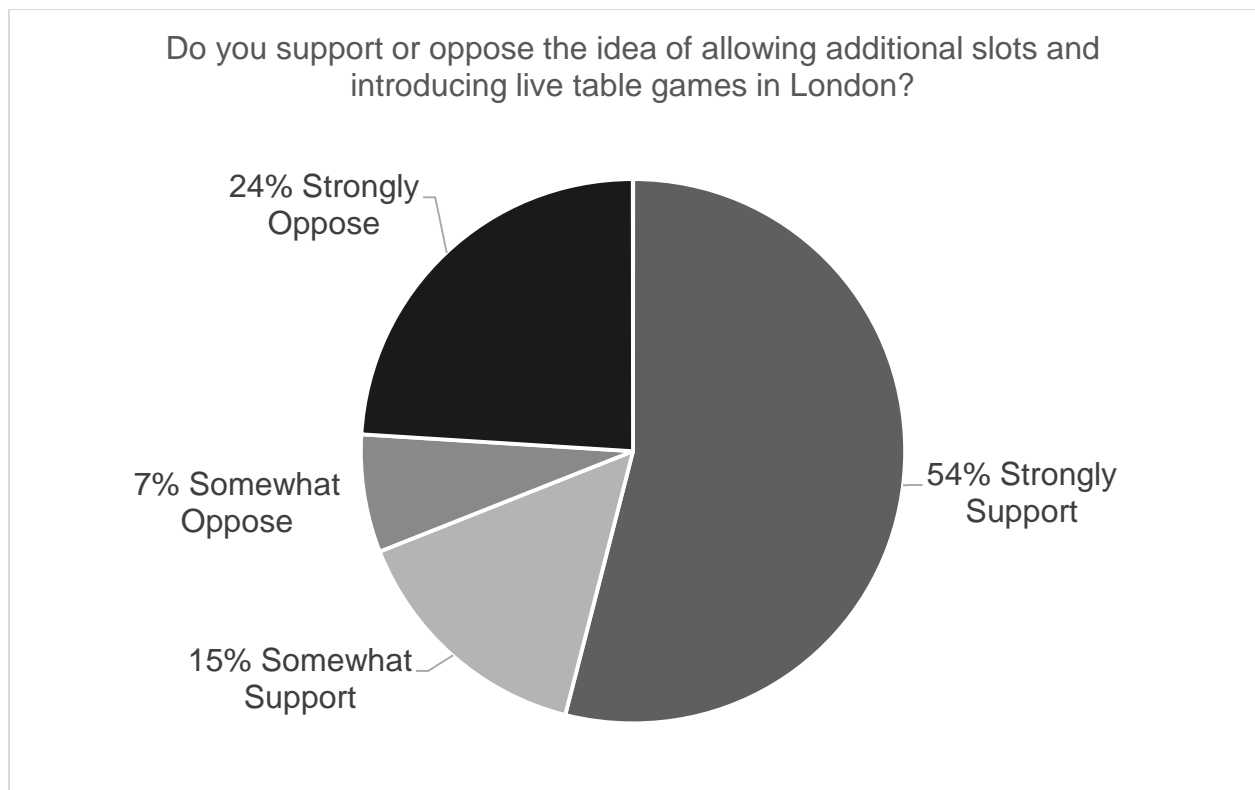
In addition, the City reached out to targeted groups in the community to ensure that they were aware of the proposal, and invited them to participate and/or to provide comments in writing. These groups included:

- Canadian Mental Health Association – Middlesex
- Addiction Services Thames Valley
- Youth Outreach Worker - Youth Gambling Program, YMCA

Communication with these groups informed them that the City is considering expanding gaming in London, is seeking input from the public, and is making an effort to engage with all relevant stakeholders to assist Council in evaluating and making a decision on the future of gaming in the city. An overview of the options to participate was provided to these groups (engagement website, key dates for online survey, open house and information session and public participation meeting). As well, the City asked representatives from these groups to share information about the engagement process with their networks and encouraged them to submit any additional comments or feedback as individual organizations. To date, the City has not received specific comments directly from any of the groups, however, they may submit information through the public participation meeting.

Online Survey Results

The following section provides a summary of the results from the Get Involved website. During the posting of the survey on the website, which was open from March 8 - 28, 2018, there were 1,768 visitors to the site, and 727 individuals participated in the survey. To measure support for the expansion of gaming in London, survey participants were asked to respond to three questions. A summary of the results for the survey, as well as other public consultation feedback is provided in Appendix 'B'. To assist Council in their consideration of a resolution, Civic Administration has provided below the results of the overall opinion question, which asked the public whether it supports or is opposed to the expansion of gaming in London.



DRAFT RESOLUTION

In accordance with O. Reg. 81/12 of the *Ontario Lottery and Gaming Corporation Act, 1999*, should Council wish to support the expansion of a gaming site in London, the following resolution has been provided below for consideration at the April 23, 2018 meeting of the Strategic Priorities and Policy Committee:

That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the expansion of a gaming site to include entertainment options that would allow for up to 1,200 slots at a casino, and up to 50 live table games, within the jurisdiction of The Corporation of the City of London, BE ENDORSED; it being noted that The Corporation of the City of London:

- is already a current Ontario Lottery Gaming host gaming municipality to an existing slots facility;
- passed a resolution, on June 12, 2012, advising the Ontario Lottery Gaming Commission and the Provincial Government that The Corporation of the City of London is a willing host community and supports the continuation of the Western Fair District (WFD) as a gaming site and as a site for an expanded gaming program; and
- has undertaken steps under Regulation 81-12 of the *Ontario Lottery and Gaming Corporation Act, 1999*, including advertising and acquirement of public feedback, to confirm its support for expanded gambling within its jurisdiction.

CONCLUSION

This report presents the results of the public consultation process completed during the month of March regarding the expansion of a proposed gaming site in the city. To date, the process has included a public open house and information session, as well as a survey to measure support for expanded gaming in London. Further, a public participation meeting is planned to be held at the April 23, 2018 meeting of the Strategic and Priorities and Policy Committee, to invite the public to provide input directly to the committee regarding proposed gaming expansion in London. The public consultation process implemented by the City satisfies the requirements set out in O. Reg. 81/12 of the *Ontario Lottery and Gaming Corporation Act, 1999*. Should Council wish to support the expansion of a gaming site in London, a draft resolution is provided for their consideration.

Acknowledgements

This report was prepared with the assistance of Meagan Geudens, Tara Thomas and Patti McKague from Communications.

PREPARED BY:	RECOMMENDED BY:
MARK JOHNSON, RPP BUSINESS PLANNING PROCESS MANAGER FINANCE AND CORPORATE SERVICES	ANNA LISA BARBON, CPA, CGA MANAGING DIRECTOR, CORPORATE SERVICES AND CITY TREASURER, CHIEF FINANCIAL OFFICER

Attach: Appendix 'A' – Display Boards for Public Open House and Information Session
 Appendix 'B' – Summary of Public Consultation Results

cc: B. Warner, Manager, Realty Services
 P. McKague, Director, Strategic Communications and Community Engagement

APPENDIX "A"

Display Boards for Public Open House and Information Session




Expanded Gaming - Participate

Take our survey:
getinvolved.london.ca

Public Participation Meeting:
April 23 at 4 p.m. at City Hall

london.ca



Expanded Gaming - Background

- Currently there are 738 slot machines at the Western Fair District.
- These slots are operated by Gateway Casinos & Entertainment Limited on behalf of The Ontario Lottery and Gaming Corporation (OLG).
- The City of London is seeking public input to inform a Council resolution that would allow for expanded gaming, if passed.

london.ca

APPENDIX "A"


Display Boards for Public Open House and Information Session



Expanded Gaming – Key Facts

- This consultation is focused only on whether or not to expand gaming in London.
- Although the current site for gaming in London is at the Western Fair District, a decision has not been made regarding a site for future gaming.
- At this stage, because only expanded gaming is being considered, an alternative location to the current site is not part of the discussion.
- If expanded gaming is passed by Council, Londoners would have the opportunity to provide feedback through a future planning application process (Official Plan and/or Zoning By-law amendment).

london.ca



What is expanded gaming?

The OLG Modernization and Casino Operating and Services Agreement allows for up to 1,200 slots at a casino as well as up to 50 live table games.

Live table games include games such as poker, black jack, roulette and others.

london.ca

APPENDIX "A"**Display Boards for Public Open House and
Information Session****Expanded Gaming – Financial Impacts**

- Currently the City has a contribution agreement with the OLG for the slot revenues from Western Fair District.
- Under the contribution agreement, the City receives a percentage of slot revenues, based on a standardized formula. In 2017, this payment was approximately \$5 million from the OLG through its operations at the Western Fair District.
- These revenues are used at Council's discretion to fund infrastructure investments and other capital projects.
- If there is an expansion of gaming the City would receive increased revenues, based on this agreement.

london.ca

APPENDIX 'B'

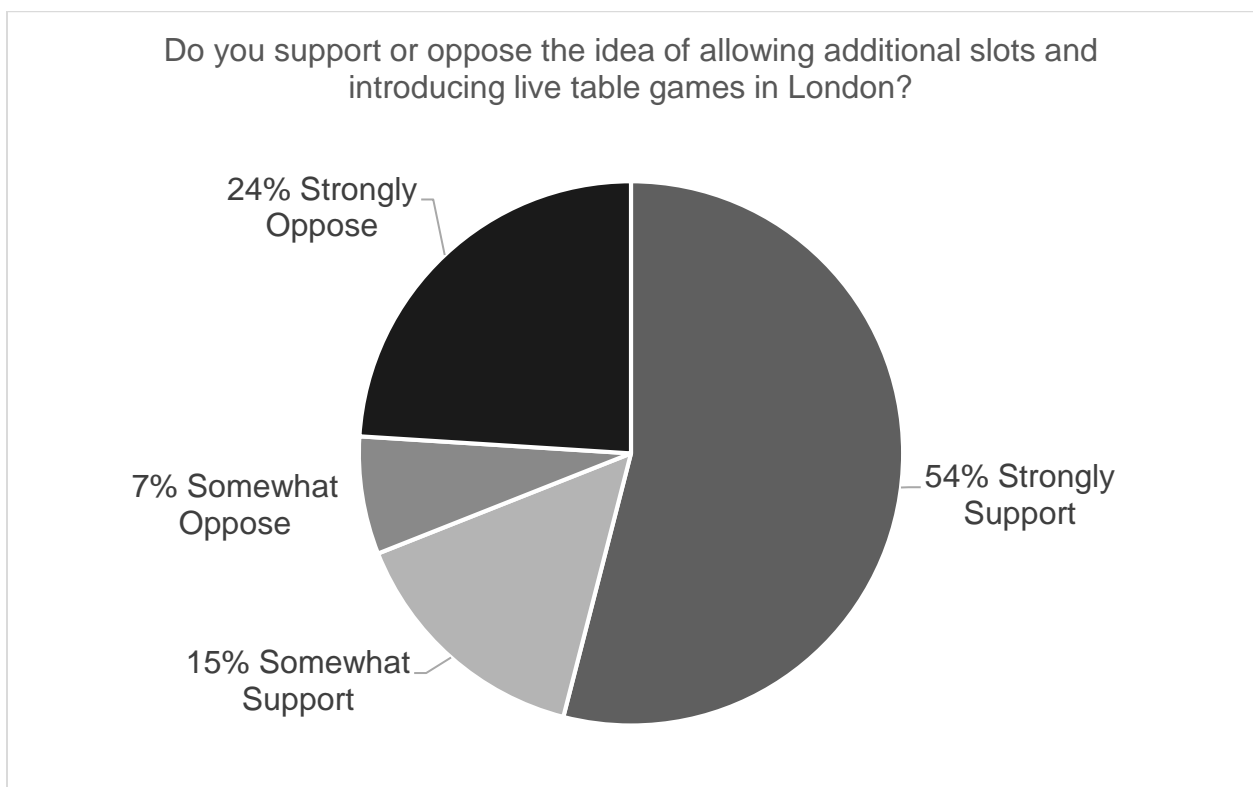
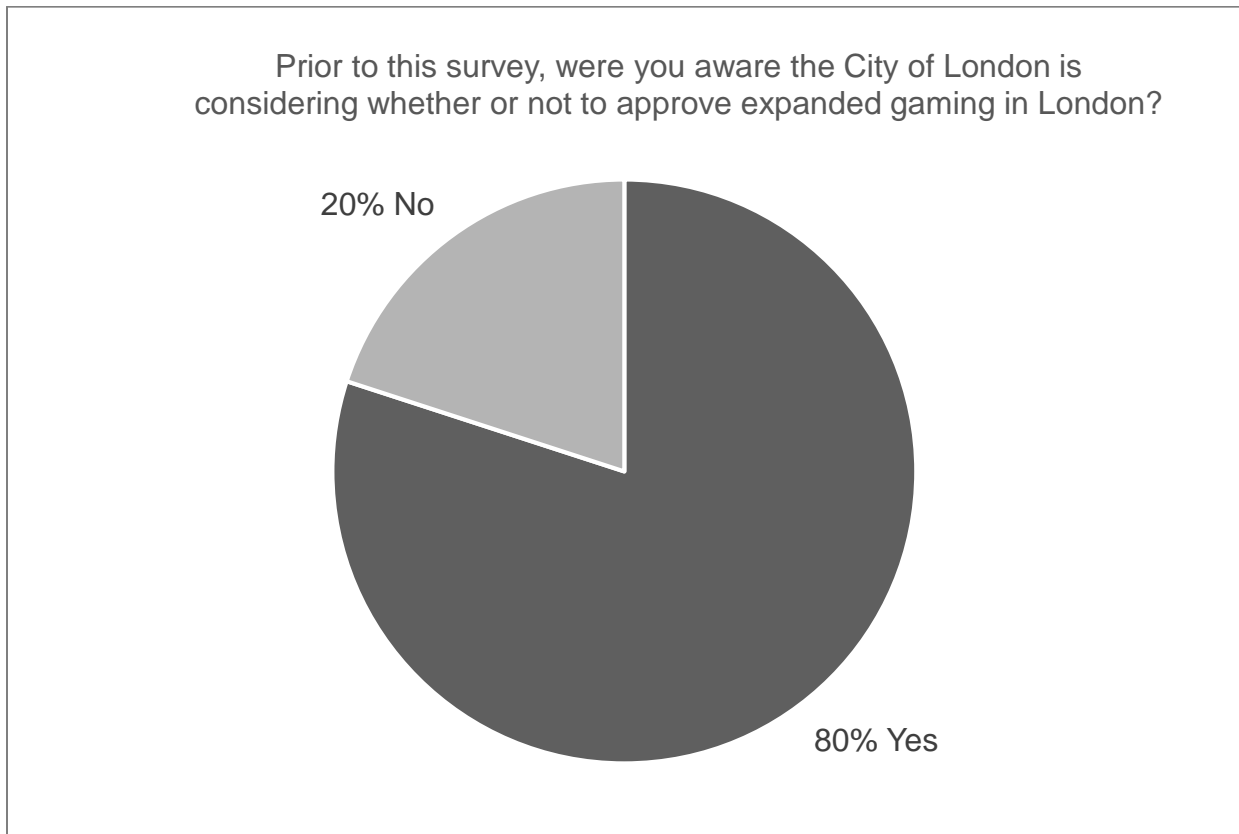
Summary of Public Consultation Results

Get Involved website

Survey results:

- Visitors to the site: 1,768
- Survey participants: 727

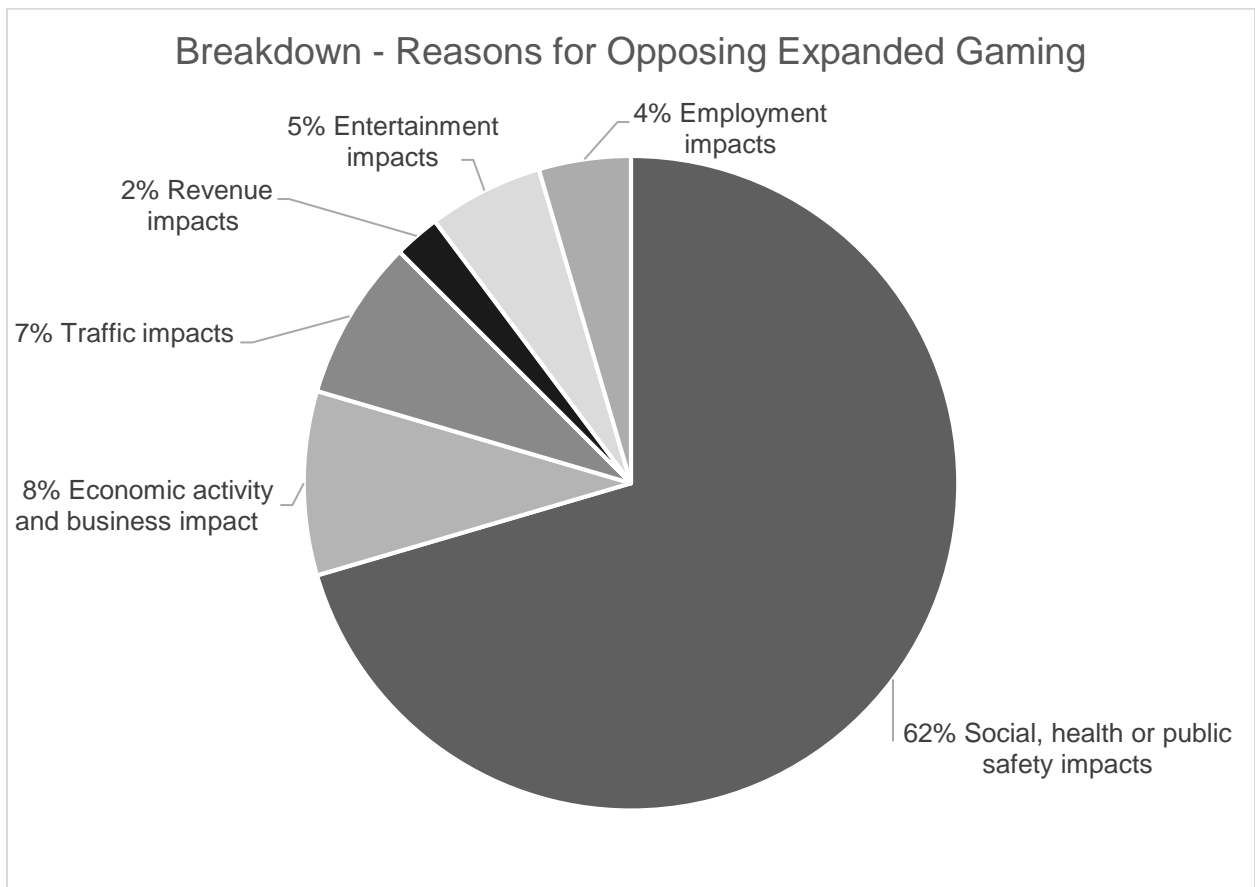
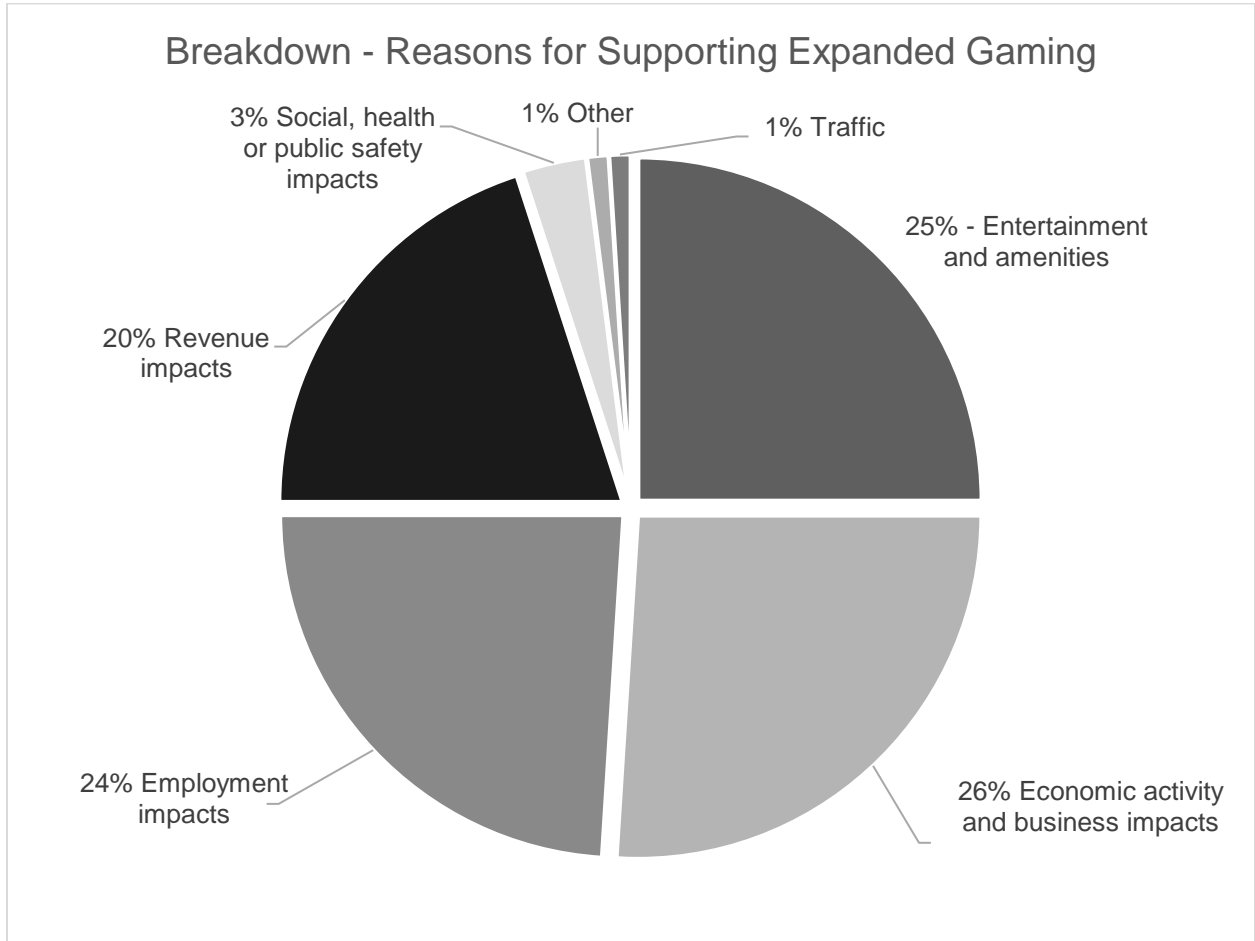
The following tables provide a summary of the results to the survey questions.



APPENDIX 'B'

Summary of Public Consultation Results

Get Involved website – Continued



APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Get Involved website

Have you seen the people that play at the casino slots? They are smokers and look like drugies. Do we want more people to become like that? Casinos are designed for people to loose money, 30% chances of winning. Why are we encouraging this in our society?
concern with regard to negatively impacting the western fair and current fair buildings
If we turn this down another communtiy close by will reep the rewards. I would rather play in my city then going to another community as I do now
Gaming is addictive. Poor people get poorer. Negative social impact on families.
Provides more jobs in London .Provides a larger tax base.
City wastes a lot of money and I am tired of paying for the crazy ideas Matt brown wants. BRT, flex street, back to the river.. letÂ's tax rather stupid that gamble to pay for these stupid ideas instead of me b
Gambling additions are a huge concern for some. I'm not sure additional slots would be a responsible thing for the city of London to back.
Gaming preys on those who often can least afford it, or are addicted to it. Gaming should be available to those who can most afford it and not miss their assured losses. Let those who have money to lose travel to gaming locations such as Windsor or Vegas and not to ones in our own backyard.
Would you like your kids to go and play there one day? If "NO" do not do it. If "YES", then go ahead add to it.
I enjoy live table games
With everything going on in Old East, this area of town is coming back to life, which is amazing. With the factory, redevelopment of the McCormick Lands, the craft breweries, etc. all starting up it is becoming seen as the entertainment district for the City. This area of town has needed attention for some time, and allowing expansion of gaming at the Western Fair is one way to get us there. I think this neighbourhood has the potential to become a new, postive area of town despite it's recent history. Supporting initiatives like this will allow this area to continue to thrive, and for lack of better term, will no longer be such an "eye sore" as gaming expansion will bring jobs and other opportunities in the nearby area. The majority of time when someone comes to London, they enter the City from the east end, and they see Hamilton Road and Dundas Street, areas which have fallen behind. It's important to make these corridors as attractive as possible as they are gateways to our City's. I live on the west end, and as nice as it is that this is where development is focused no one from out of town sees it, and it's not how we are judged by every other municipality. We need to continue to invest in the east end of London.
I'm in recovery from a Gambling Addiction & I personally Believe that up grading the Casino here in London ont would cause more problems than good
London had a referendum on casinos. The vote was clearly against them. If you are to proceed with a casino, other than slots, there should be another referendum.
not needed
Government endorsed gambling just to make a few bucks is wrong. Very little revenue generated goes back to the community. It's like a giant cash vacuum. Build an area that's a much larger attraction for families and people out of town.
Tourism
I don't use the facility myself
The bigger the pile of money, the more the criminals.
Gambling is a zero-sum activity that uses human time and resources but produces nothing.
Moral corruption
Silly idea

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Get Involved website – Continued

Gambling is an unfortunate way to prey on the desperate and financially unsophisticated.
There is a place for gaming entertainment and it is adequately covered at present. Destroying the inner fabric of the city based on further revenue for Council and all that entails does not seem to me to be a satisfactory argument. Thank you.
The casino is large enough in its current form and doesn't drive tourism. Rather, it simply takes money from people who might not be able to afford to lose it and reallocates it to OLG. If London kept a larger share I would be more in support, but \$5 million is not enough to warrant expansion here.
do not know enough about it
I believe that this is a strong fit with the highly successful slots program at Western Fair; expanding to table games keeps that operation competitive. Failing to expand to table games will simply mean that players interested in that opportunity will go elsewhere; why would we do that if we have the space/opportunity to build on the current success of the Western Fair Slots Program?
Government sponsored casino gambling ... parallels the separate and unequal life patterns in education, marriage, work, and play that increasingly divide us into haves and have-nots. Those in the upper ranks of the income distribution rarely, if ever, make it a weekly habit to gamble at the local casino. Those in the lower ranks of the income distribution often do. Those in the upper ranks rarely, if ever, contribute a large share of their income to the state's take of casino revenues. Those in the lower ranks do!
Increased gambling addiction among citizens: London government should not be treating Londoners as expendable.
Frequent users can not afford to gamble it is destroying families
Keep casino gaming revenue in local instead of going out to Lasvegas.
Casinos are the saddest places on earth
The result of a desperate Provincial Government's attempt to raise revenue, in any manner possible. Do people really want to gamble as the Liberals believe? Too many people lost their jobs, and horses their lives, with the cancellation of the slots at racetracks. This Provincial Government is totally amoral.
London has the opportunity to be a world class "destination city", look at what full casino's have done for tourism in Windsor and Niagara.
Gaming is immoral and addictive
What has been put in place, to help the people with a gambling addiction? My ex husband has gone bankrupt twice, as well as lost his job do to gambling. There was not much help out there for the families.
The poor go who can't afford to lose and can't live on their minimal incomes. It's a lose lose for them.
Any expansion will inevitably require a contribution from the taxpayers. We have other things to spend their money on too.
Tourisim and keeping money with in the city rather then people traveling to Windsor, Niagara, Sarnia or Brantford
Gambling is not a social activity that I feel should be promoted. Ultimately criminals are involved.
Contributes to the ever growing problem gambler and affects the community negatively as a whole
Live entertainment in an area that's already being developed. There is already live horse racing.
I now go to Caesar's in Windsor. London is too small for me and not enough slots to play on.
How would expansion of current site affect parking? Variety of events at the 2 sites cause full parking. Concerned that another new construction project means more reduced or eliminated parking.

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Get Involved website – Continued

Parking is already terrible
Gaming does not attract tourists to city and so is not a true economic development opportunity. The revenue it raises is typically from those who can't really afford to play.
Gambling is cancerous, this is enabling addicts to throw their financial status to the bin and support the already wealthy.
Addiction danger
Use of Western Fair space needs planning
You haven't seen desperation until you've watched someone feed all their cash into a machine, then use the credit card for a cash advance, then ask you to cash a cheque for them all in the hopes of hitting a jackpot
Addictions that ruin lives and the cost of rehabilitation.
This is entertainment that a municipal government should not be able to stop a reasonable amount of expansion.
Will bring lots of people to the city to spend money
Families are hurt by addictions.
Expanded gaming and casinos will not have a positive impact on our community and will support addictive gambling addictions from some of our most vulnerable populations. There are insufficient public benefits to allowing this expansion of gambling in our community
from News in the Globe, Gateway is clearly not a good business to work with. Why is this not being published in the Free Press
Concern re Western Fair's agricultural and entertainment (Fall Fair)
Gambling addictions are my main concern and lack of help for addiction; also concerned about access for people who should obviously not gamble
The concept on which the expansion is based e.g. a self-enclosed experience with hotel and restaurants can be harmful to local economies. It would be useful to discuss how they could connect and have synergy with what is occurring around them beyond purchasing local products.

Public Comments – Social Media

Facebook Comments
<p>City Post: We're considering expanded gaming in London. We need your input to assist Council on making a decision on future gaming in the city. Take our quick survey and attend our Open House on March 22. Learn more: https://getinvolved.london.ca/expansion-gaming</p> <p>Comment: Kill it with fire. Governments, including the city, should have nothing to do with gambling. Exploiting citizens for a few tax dollars? Nope.</p> <p>Reply: Not sure I could express my views more succinctly. then this. What he said.</p> <p>Comment: As someone who has seen the effects of gambling addiction, I'd rather see all gaming ended, not expanded. And no....this is not an isolated case. It is rampant. Shame on those who promote it.</p> <p>Comment: Where do the profits from the casinos go. Give me a rundown first, then I'll let you know what I think.</p> <p>Comment: If you don't act now it will (already is) go to someplace else.....quit deferring things!</p> <p>Comment: Why would you not want a huge hotel/casino in a larger city!? Hop to it!</p>

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Social Media – Continued

Comment: Time and again it has been shown that government-sponsored gambling is just a tax primarily imposed on those who are least able to afford it and that it is clearly motivated as an auxiliary revenue stream which makes having any genuine care for those who are most direly impacted an inherent financial conflict of interest for the Provincial and the Municipal Governments. As such, I'm *totally* against any kind or form of increasing these kinds of inequitable, predatory, illicit, under-the-table, taxation methods. How about you put a hefty municipal tax on driving luxury cars to make up that revenue instead? Oh, you say that rich people don't want to pay more taxes? I'm shocked...

Comment: Expand all you want. Just make sure there is prayer rooms.

Comment: Do it! I love table games! Slots are boring.

Comment: The mayor and council do not care what anyone thinks. They do as they want.

City Post: The City of London is considering expanded gaming in London. Learn more and provide your input at our Public Open House and Information Session this Thursday at Kiwanis Seniors' Community Centre from 6 - 8 p.m.

Can't make it to the Open House? No problem. You can take our quick survey online here: <https://getinvolved.london.ca/expansion-gaming>

Comment: And here I was hoping for D&D gaming

Reply: Or an arcade.

Reply: Or a huge indoor jumping castle.

Reply: if only..

Comment: Expand something useful like bike lanes. Stop expanding things that only make people miserable. Try spending money where it is actually needed. Fools and their money...

Reply: The city isn't spending the money

Reply: Bike lanes that people dont use

Reply: London ia so far behind thw times on this issie. A casino takes your money and the stress kills people. Bikes help people live longer.

Reply: Money raised from projects like this is what pays for your bike lanes.

Reply: Would the city be providing real info on this? The old crap of look we make X amount in tax revenue but fail to mention that the city will pay out double that in funding. How about other impacts, like increasing police cost in that area, because other cities have found the crime rate go up around gaming facilities.

Reply: I would like to see more bike lanes too. Maybe a bigger casino will pay for it. And maybe better facilities will mean we get better entertainment acts stopping in London. For a city our size we don't get a lot of really good entertainment.

Reply: A casino would bring more revenue in for the city... especially with the new ikea and that coming. People might actually spend a weekend or week in London doing things instead of passing by

Comment: London gamblers are leaving London to spend their money on tables and hotels and restaurants so it might as well be here and keep the revenue in London.

Reply: 100% agreed

Comment: get it done Build in London or loose out again on jobs...lets get together fast on this one before it goes away like so many have done..

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Social Media – Continued

Comment: It speaks volumes that they try and hide this in plain sight, why not call it "expanded gambling"? Why is there a picture of not-gaming, when any other proposal might show the indicated activity through its picture? Maybe I'm nitpicking, but I feel like London Council must be hoping this slips by under peoples noses before we can argue against it!

Comment: \$5 million extra revenue is tempting.... expanding it is even more tempting, as you don't need to raise taxes to get more income for the city. So, if you don't want this, are you willing to accept a tax hike?

\$ 5 million already saves a family of four about 60\$ a year on taxes... \$5 a month. Expanding it with, say, \$10 million more revenues would chip off \$10 a month of your current property tax bill. Or have more services available....like all the wishes above... add a flurry of extra jobs, and there is even more gain. More tourists coming? = even more income for the city.

But... what about the "but"s? Extra costs of addictions in gambling? Extra traffic =more and wider roads? =another expense. Missing all that data and considerations.

Comment: I don't see how this will be a positive benefit to the community. Increased revenue is the only upside I can see and it doesn't outweigh the costs.

Reply: Its not costing the city anything. They rent the land right now but the city dosnt tell you how many millions they make off that in a year. They want to buy the land and expand if not they want to build some were else. Its more money for the city not less and more jobs. This city leaders don't have a clue of what they are doing.

Reply: I wasn't talking about monetary cost...

Reply: Umm... lots of jobs? Positive impact on surrounding businesses? Brings more visitors to London?

Reply: What costs!!??.

Reply: How many more problem gamblers will this create? Why would a government condone something that for the most part does harm? Sure they say it's entertainment and stay within your limits but the system is rigged in the house's favour. It's a con game the government makes billions a year across the province on. So you can teach your kids the harms of gambling but what happens when they become a problem gambler and rob you blind? The government sure isn't going to give you your money back.

Comment: Expanded gaming in Chatham possibly. Already gaming in Sarnia and Brantford. Less than 1 and a half hours away. Maybe its worth it? Maybe not.

Comment: Money should not be used to divide or harass solving problems and bringing harmony should be first and last in jobs to govern in the city hall mislead should be stopped it's not easy but can be done to protect the civil and descent into the city build what's needed first

Comment: Just what London needs to help the addicted crack addicts

Reply: It's mostly older people at the casino. Loosing your inheritance you ungrateful brats!

Reply: Sorry I live in london, casino money didn't help fund the schools like goverment officals promised.. what does inheritance mean?

Comment: Why is Western Fair allowed to buy up private property tax paying homes a day to pay the City of London anything close to what we should be getting ?

London does not own Western Fair properties ! Every time they purchase another home to tear down to make more parking , we have lost more tax revenue . Guess who picks up the short fall !

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Social Media – Continued

Reply: But the casino would bring in more tax revenue than a house now wouldn't it? Not saying I'd like to lose houses especially with the cost being so obscene these days but it's better for the city to have a casino with consistent revenue unfortunately.

Comment: Nevermind the slots. London just needs a poker club

Comment: London needs other things before this

Reply: Such as? What else is going to bring in as much revenue? *serious question*

Comment: London Ontario expanding gaming? I have no idea what these means but hey, gaming is awesome. [#PCMASTERRACE](#)

Comment: Just let the private business, run its business! City officials can't run the city, little own a business

Comment: Expanding gaming in london, just don't spend it on Ubisoft. They're such a shit company.

Comment: Come on. The province depends on this money. \$2 billion last year.

Comment: try expanding stuff like gardening areas where people can go and grow their own gardens

Comment: Expand add a hotel and meeting centre link it to the race track the economic spin offs would be huge for east end

Comment: YES!

Comment: Survey done No

Comment: No!!!

Comment: No we don't need it

Comment: Sorry for the word mistakes

Comment: Blackjack baby!

Comment: No!

City Post: Do you support or oppose the idea of expanded gaming in London? We want to know. Take our quick survey online: <https://getinvolved.london.ca/expansion-gaming>

Comment: Maybe London should focus more on affordable housing and less on trying to take more money from people with gambling addictions.

Comment: This dog and pony show of community engagement is beyond absurd:

Considering that the ONLY thing City Council sees in this proposal is legions of giant dollar-signs dancing above their heads, there's no chance at all that politicians are going to let ANY semblance of social responsibility, decency or morality stand between them and those sweet, sweet, non-tax revenues...

APPENDIX 'B'

Summary of Public Consultation Results

Public Comments – Social Media – Continued

Comment: Does the city have a measure in place to help people with gambling problems?

This should be asked first rather than how are we going to scam the rest of your hard earned dollar

Comment: does it really matter what we say, you always do what you want to do anyways despite what londoners say.

Comment: Just is radicular the Municipal Government want to expand the Casino use the money for something else

Twitter Comments

Why bother? There was a majority of residents who voted against gaming previously and council totally ignored it and implemented gaming. [#fakeconsultation](#)

WOOOHOOO about time !!

Expand Gambling EXPAND PROBLEMS LndOnt.spend\$\$ for save injection zones,clean needles, Methadon Clinics TO PROTECT CITIZENS FROM THEMSELVES NonTRANSPARENT CASINO DECEIVES LOOSE NECESSARY & Essential \$\$ in a FIXED OUTCOME Machine STOP MISLEADING-PROTECT Citizens from themselves

Yes just what the community needs more gambling. How about we legalize pot too. Oh wait we are. Liberals are destroying out Nation. But make sure you don't use Sir or Madam or Miss or Mr. Cause the polite terminology is not right anymore. Ba ha ha. The absurdity of it

April 12, 2018

London City Council
P.O Box 5035
London ON N6A 4L9

Dear Council Members,

As Chair of the Board of Western Fair Association (WFA), I write to share the Board's perspective on why any expanded gaming initiative in London is best situated at the Western Fair District (WFD). As you may well know, the true "owners" of WFA is its membership which includes a wide spectrum of agricultural and community organizations.

The WFA and the City of London have enjoyed a very unique, but synergistic partnership for over 150 years.

The WFD lands it occupies is jointly owned by both the City and WFA. The WFA remains a responsible and accountable steward of the lands and buildings for the joint benefit of the City and WFA and ultimately, for the benefit of the community and region it serves. WFA as a Not-for-Profit Agricultural Society has a mandate to educate and entertain with all and any surpluses from its operations being reinvested back into the jointly owned property and the programming activities that are embodied in its mandate.

The attachment is a concise summary of how an expanded gaming designation to the lands occupied by WFA will maximize the mutual benefits to both the City, WFA and ultimately the community.

Sincerely,

Joe Dales, Chair
Western Fair Association Board of Governors

cc: Anna Lisa Barbon, Managing Director, Corporate Services & City Treasurer, CFO

April 12, 2018

Why Expanded Gaming in London Should Be Designated at the Western Fair District?

If there is support for expanded gaming in the City of London (City) the maximum benefit to the Community and the City will come from designating Western Fair District (WFD) as the site.

- The City and Western Fair Association (WFA) have enjoyed a 150 year history together on this landmark site. As 50/50 owners the City and WFA have supported and developed it into a vibrant entertainment district. Rebranded as Western Fair District it has a high level of name recognition in southwestern Ontario. Approximately three million guests come to the site each year to find unique entertainment offerings including an annual fair, agricultural events and market, consumer and trade shows, gaming, racing, music and sports.
- A 2016 study by KPMG revealed that the activities of WFD contributed \$196.1 million annually in Gross Domestic Product to the economy of which \$146.1 million is non-gaming related.
- The site's brand recognition over the last twenty years has successfully supported the growth of gross gaming revenue to a level today that exceeds \$100M annually. This has included two previous gaming footprint expansions on the property.
- The Raceway at Western Fair District is the highest wagering Signature racetrack in Canada with Pari-Mutuel betting in calendar 2017 of \$36.7 million over 1,207 races. Gaming on horseracing has continued on the site since commencing in 1879.
- Two events (The Fair and The London Wine and Food Show) were recognized by Festivals and Events Ontario ("FEO") in 2018 as Top 100 events in the Province.
- The Sports Centre which is a venture between the City and WFA is operated for the betterment of the community has also hosted world class sports events such as sledge hockey, figure skating and curling.
- As a not for profit Agricultural Society any annual surpluses generated by WFA are re-invested back into the site's programming and facilities for the joint benefit of the City and WFA. Approximately \$90 million has been invested into capital projects since 2000 helping to ensure continual site development and renewal which also supports the revitalization of Old East Village as a dynamic and growing part of the City.

PUBLIC PARTICIPATION MEETING COMMENTS

3.1 PUBLIC PARTICIPATION MEETING – Public Consultation – Proposed Expansion of a Gaming Site

- Ed Betterley – suggesting that the gaming proponent’s approach says a lot about their business tactics and that he expects they will be very aggressive; indicating that they have come in offering buyouts to current employees and he does not feel that this is fair; stating that he is in support of expanded gaming, but that should be done through the casino that offers music entertainment, etc.; suggesting that the benefits that local patrons get are less than other gaming facilities; advising that one issue he has is that staff currently know him by name, but they almost always ask him to open any bags he is carrying, but the same staff don’t ask the female patrons to open any bags they are carrying; adding that the survey may have included 700 people, and asking why weren’t people surveyed outside the casino; and stating that the whole process could use more feedback.
- Mark Horner, racehorse owner, employer, located north of London – speaking to the benefits of expanded gaming at Western Fair; suggesting the proposed model will produce a win/win through the provision of 700 jobs, continuation of horseracing at Western Fair, and providing a full entertainment centre at one location; suggesting that not locating the expanded gaming at Western Fair would devastate horseracing in all of Southwestern Ontario; and strongly urging, on behalf of thousands of horse people, to keep gaming at the Western Fair District.
- Laura, 8-year volunteer with the Western Fair – indicating that she doesn’t believe gambling should be expanded as it is an individual activity that doesn’t promote social interaction; noting that there are a variety of activities at the Western Fair; suggesting that there is adequate gaming opportunities available to people in such places as Windsor, Niagara Falls and Las Vegas, all of which are quite easily accessible; listing all the enjoyable activities already available at the Western Fair District; and requesting that the City not proceed with endorsing expanded gaming.
- A. Straatman, Seelster Farms – indicating that she is in favour of expanded gaming; noting that Seelster Farms is a third generation operation, with approximately 200 horses, 600 acres and 20 full time employees; adding that she is representing more than 500 breeders in Ontario; advising that if Western Fair was not to have gaming, the best case scenario would be irreparable change to horseracing in Ontario; and urging the Municipal Council to vote for a win/win partnership for the Western Fair and Gateway.
- Wayne – indicating that he is totally against expanded gaming in London; suggesting that the Province sees gaming as an opportunity for revenues, but at the same time there are people begging on the street; stating that the Province is selling entertainment, but it is really selling gambling; noting that the Province has privatized gaming so that the general public can no longer access data regarding that activity; stating that gambling will be expanded, but it is just a question of where because it all boils down to dollars; advising that the proponent would not be here if they weren’t going to build a casino; advising that he had a responsibility to himself to express his feelings on expanded gaming and to try and help Council Members recognize the associated repercussions of expanded gaming; and adding that if you could take all of the monies people spend on gambling we would all be in much better shape.
- Jackie – suggesting that the proponent likes London, but that they are looking at other locations than Western Fair; stating that London needs a new casino, but not a bigger more profitable one as the current one is big enough; noting that she wants entertainment and horseracing to stay as it is; indicating that she does not want a hotel as that would take over from the Western Fair and replace current exhibit space; and asking that things stay as they are.

- R. Caranci, Paramount Developments Inc. – noting that one of the big factors in developing their property on Dundas Street was the Western Fair, which has been a large part of London for a number of years; indicating support for expanded gambling at the Western Fair District; stating that this part of London has needed rejuvenation, which is happening with projects such as the redevelopment of the former Kelloggs plant; advising that while there was a large outcry when gambling was originally allowed, at the end of the day it has proven to be the right decision; noting that the benefit to the City will be approximately \$6 million per year, with a lot of dollars to be invested in the London community; advising that Paramount Developments Inc. purchase their Dundas Street property as they wanted to help rejuvenate the Old East Village, applauding the decision by Gateway and its efforts to negotiate expanded gaming at the Western Fair District.
- J. Pastorius, Old East Village Business Improvement Area – making the attached presentation.
- S. Merritt, 831 Elias Street – indicating that she understands that the purpose of the public participating meeting is to speak to whether or not gaming should be expanded in London, but noting that the people who have spoken in favour of expanded gaming have done so in the context of horseracing and the Old East Village and have kept referring back to the Western Fair District; stating that she believes that that context is a safe one for expanded gaming and as a result would like to support the position of the Old East Business Improvement Area that all partners, including Gateway, should monitor effects on the local community; advising that because of its long history, Western Fair understands context in the community and how things will need to be rolled out; stating that the best place for expanded gaming is the Western Fair District, and emphasizing that expanded gaming will need to support growth and development of business and the needs of the community; summarizing that she supports, in context, expanded gaming in the Western Fair District.
- Pam, Ward 13 – indicating she doesn't feel anywhere informed enough to make a decision with respect to the expansion of gaming and that she is not likely alone; advising that she would like more information and that is critical for all parties as the decision will have a tremendous impact on the entire community; referencing that last week in the local newspaper there was an article indicating that 70% of survey responders supported expanded gaming, but that the online survey was unscientific; advising she is not sure where the gambling proceeds go and asking where the cost benefit analysis is; questioning how it is possible to make an informed decision without sufficient information such as whether or not expanded gaming has the potential to help revenues and provide an economic boost; noting the timing of the upcoming election...nothing like a political campaign to get people to care; and asking that we learn what we need to know.
- M. Bray – indicating support for expanded gaming and that she worked on this many years ago; noting she has always felt a casino should be located Downtown and that there are lots of sites between the London Convention Centre and Budweiser Gardens where a casino should go, even if the slot machines were left at the Western Fair District; and indicating that a Downtown casino would bring business into the core.
- F. Felici – stating there are other important issues beyond whether or not you support expanded gaming, including being involved in revitalization; advising that you really need to understand that where it operates is as important as if it is operated; and indicating that it could be very exciting and a unique opportunity for the Old East Village if the expanded gaming was located at the Western Fair District.
- D. Desantos, 809 Dundas Street – noting that expanded gaming would bring 700-1000 jobs to London and that's what we need; advising it would also help the construction industry and keeping gaming at the Western Fair District would also help the horse people.

- L. Sibley and L. Griffin, Addiction Services of Thames Valley – providing the attached presentation and concluding by emphasizing the need to have an effective local strategy in place, with adequate resources to offer educational opportunities to promote prevention, reduce the stigma attached with seeking treatment for gambling addiction, and to provide assistance to those affected by gambling addiction.
- Jeff Harmon, Edinburgh Street – advising that he had a very serious history of gambling addiction but now serves on the Addiction Services of Thames Valley Board of Directors; spoke to how gambling consumed him and resulted in the loss of family savings, loss of his professional designation, loss of his job and almost the loss of his marriage and would have most certainly taken his own life if it weren't for the support of his family and friends; stating that anyone could succumb to a gambling addiction just like he experienced because of the availability of gambling and, in particular, card games; advising that while he personally strongly opposes the expansion of gaming because of his own experience, as a Board Member he takes a more pragmatic view that resources need to be set aside for treatment and prevention to ensure that others don't end up going down the same path that he did.



Chair and Members
 Strategic Priorities and Policy Committee
 City of London
 300 Dufferin Avenue
 London, ON

April 23, 2018

Dear Chair and Members:

From the earliest days of the Old East Village revitalization efforts the Western Fair District has been a partner. In collaboration with the City of London and community residents the Old East Village BIA and Western Fair District stewarded the redevelopment of Queens Park over more than a ten-year period resulting in the final investment of the area's first splash pad this spring. In 2010, at the BIA's request the Western Fair District invested in parking lot improvements including gateway features in their northwest lots. Beyond their current gaming activities, in 2006 Western Fair District embraced the London Farmers Market, a private business located in the Confederation Building. The Market at the Western Fair District has become a significant economic driver for the Old East Village and in 2018 they furthered their commitment to this neighbourhood institution by taking over operations and discussing potential further development of market activities. These projects are examples of Western Fair's participation as a great community partner and neighbour.

It would have been natural for Londoners who support expanded gaming to have used the Western Fair District as a reference point as they are presently the provider of such activities. As the provider of a variety of events, activities and services, the site is consistently well maintained and well-staffed. This is the standard that Londoners are expecting and putting gambling aside for a moment, in our experience, there have been no negative impacts on revitalization as a result of activities on the Western Fair grounds.

This standard of excellence is also the standard that the Old East Village businesses and community have come to expect from the Western Fair District. The OLG has fulfilled its commitment to community engagement through the recent municipal process; however this is only the first phase of dialogue. If expanded gaming is to remain at the Western Fair District then the successful collaboration between the Old East Village and Western Fair District will need to include other partners such as Gateway Casinos who will also become stakeholders in our community.

If it is decided that expanded gaming is to be permanently located at 900 King Street the BIA would like to request a Community Partnership Committee be implemented as a mechanism for ongoing communication between all invested parties. Groups such as Western Fair District, City of London, Gateway Casinos, Old East Village BIA and community residents should be included, however this list is not exhaustive.

Early discussions suggest that there are great opportunities for cooperation between all groups. The Western Fair District understands and has participated in the urban renewal of Old East Village and with their continued partnership and the partnership of Gateway Casino's we will have the tools to work towards a development that can support the needs of all involved.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Pastorius".

Jennifer Pastorius
 BIA Manager

A handwritten signature in black ink, appearing to read "M. Drangova".

Maria Drangova
 BIA Board Chair

What is the Impact of Gambling Expansion for London?

Presented by

Linda Sibley, Executive Director

Lori Griffith, Coordinator

Jeff Herman, Board Member, ADSTV
(Separate Presentation)



ADSTV - IGDPGS

- Our services are listed on our website:
www.adstv.ca
- We are a treatment facility that also provides education in the schools and the community
- Caseloads are a mix between people with gambling problems and concerned significant others (spouses, adult children, parents)

Our Intention

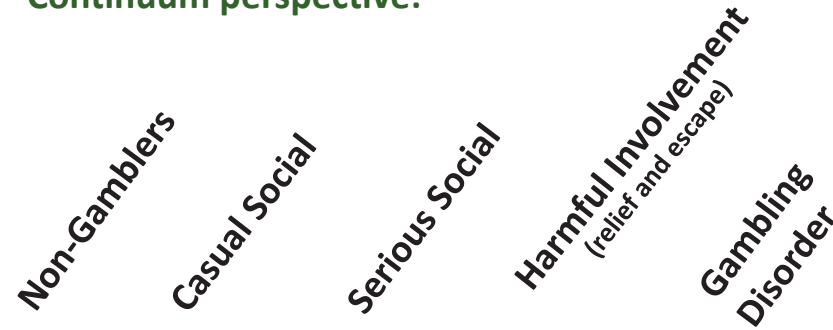
- Share our expertise after providing gambling treatment services for 20 years
- Provide some advice related to new prevention strategies for this community
- Assist with strategy for an expansion of gambling that maximizes benefits and minimizes costs as much as possible
- Remind you that there will be very real costs for some visitors to and residents of this community

Gambling by the Numbers

- 1997 to April 2018:
 - 6290 persons identified gambling as a concern
 - 1.66% of London population over 20 years
 - 668 concerned significant others sought help
- When people experience problems with gambling many others are affected:
 - Entire family (sometimes three generations), friends, employers, peers, banks, retail business, charities for example

Types of Gamblers

Continuum perspective:



freedom FROM ADDICTION

GAMBLING HARMS MIND MAP

This map visualizes gambling harm and the way in which these harms are distributed throughout the population. A systems approach that considers the socioeconomic and environmental determinants of gambling harms from a public health perspective can transform policy and healthcare service delivery, and may ultimately reduce the burden of gambling harm in our communities.

- ETHNICITY**: Non-White populations are significantly more likely to gamble than White populations, particularly among individuals who identify as Black or Chinese. Cultural differences, stressful living conditions, and social inequities experienced by Indigenous peoples contribute to how gambling is perceived, and to a higher prevalence of problematic gambling behaviour among these subgroups.
- AGE**: Youth and young adults are particularly vulnerable to experiencing harms from gambling as the popularity of for online gambling and simulated gambling through video games continues to expand. With gambling opportunities becoming increasingly marketed towards and accessible to adolescents and young adults, treatment or prevention methods designed for adults may fail to address the specific needs of this demographic.
- MENTAL HEALTH**: As many as 32% of problem gamblers struggle with major depression, compared to a national average of 4.2%. Gambling can serve as a coping mechanism or emotionally vulnerable individuals, and problem gambling is significantly associated with social anxiety, ADHD, impulsiveness, and mood and anxiety disorders. Problem gamblers are eight times more likely to be prescribed medication used to treat a mental health disorder.
- SUBSTANCE USE AND ADDICTIONS**: Substance use often coincides with problematic gambling behaviour and gambling harms. Problem gamblers are five times more likely to have nicotine dependence, 11 times more likely to have cannabis dependence, and 23 times more likely to have an alcohol use disorder.
- LIVING CONDITIONS**: Higher neighbourhood disadvantage, unstable housing conditions, and homelessness are associated with problematic gambling behaviour. In addition, just as an environment with highly accessible, cheap, energy-rich food promotes unhealthy eating habits, access to easy-to-use, socially accessible, and cheap forms of gambling is a risk factor for increased gambling harm.
- EDUCATION**: A person's education influences how they gamble, and their risk of problem gambling behaviour. People with higher education are more likely to gamble online, while lower educational attainment is linked as a risk factor for problematic gambling. Women with a high school education are up to four times more likely to be problem gamblers than women with a university degree demographic.
- SOCIOECONOMIC STATUS**: Higher income is associated with greater participation in lower-risk gambling and higher total spending. Lower income individuals are at a greater risk of suffering gambling harms, and spend proportionally more of their income on gambling activities. Land-based gambling opportunities are generally more readily available in low income areas.
- HEALTH BEHAVIOURS AND RISK FACTORS**: Gamblers are more likely to be sedentary, while physical activity is associated with a decreased risk for problem gambling. Problem gamblers are three times more likely to be obese, over two times more likely to report a lack of regular exercise, three times more likely to watch 20+ hours of TV per week, and four times more likely to report high caffeine intake.

GAMBLING RESEARCH EXCHANGE ONTARIO

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At Risk Gamblers

Canadian Gambling Digest 2013-2014

- 6.3 percent of people are thought to be “at risk gamblers and problem gamblers.”
- 6.3% of London population = 23,940
- Modernization (which means **privatization**) and increased accessibility to new forms of gambling may increase risk for Londoners

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“You don’t need to have a gambling problem to have problems from gambling”

freedom FROM ADDICTION

Questions?



freedom FROM ADDICTION

**THIS IS EXHIBIT "Q" TO THE AFFIDAVIT
OF STEPHANIE FLEMING,
SWORN THIS 22nd DAY OF October, 2019.**



A Commissioner, & etc.

Council Minutes

9th Meeting of City Council
April 24, 2018, 4:00 PM

Present: Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, J. Zaifman

Absent: M. Salih

Also Present: M. Hayward, A. Anderson, A.L. Barbon, B. Card, B. Coxhead, S. Datars Bere, C. Dawidenko, K. Dawtrey, J. M. Fleming, T. Gaffney, G. Kotsifas, M. Johnson, L. Livingstone, L. Loubert, A. Macpherson, D. O'Brien, A. Patis, K. Pawelec, M. Ribera, L. Rowe, C. Saunders, K. Scherr, S. Spring, S. Stafford, J. Stanford, B. Warner, B. Westlake-Power, P. Yeoman

The meeting was called to order at 4:04 PM.

1. Disclosures of Pecuniary Interest

Councillor S. Turner discloses a pecuniary interest in clause 4.2 of the 7th Report of the Planning and Environment Committee, having to do with the request for delegation status by Dr. C. Mackie, Medical Officer of Health and Chief Executive Officer, Middlesex-London Health Unit, with respect to the proposed supervised consumption facilities, by indicating that the Middlesex-London Health Unit is his employer.

Councillor S. Turner further discloses a pecuniary interest in clause 4.1 of the 6th Report of the Strategic Priorities and Policy Committee having to do with the Bus Rapid Transit Environmental Assessment Initiative, particularly as it relates to subsection a)iii) regarding the South Leg of the project in the area of Wellington Street, between Horton and the Thames River, and Wellington Road between the Thames River to Bond Street, by indicating that his family owns adjoining property.

Councillor T. Park discloses a pecuniary interest in clause 4.1 of the 6th Report of the Strategic Priorities and Policy Committee having to do with the Bus Rapid Transit Environmental Assessment Initiative, particularly as it relates to subsection a)iii) regarding the South Leg of the project in the area of Wellington Street, between Horton and the Thames River, and Wellington Road between the Thames River to Bond Street, by indicating that her family owns adjoining property.

Councillor J. Morgan discloses a pecuniary interest in clause 4.1 of the 6th Report of the Strategic Priorities and Policy Committee having to do with the Bus Rapid Transit Environmental Assessment Initiative, particularly as it relates to subsection a)i) regarding the North leg of the project, as well as those portions of parts b), c), d), g) and h) pertaining to that portion of the project, by indicating that the infrastructure of this leg of the project passes through the property of his employer, Western University.

Councillor P. Hubert discloses a pecuniary interest in clause 2.3 of the 9th Report of the Corporate Services Committee, having to do with the 2017 Compliance Report in accordance with the Procurement of Goods and Services Policy, by indicating that he is the Executive Director of Pathways Skill Development, which is named in the Report.

clarifying the Municipal Council's priorities with respect to the Rapid Transit Project, BE RECEIVED.

Yeas: (14): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent (1): M. Salih

Motion Passed (14 to 0)

Motion made by: V. Ridley

That the following actions be taken with respect to the Bus Rapid Transit Environmental Assessment Initiative:

- a) the staff report dated April 23, 2018, entitled "Bus Rapid Transit – Environmental Assessment Initiative", together with the associated presentation made by the Project Director, Rapid Transit Implementation at the April 23, 2018 meeting of the Strategic Priorities and Policy Committee, as well as the communication dated April 12, 2018, from C. Butler, BE REFERRED to the May 7, 2018 meeting of the Strategic Priorities and Policy Committee for consideration and debate, in order to allow additional time for the public and the Council Members to review the information; and

Yeas: (12): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, T. Park, and J. Zaifman

Nays: (2): S. Turner, and H. Usher

Absent (1): M. Salih

Motion Passed (12 to 2)

2. Public Consultation - Proposed Expansion of a Gaming Site

Motion made by: V. Ridley

Approve the introduction included in part b), as follows:

- b) the expansion of a gaming site to include entertainment options that would allow for up to 1,200 slots at a casino, and up to 50 live table games, within the jurisdiction of The Corporation of the City of London, BE ENDORSED;

Yeas: (9): Mayor M. Brown, J. Helmer, M. Cassidy, P. Squire, J. Morgan, V. Ridley, S. Turner, T. Park, and J. Zaifman

Nays: (5): M. van Holst, B. Armstrong, P. Hubert, A. Hopkins, and H. Usher

Absent (1): M. Salih

Motion Passed (9 to 5)

Motion made by: V. Ridley

Approve the remainder of part b), as follows:

it being noted that The Corporation of the City of London prefers an expanded location at the Western Fair District;

Yeas: (13): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, H. Usher, T. Park, and J. Zaifman

Nays: (1): S. Turner

Absent (1): M. Salih

Motion Passed (13 to 1)

Motion made by: V. Ridley

Approve parts a) and d) as follows:

That the following actions be taken with respect to the proposed expansion of a gaming site in London:

- a) the staff report dated April 23, 2018 BE RECEIVED;
- d) the Province of Ontario and the Alcohol and Gaming Commission of Ontario BE REQUESTED to flow the additional revenues from expanded gaming in London back into the community in a more significant way than the current funding arrangement, and that the Civic Administration BE DIRECTED to engage with relevant parties;

it being noted that the Strategic Priorities and Policy Committee received the ~~attached~~ communication from J. Dales, Chair, Western Fair Association Board of Governors, with respect to this matter;

it being pointed out that the individuals indicated on the ~~attached~~ public participation meeting record made oral submissions with respect to the proposed expansion of a gaming site in London.

Yeas: (14): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, M. Cassidy, P. Squire, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Absent (1): M. Salih

Motion Passed (14 to 0)

Motion made by: V. Ridley

Approve part c) as follows:

- c) the Civic Administration BE DIRECTED to report back on how some or all of the incremental revenues from expanded gaming, paid to The Corporation of the City of London according to the contribution agreement with the Ontario Lottery and Gaming Corporation, could be allocated to prevent, reduce or mitigate harms in the Zone SW 4 bundle from problem gambling, including fostering a partnership between the local community and the gaming operator; and

Yeas: (13): Mayor M. Brown, M. van Holst, B. Armstrong, J. Helmer, M. Cassidy, J. Morgan, P. Hubert, A. Hopkins, V. Ridley, S. Turner, H. Usher, T. Park, and J. Zaifman

Nays: (1): P. Squire

Absent (1): M. Salih

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM v.
FORTIN
Applicants

CITY OF GREATER SUDBURY

Respondents

Court File No. CV-19-8313-00

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings commenced at **Sudbury**

**AFFIDAVIT OF STEPHANIE
FLEMING**

(sworn October 22nd, 2019)

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**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM FORTIN

Applicants

-and-

CITY OF GREATER SUDBURY

Respondent

AFFIDAVIT OF JEFFREY MACINTYRE

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**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM FORTIN

Applicants

-and-

CITY OF GREATER SUDBURY

Respondent

AFFIDAVIT OF JEFFREY MACINTYRE

(sworn October 18, 2019)

I, **JEFFREY MACINTYRE**, of the Town of Oakville, in the Province of Ontario, MAKE OATH AND SAY/AFFIRM:

1. I am a member of the Board of Directors for the Sudbury Business Improvement Area ("**BIA**"), a former Applicant in this matter and therefore have knowledge, information and belief of the matters deposed to herein. To the extent that any of the information below is not within my personal knowledge, information or belief, I have been advised of same by others and have noted the source of the information.

A. Background

2. I have been a resident of the City of Greater Sudbury (the "**City**") since 1977.

3. The Sudbury Business Improvement Area was created in 1977 by the City Council of the former City of Sudbury. In 2001, the current Council for the City of Greater Sudbury (the “**Council**”) voted to permit the continuance of the BIA.
4. I co-own Fuel Media, a marketing agency in Sudbury Ont.
5. Fuel Media has been a BIA member since 2010 and I have managed businesses in downtown Sudbury (the “**Downtown**”) since 1999.
6. I have been active in the BIA since 1999 and was appointed to the Board of Directors (the “**Board**”) by the municipality in 2010. I was Chair of the BIA from 2010 to 2018 and am currently a member of the Board.
7. As Chair and as a Board Member, I have been focused on growing the economy of Greater Sudbury and the Downtown in particular. I first ran for the position of Chair of the BIA after an unsuccessful run for Council in 2010. During this campaign, I heard about the need for a stronger Downtown from business owners across the City. At the time, companies across Sudbury were struggling to attract talented employees, and many pointed at a depressed Downtown as one of the reasons. This has been reinforced over the years since then.

B. Economic Strategic Plans

8. At the time of amalgamation and the creation of the City of Greater Sudbury in 2001, the Downtown and the City in general were suffering through difficult economic times. In response to these issues, Council instructed Staff to create a comprehensive long-term economic strategy plan for the City. As a member of the BIA, I assisted in the preparation of the 2003 long term strategic economic plan titled “Coming of Age in the 21st Century – An Economic

- Strategic Plan for Greater Sudbury”. A copy of this report is attached at Exhibit “E” to the Affidavit of Rowan Faludi (the “**Faludi Affidavit**”)
9. In 2010, I also participated in the creation of the updated report, titled “From the Ground Up 2015-2025 – A Community Economic Strategic Plan”. As Chair of the BIA, I pushed for the strong inclusion of the Downtown as part of the City’s overall economic goals. A copy of this report is attached at Exhibit “G” to the Faludi Affidavit. The development of this plan included public outreach at community events, open house sessions in different areas of the community and input sessions with community groups.
 10. Each of these economic reports were highly important to the rejuvenation of the City and, in particular, the Downtown which was considered a key area in the City’s overall economic recovery. It was anticipated that such investment in the Downtown would encourage entrepreneurship and new employment, as well as encouraging young residents to stay in the City and/or help recruit new residents. These reports contained certain recommendations regarding capital expenditure on improved infrastructure in the Downtown to support and improve its business investment. One of the most important recommendations in these reports was to support tourism and entertainment in the Downtown by either refurbishing and expanding or replacing the Downtown community arena and event centre (the “**Event Centre**”) with another such structure located in the Downtown.

C. The Downtown Master Plan

11. In 2010, I also participated in the preparation of the Downtown Master Plan, a copy of which is attached at Exhibit "I" of the Faludi Affidavit. The process for this plan was led by the Planning Department and a Community Liaison Group ("**CLG**") and included representations from varied organisations, including arts and culture groups like the Sudbury Art Gallery and Place des Art, business groups like the BIA, Chamber of Commerce, Industry Canada, and the Sudbury Homebuilders Association, Indigenous groups such as the N'Swakamok Native Friendship Centre, City Councillors David Kilgour and Fabio Belli, and the Ontario Ministry of Northern Development and Mines. This was done in order to get as many voices and groups at the table. In addition, public input sessions and design charrettes were held that brought in several hundred members of the public. During this process, the Event Centre was a key element of these planning sessions. The need to upgrade it and keep it Downtown was a regular theme brought up by Councillors Kilgour and Belli.
12. One of the key recommendations addressed by the Downtown Master Plan was the proposed reconstruction, renovation, or replacement of the Event Centre. This recommendation went on to state that a hotel/convention centre and parking garage should be included in any (re)development of the Downtown. These recommendations were part of an exciting initiative to dramatically rejuvenate the Downtown and support existing and attract new businesses by strongly endorsing that these large projects, including an art gallery and new library be designed to attract tourism to the City.

13. On August 14, 2012, a Council meeting was held. The first item on the Agenda was the Staff Report titled “Downtown Sudbury Master Plan and Action Strategy – 10 Year Implementation Plan”, presented by Jason Ferrigan, Senior Planner of Planning & Development. Amongst the projects listed for the Downtown in the report was a “Multi-use Centre/Hotel/Parking Structure.” This proposal included a four-star hotel with a convention centre, arena and parking structure (described as a “multi-use centre”) to be constructed in the Downtown. This was intended to situate Sudbury as a key destination for business meetings, trade events, and sports, cultural, and entertainment events. This report also explicitly states that plans for these projects should coincide with plans for the refurbishment or replacement of the existing community arena. Attached to the Faludi Affidavit at Exhibit “K” is a copy of said report and an excerpt from its attachments.
14. In 2013, the City retained CBRE to investigate the option of refurbishing and expanding the existing Downtown Event Centre or replacing it with a new facility on the vacant lands beside the existing centre. As Chair of the BIA, I followed this process along with other Board members, such as former City Councillor Fabio Belli, who was the lead champion for a new Event Centre in the Downtown. We agreed with the recommendation that the best economic option was to build a new structure.
15. During the same period, we were also in talks with the City regarding the construction of a new parking structure in the Downtown. At this time, we were advised by multiple developers that a key element for such a facility would be

the approval of the new Event Centre. The central issue raised by Developers was that, while there was a parking shortage between the hours of 9:00 AM to 5:00 PM, there was not enough demand for extra parking outside of these hours to create a business case for a parking structure. However, if a new Event Centre was built Downtown, the events held at such a site would help establish this business case. Prime Real Estate, a private developer, sent a letter to the City indicating their desire to build two parking structures should an Event Centre be built. A copy of their letter is attached hereto and marked as **Exhibit "A"**.

16. On November 24, 2015 Council reviewed the Staff's "10 Year Implementation Plan" for the Downtown Master Plan. This included commencing a review for the new parking garage, which I, on behalf of the BIA was consulted on and supported. Attached hereto and marked as **Exhibit "B"** is an excerpt from the minutes for this meeting.

D. Approval of Expanded Gambling in Sudbury

17. The Ontario Lottery Gaming Corporation ("**OLG**") current slots casino operations in the City are located at the Sudbury Downs, which is a former harness racing track located in the former Town of Chelmsford. It is located between the former Towns of Chelmsford and Azilda in a rural area and cannot be reached by public transport. It first opened in 1974 and held its last live harness race in 2013. In 1999, in order to continue supporting harness racing, the local municipality approved the installation of slot machines at the track. Key to this approval was the remote location of the track, which local officials

- and the public believed would help prevent some of the social issues of gambling from arising. In 2001, following amalgamation, Sudbury Downs was incorporated into the jurisdiction of the City as a whole.
18. On or about March 12, 2012, OLG first announced its “Modernizing Lottery and Gaming in Ontario” (the “**Casino Modernization Plan**”), which contemplated substantial increases in revenue from gambling by expanding the size, scope, location, and number of casinos throughout Ontario by allowing gaming tables in addition to slots with improved entertainment, restaurants/bars and other attractions. Attached hereto and marked as **Exhibit “C”** is a copy of the Casino Modernization Plan.
 19. On June 1st, 2012, Ontario Regulation 81/12 came into force to regulate the changes to gambling in Ontario. I am quite familiar with this Regulation and sought clarification from the City on its purpose. My understanding, through conversations with City Staff including Ian Wood, the Director of Economic Development for the City, and Mayor Marianne Matichuck, was that this Regulation would require the City to first obtain the views of the public as to whether or not they wanted this new expanded gambling casino anywhere in the City before Council could pass a resolution advising OLG of their position on this sole issue. This was to occur before Council considered any particular site(s) for the new casino.
 20. I understood this would allow all interested parties to address Council on all the issues related to gambling, including the social issues of problem gambling, the economic losses arising from gambling and what, if any, economic benefits

there would be for the City as a whole. I was particularly concerned what the effect of expanded gambling would have on businesses and their ability to retain and attract new employees, as this had been one of the fundamental objectives in the various plans to rejuvenate the City's economy. I was concerned about a casino in or close to the Downtown and would have preferred that if expanded gambling was approved for the City it would stay at the Sudbury Downs location so that it would have minimal negative impact on the City.

21. On May 15th, 2012, without prior notice or public consultation, Council passed a resolution advising OLG that they supported expanded gambling in the City. I was in attendance at this meeting as our BIA budget was up for approval by council. Attached hereto and marked as **Exhibit "D"** is a copy of said resolution.
22. By August 2012, Council had still not sought any public input on whether or not Sudbury was in favour of a new casino or expanded gambling, either broadly or on any specific site.
23. On August 2nd, 2012, City Staff prepared a report to be presented at the following Council meeting. This report identified four potential areas where potential casino proponents, who were seeking approval from OLG, had consulted with Staff in respect of a potential casino development. This consultation was carried out without notice being given to the public. The four areas identified were the existing OLG Slots at Sudbury Downs, Downtown

Sudbury, Four Corners, and Kingsway East. Attached hereto and marked as **Exhibit “E”** is a copy of said report.

24. Among other things, Staff stated the following in the said report ...

Premier McGuinty has committed that **there will be a public consultation process as part of casino development in every potential host municipality**. The nature and timing of this process have not been prescribed, but it is an obligation that each municipality must meet. (page 2)

Throughout the interactions with all private sector proponents, Staff have been careful to acknowledge that Council has not adopted an official position on the question of the desired location for a new facility. We have indicated that there is a latent interest in seeing what amenities might be leveraged as part of this opportunity, either directly or indirectly... (page 3)

...through discussion with proponents Staff have received significant feedback on what private sector proponents believe will work within Greater Sudbury. (page 3)

25. I understood, as did the BIA Board and many residents I spoke to, that the highlighted language meant that the BIA and City residents would have an opportunity during this process to provide our views to Council as to whether or not we wanted a new casino in the City.
26. During their presentation on the casino matter, Staff (i) suggested casino proponents should be asked to provide ancillary amenities as part of any casino development proposal, (ii) repeated the Premier’s commitment to public input in the process, and (iii) advised of a planned open house to seek public input on the “casino opportunity” and “areas of current interest.” I understood that Staff were contemplating that the developer of the casino would provide these “ancillary amenities” free of charge, as the *quid pro quo* for being allowed to

- build the new casino. Concluding its presentation, Staff recommended that Council adopt certain principles as the municipality's position on casino development and that Staff be directed to initiate an Open House information session (the "**Open House**") to seek public input on casino development. The Staff Report, however, tightly circumscribed the nature of the input which was to be obtained from the public, namely it was to be limited to obtaining their views on each of "the four areas identified in the report dated August 2, 2012". In my opinion there was no intent or effort to obtain the views of the residents as to whether or not they wanted expanded gambling in their City. Attached hereto and marked as **Exhibit "F"** is a copy of said presentation.
27. I attended the Council meeting held on August 14th, 2012. After the presentation by Staff, Council passed a second resolution which indirectly appeared to support expanded gaming in Sudbury but more specifically supported a requirement that any successful bidder provide additional substantial amenities to the City as a condition of Council's support, which I understood to be without cost to the City. Council then directed Staff to initiate an information session on casino development "in the four areas identified." Attached hereto and marked as **Exhibit "G"** is an excerpt from the minutes of this meeting.
28. During this time period, I discussed the idea of expanded gaming and a new casino several times with Mayor Matichuk, who was the Mayor of the City at this time. She emphasized several times that any casino approved by the City would have to include a significant contribution to the City's cultural assets, in

- the form of an arena or arts centre, without cost to the City, to offset the negative economic impact that would inevitably occur on the surrounding area.
29. It is of significance that this was the same August 14th, 2012 Council meeting in which Council agreed to adopt the recommendations from City Staff in respect of the 10-Year Implementation Plan for the Downtown Master Plan. These recommendations included the development of the new Event Centre in the Downtown together with a new hotel/convention centre and parking garage. This Report is attached to the Faludi Affidavit at Exhibit “K”.
30. On October 10th, 2012, Staff held an “Open House” and gave a presentation in council chambers to inform the public of the province’s Casino Modernization Plan and to allow them to provide input on the four sites identified by Council. Attached hereto and marked as **Exhibit “H”** is a copy of said presentation.
31. During the Open House, participants were asked to vote on their preference of the four sites identified. Kingsway East was identified on the location map as the area of the intersection of the Kingsway and Barrydowne road. The site at issue in this matter, the Kingsway Entertainment District or “**KED**”, was not included as one of the four sites. At this meeting, the attending public were not asked the very basic question of whether or not they supported expanded gaming in Sudbury. Further, no economic or social issues were discussed during the presentation. Citizens were requested to submit comments on blank slips of paper that were handed out and to vote on their preferred location at the meeting or could do so on-line until October 24th, 2012.

32. I attended this Open House and offered my opinion. At this time, it was clear that the intent was to have the casino pay for one of the amenities committed to the Downtown.
33. While I was not supportive of a casino in the core of the City, if they were going to pay for attached amenities, like the Event Centre to which the City was committed in the Master Plan, the Downtown would support it in order to not lose the amenity. This was a hard decision, as I and the BIA were of the belief that Downtown would not be a good location for a casino; however, the damage that would be done by the removal of the Event Centre would be worse. The general consensus from this meeting was that we did not have enough information from OLG at the time to know what a casino with expanded gambling may actually look like, what free amenities would be provided and what if any benefits or detriments there would be and that only after we had a clear understanding of same could a decision be made on accepting a casino.

E. Site Selection for the Community Arena and Event Centre

34. The City next retained PricewaterhouseCoopers (“**PwC**”) to prepare two reports in respect of the site of the Event Centre. The first report was titled “Feasibility and Business Case Assessment” and the second “Site Evaluation Assessment”. I and the BIA were consulted by City Staff and PwC for input into both reports. We were asked by the PwC consultant about the impact of the existing arena on Downtown businesses. We explained the effect it has on our restaurants in particular. This has a trickle-down effect, as Downtown white-collar businesses tell us that the major reason why they choose the Downtown

- as a location is access to great restaurants. Those white-collar workers are a key driver for many of our retail businesses. A loss to any link in that chain would be extremely detrimental to all of our businesses.
35. The first PwC report was completed on February 21st, 2017 and presented to Council on March 7th, 2017. I attended this meeting. This report included a proposed site evaluation matrix of 8 weighted factors. The public was not permitted to make any submissions in respect of this report at this meeting and were advised that they could only listen to the debate.
 36. In early April myself, Maureen Luoma, Executive Director of the BIA, and Brian McCullagh, Vice Chair of the BIA, found out that Council was intending to revisit the selection matrix. We spoke with several councillors in respect of the 8 weighted factors of the site evaluation matrix and asked them to specifically maintain “City Building” and “Economic Benefits” as the lead factors, as we viewed these to be the most important long-term factors to the economic and cultural growth of our City.
 37. On April 11th, 2017, before the completion of the “Site Evaluation Report” and its release to the public, Council reconsidered the previously approved matrix and weighting factors with a view to changing them. The public was not given an opportunity to provide input at this meeting. During the meeting, Councillors were asked to vote on changing the importance of the criteria PwC had used to make its decision. During the meeting, Councillor Kirwan repeatedly downplayed the importance of voting on criteria or conducting a study:

[when questioned as to whether he had technically voted on the first set of weighted criteria presented to Council] 4:33: **“I don’t think it makes any difference though”**.

[when discussing a change in criteria] 5:47: “So, at the end of the day, if someone tells me that you’re going to get the top three locations and you’re going to have to debate on it then I’m fine **I don’t care what you do with this weighting** because you know they’re going to come out pretty close...”

At this point it had become exceedingly clear that Councillor Kirwan had already decided that the Kingsway was the best site and would not be swayed by any evidence or expert advice.

Attached to Affidavit of Thomas Gary Fortin (the “**Fortin Affidavit**”) at Exhibit “21” is a copy of a video of these comments.

38. During the site selection process, the BIA corresponded with other BIAs across Ontario and found that several had provided capital donations in respect of similar projects in their communities as part of their bids for their preferred site(s). Given the great importance the Event Centre held to the hospitality businesses in the Downtown, which are, in turn, a key driver of foot traffic for other Downtown businesses, we determined a financial contribution from the BIA was appropriate, and that \$1.5 million would be an appropriate amount to contribute over a 25-year term. Because this funding was outside the term of our Board, we took it to the general membership for approval. We informed Ron Henderson as the special adviser to the CAO on the Event Centre project that we would be bringing this to our membership, and then provided him with the minutes of our general membership meeting.
39. Based on this research, to make the Downtown more attractive as a location for the Event Centre, the BIA agreed to provide a large long-term capital donation for same, being an increase in the annual levy as per a suggested

- schedule over 25 years totalling \$2.2 million, which, as PwC advised in its second report, would have a current day value of \$1.5M. A copy of this schedule is attached hereto as **Exhibit "I"**.
40. Prior to the release of the final PwC report, I learned from a news article dated June 13th, 2017 that the owner of one of the competing sites had signed a Letter of Intent with a casino operator, Gateway Casinos and Entertainment Ltd. ("**Gateway**"). This site is located in an industrial park on the Kingsway and owned by local developer Dario Zulich ("**Zulich**"). This news release stated that Gateway proposed to build a new casino with expanded gambling on the Zulich lands on the Kingsway if Council agreed to locate the new Event Centre there as well. There was no mention of whether or not the new Event Centre would be built at no cost to the City. This proposed complex, later known as the KED, was alleged to include a new hotel/convention centre as part of its proposed regional entertainment district. Attached to the Fortin Affidavit at Exhibit "24" is a copy of this article.
41. This greatly concerned me, as this was the first time I had ever heard about a new casino being linked to the site selection process for the Event Centre. The long and consistent process undertaken by the City and involving the community at large had produced strategic economic plans that emphasized that new sports and entertainment facilities like the Event Centre or a hotel/convention centre would be key to encouraging further economic investment in the Downtown. I was also concerned that if the proposed complex was approved for the KED site, the Downtown would incur serious economic

- harm and would lose its ability, as a whole, to successfully compete for other planned capital projects and improvements. I shared these concerns with PwC.
42. On June 27, 2017, I attended the Council meeting whereat the final Site Evaluation Report by PwC was presented and discussed. Once again, the public was advised by the Mayor that they could not participate but only listen to the debate.
43. I was pleased to see that, notwithstanding Council's efforts to amend the site evaluation matrix, PwC had continued to recommend the Downtown for the new Event Centre.
44. However, when Council considered the motion to locate the Event Centre in the Downtown, it was defeated by a tied vote (6-6). A resolution to support the KED but only with iron clad guarantees that Zulich would build all the additional amenities that had been promised was also defeated. The third option to approve the KED without guarantees was, to my surprise, approved. I had assumed that every Member of Council would want these guarantees before agreeing to relocate the Event Centre. Attached to the Fortin Affidavit at Exhibit "31" is a copy of the resolutions.

F. Response to Potential BIA Opposition by Council

45. On June 28th, 2017, the day following the passing of the June 27th, 2017 resolution, I was contacted by Councillor Robert Kirwan via Facebook Messenger and a phone call. The Councillor wanted me to respond to a rumour on the public Facebook group that he moderates called the "Valley East Public Group" (the "**Valley East Page**"). According to the Councillor, this rumour

- apparently stated that the BIA would be challenging the June 27th, 2017 decision. I refused to respond to his request for confirmation as the Board had not yet discussed its options in respect of same. When I refused, though no response had yet been discussed at the time, the Councillor stated, both on Facebook Messenger and over the telephone, that there would be a "real backlash against the Downtown" for the BIA's supposed opposition. I took these statements as threats against the Downtown and informed him Council had a long way to go to mend the broken relationship. Attached hereto and marked as **Exhibit "J"** is a copy of these messages.
46. Members of the BIA met to discuss our options in the lead up to the statutory public meetings of the Planning Committee. I was asked by the Board to explore options to challenge the proposed development on grounds that it goes against the Downtown Master Plan. Through this process we became aware of a challenge that was being mounted by Tom Fortin. I met with Tom to discuss his plans to challenge the KED development and concluded that our views were tightly aligned on this. Tom met with the BIA and the Board decided to work with him on our approach to this appeal.
 47. Councillor Kirwan's Valley East Page functions as a local news and information site. He posts on this Page under the profile of Councillor Robert Kirwan and many people take his posts very seriously.
 48. On January 21st, 2018, Councillor Kirwan posted a link to the BIA's webpage titled "Who is the BIA?" in response to a query from a member of the public who wanted to "show [his] wrath" to the businesses that opposed the KED

- development. Attached to the Fortin Affidavit at Exhibit “58” is a copy of the original post and Councillor Kirwan’s response.
49. On March 13th, 2018, Councillor Kirwan was interviewed on the local CBC radio station. In this interview, he claimed that the BIA and any other businesses in opposition to the KED development could be subject to a “countersuit” by Zulich. Attached to the Fortin Affidavit at Exhibit “68” is a copy of this recording.
50. On several occasions following our correspondence on June 28th, 2017, Councillor Kirwan repeated on his Valley East Page and in the press that the Downtown would face serious consequences if it objected, continued to object, or cooperated further with Mr. Fortin in any appeal of the KED project. Councillor Kirwan’s continued harassment of the BIA via his Page provoked continuing animosity by his followers, resulting in declarations of a boycott of Downtown businesses. Councillor Kirwan has continued to post inflammatory content regarding opposition to the KED. Attached hereto and marked as **Exhibit “K”** and attached to the Fortin Affidavit at Exhibits 53, 57, 59, and 63 is a selection of such comments.

G. Statutory Public Meetings

51. I attended the public meetings of the Planning Committee held on January 22nd, March 26th, and March 28th, 2018 as well as the Council meeting on April 10th, 2018 when Council adopted all the subject by-laws. In my opinion, these were not meetings where the majority of Council genuinely wanted to hear and consider the views of the public opposing the KED before making their decisions. I expressed concern that this project was not being treated as a new

- development zone, as it was clear from City reports and the various promotional materials that the KED was being treated a new district, to the point of it being the name of the project. In my opinion this would replace the Downtown as the City and Region's entertainment district. However, the impact of this displacement on the Downtown was not being professionally studied as such.
52. I also expressed my concern about the methodology of these meetings, as it seemed that the casino and Event Centre were being treated as separate projects rather than as a single or joint development, apparently depending on what best helped enlist support for the project. Members of the public were told to speak only to either the Casino or the Event Centre depending on the meeting, but not to both. However, in the proposals for each it was clear that they were linked. Members of the public were also repeatedly restricted to a narrow scope on their comments and were not permitted to give their views on whether the site chosen for the Event Centre and the KED as a whole was appropriate. Additionally, a cap of 5 minutes was placed on each member of the public's statements. It was clear to me and many members of the public that they were not adequately consulted nor that the City had done the due diligence necessary to create a new entertainment development district. Councillor Kirwan spoke at the meeting summarily dismissing any input made by members of the public as not being valid.
53. During much of the process of the Event Centre debate, it was clear that Councillor Kirwan was acting as the leader and lead voice on Council. I had

several conversations with the Mayor and his chief of staff Melissa Zanette about how Councillor Kirwan was controlling the debate and public perception of the validity of each proposal and the planning process and was leaving the public with a skewed view of the realities of the project, as well as creating animosity in the community. I recommended the Mayor take a stronger role in guiding the debate and ensuring a fair and open process, and to admonish Councillor Kirwan for the animosity he had created. The Mayor and Ms. Zanette both advised me that they were unable to keep Councillor Kirwan's comments in keeping with the Council's Code of Conduct or keep him from posting threats and skewed information on his Valley East Page. On several occasions Ms. Zanette expressed concern that Kirwan was controlling the direction of Council by being far more available to the press and via his Page. Attached hereto and marked as **Exhibit "L"** is a copy of this Code of Conduct.

H. Proposal to Disband the BIA

54. On May 4th, 2018 the BIA and the Applicant Tom Fortin filed appeals with the Local Planning Appeal Tribunal ("**LPAT**"). At this point Councillor Kirwan threatened to disband the BIA.
55. Subsequent to the BIA's AGM on February 22nd, 2018, at which the membership voted on whether to contribute to the above-referenced appeal, Ed Archer, CAO of the City, asked to meet with myself, Ms. Luoma, and Mr. McCullagh. During this meeting, Mr. Archer advised that, should the BIA move forward with its contribution, Council could reject our budget, or have me removed as Chair of the BIA. I replied that Council would be firing me from a

- volunteer position. He then told me that, while I had a lot of potential in the City, this fight would ruin my potential.
56. I have personally received attacks and endured disparaging comments about myself as a result of my opposition to this project. Many of these comments echo false statements about my personal motives for defending the Downtown's position on the KED.
57. Members of the BIA who have done business with the city in the past and stood with the BIA through this process have reported to me that they have seen that business disappear following their statements opposing the KED and in favour of the BIA.
58. Because of the animosity from certain Councillors, prior to the municipal election in October 2018, I opted not to continue as Chair of the BIA. It was becoming clear that the BIA would continue to be attacked for its opposition to the KED by Councillors Kirwan and Leduc. While I stayed on at the request of the rest of the Board to manage the BIA's involvement in the LPAT process, it was clear that the attacks would continue, and it was better to have more neutral members of the Board take the lead in communications with the city.
59. In order to protect our rights to apply to the Superior Court to quash all of the subject by-laws, on the grounds that Council had fettered its discretion and acted in bad faith, should LPAT rule it did not have jurisdiction to make such a ruling, our lawyer advised it was necessary for us to file with the Court, but not serve the City, our Notice of Application. Our lawyer did so on April 8th, 2019.

60. On May 16th, 2019, Councillor Kirwan posted on Facebook, threatening to disband the BIA and falsely claiming that we were pursuing a court action, even though at this time we had only filed the said Notice of Application to protect our rights. This prompted a special Board meeting of the BIA. Attached hereto and marked as **Exhibit "M"** is a copy of this post.
61. On May 22nd, 2019, Councillor Kirwan called for the dissolution of the BIA in articles published in the *Sudbury Star* and *CBC News*. These articles were followed by an opinion editorial by Councillor Kirwan published on May 24, 2019 in the *Sudbury Star* in which he advised that the BIA should be dissolved to ensure that the Applicant Tom Fortin was isolated in his Application to quash the subject by-laws approving the KED. Attached to the Fortin Affidavit at Exhibit "89" is a copy of this article.
62. On May 23rd, 2019, Councillor Geoff McCausland attended a special BIA Board meeting to discuss our involvement in the proposed litigation. At this meeting, he informed the BIA that he thought that we would lose a vote and be dissolved if we proceed with the Application. He further advised that he was told specifically by Councillor Joscelyne Landry-Altmann to warn the Board that we would be disbanded if the litigation proceeded. Councillor Landry-Altmann is a strong supporter of the KED.
63. On the same day, Councillor Mark Signoretti, who is supportive of the Downtown and the BIA in general and not supportive of the KED, called me to confirm that if the BIA chose to proceed with the Application, a majority of

- Council would vote to disband the BIA, as the majority of Council did not want the BIA to pursue this Application against the City.
64. On July 9th, 2019, Councillor Bill Leduc proposed a motion designed to prohibit the BIA from launching or participating in any litigation actions, including 15 ongoing LPAT appeals, against the City. This motion specifically targets the Downtown BIA and states that it was proposed because the “Downtown Sudbury Board of Management ... has supported appeals before the Local Planning Appeal Tribunal with regard to the Kingsway Entertainment District project and is a party to litigation against the City”. The Councillor chose to pull the motion and it was not voted on at the meeting. Attached hereto and marked as **Exhibit “N”** is an excerpt from the agenda of this meeting with the proposed resolution.
65. After discussions with the BIA board, I informed Mr. Petch that the BIA would not proceed with the Application by letter dated August 2nd, 2019 due to the repeated and real threats of disbandment or restrictions on the operation of the BIA. Upon receipt Mr. Petch telephoned me and suggested that he not act on these instructions until we had an opportunity to meet following the LPAT Case Management Conference scheduled in Sudbury for August 8th, 2019. I and Mr. McCullagh, Vice Chair of the BIA, met with Mr. Petch as scheduled and we agreed that we would defer our instructions until our complaint to the Integrity Commissioner about Councillor Kirwan’s (the “**Complaint**”) actions referred to below had been considered. Attached hereto and marked as **Exhibit “O”** is a copy of our letter to Mr. Petch.

I. Complaint to the Integrity Commissioner

66. At a special board meeting on May 23rd, 2019, the Board of the BIA resolved to file the Complaint with the Integrity Commissioner regarding the repeated attacks by Councillor Kirwan against the BIA and its members. This Complaint also detailed the many misleading Facebook posts made by the Councillor in which he ascribed imaginary motivations to the BIA in respect of this litigation. Needless to say, these ascribed motivations were well outside of any real or stated motives of the BIA, myself, or its members. A copy of the Complaint is attached hereto as **Exhibit "P"**.
67. On September 3, 2019, the Integrity Commissioner released his report into the multiple complaints against Councillor Kirwan under the City's Code of Ethics. Attached to the Fortin Affidavit at Exhibit "91" is a copy of this report.
68. On September 19th, 2019, Councillor Leduc called me to advise that he planned on re-introducing the motion against the BIA. I outlined to the Councillor that (a) the BIA is funded by its members, not Council, (b) the BIA had the support of its members in filing the appeal with LPAT, and (c) reiterated that, due to regular threats from Council members to the BIA, we had chosen not to continue to participate in the litigation. Councillor Leduc said he was going to go forward with his motion anyways to prevent the BIA from "interfering" with further council decisions. A copy of our email to Mr. Petch dated September 16th, 2019 is attached hereto and marked as **Exhibit "Q"**.
69. The Integrity Commissioner presented his report to Council on September 24th, 2019. It was clear to me when watching the Commissioner's presentation that

- he did not carry out a thorough investigation of Councillor Kirwan's actions or understand the differences between a Facebook Group and a Profile or Page. The Commissioner conceded such to Council and that his report was inadequate. However, he held that Councillor Kirwan's actions in respect of the other complaints were so obvious that a full investigation of the Complaint and other complaints did not warrant an investigation. The Commissioner noted that that when he interviewed him Councillor Kirwan was not apologetic, which concerned him. In the Council meeting Councillor Kirwan refused to apologize, was combative and advised he would "punch back" if necessary in the future. The video of this portion of Council's meeting is attached in the affidavit of Tom Fortin at Exhibit "92" thereto.
70. The Commissioner recommended that Councillor Kirwan be reprimanded. The resolution of reprimand was passed with a majority of 10-2, with Councillors Kirwan and Leduc voting against the motion. It was surprising to me that the Mayor allowed Councillor Kirwan to vote on the motion.
 71. I and the BIA had hoped for more clarity from the Commissioner regarding Councillor Kirwan's repeated threats against the BIA. Due to this vagueness, the Board again discussed its position on the Application, but decided not to join Mr. Fortin in his litigation against the City under threat of disbandment by Council.
 72. At the Council meeting dated September 24th, 2019, Councillor Leduc again attempted to introduce the aforementioned resolution to disband the BIA. The motion was not voted on again at this meeting because Council meeting ran

- out of time. Attached hereto and marked as **Exhibit “R”** is an excerpt from the agenda of this meeting with the proposed resolution.
73. The BIA’s withdrawal from these proceeding should not be interpreted that the BIA is not vitally concerned about the proposed casino, its connection to the new Event Centre and the loss of the Downtown Event Centre to the KED which in my view and that of the BIA Board will cause social problems and irreparable economic harm to the Downtown. Members of the BIA simply wanted an opportunity to address Council fairly on these matters, without receiving any threats in response, and with the knowledge that their views would be genuinely taken into account when Council made its various decisions. They were never given that opportunity.
74. They also wanted assurances that, before making any decisions, Council would seriously consider their concerns and would retain independent expertise to provide advice on the social issues relating to gambling and the economic impact of the KED development on the Downtown and the City’s economy as a whole. This also never occurred. Such a request seemed reasonable and consistent with and to be expected given the previous 16 years of collaboration and serious study of these various issues which recommended a totally different result.

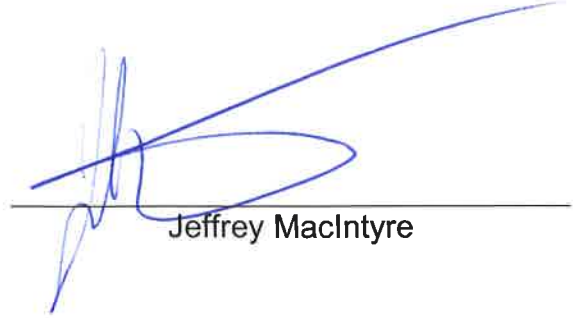
75. This Affidavit is sworn in support of the instant Application and for no other or improper purpose.

SWORN/AFFIRMED BEFORE ME at)
the Town of Oakville, in the Province of)
Ontario, this 18 of October, 2019.)

A Commissioner & etc.)



A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.



A handwritten signature in blue ink, featuring a large, sweeping horizontal stroke and a vertical stroke, positioned above a horizontal line.

Jeffrey MacIntyre

THIS IS **EXHIBIT "A"** TO THE AFFIDAVIT
OF **JEFFREY MACINTYRE**,
SWORN THIS **18TH** DAY OF **October, 2019**.



A Commissioner, & etc.

June 26, 2017

CITY OF GREATER SUDBURY

200 Brady St.
Sudbury, ON
P3A 5P3

Dear Council Members:

As the Property Management company for the Landlord at 30 Cedar and 65 Larch we have been working diligently to prepare a recommendation and costing for both buildings with respect to the current and future requirements. We are looking at all aspects of the buildings including the current tenancy, future potential tenancy, building infrastructure and the role these buildings serve in the community.

30 Cedar is an iconic building in Downtown Sudbury and one we feel should be the hub for the financial core. For that to become a reality we understand that there is an expectation from our current tenants and potential tenants with respect to services provided by the building. Our investigations have again and again lead us back to a common theme being parking and the lack of accessible parking.

In response to this we have undertaken to provide to the Landlord a proposal for the construction of an elevated parking structure to fulfill the current and future needs of the building with respect to parking. We have attached a copy of the preliminary design proposal provided to us by SP+ Corporation. The final design is still under consideration and the ratio of daily paid parking and reserved parking is one that would be related directly to tenancy and one that would be modified as those requirements change. We also understand that there is a large demand for reserved parking from other businesses in the downtown core and one that as we progress with the design we will take into consideration.

Our building at 65 Larch is primarily a medical building and the existing parking is also under pressure. Many of our tenants and their staff do not use the lot across Medina Lane to free up parking for their patients. Again, we recognize a need and have completed the same investigation into the potential of erecting an elevated parking structure behind 65 Larch Street.

This location has some additional interesting opportunities we have identified during our discussions and investigations. We have not incorporated these into our preliminary design as there are too many what if's and too much speculation to proceed down that path. We have only instructed the consultant at this time to look at the building's needs. We have attached a copy of the proposal from SP+ for the 65 Larch location as well.

Understanding that this is still very early in the process we do recognize the importance that these structures will have with respect to the opportunities to attract new tenants and provide a greater level of service to our tenants and their clients.

We must be able to prove the financial model to the Landlord and any potential investors to be able to justify such a large investment into the buildings. Currently not part of the financial model being proposed to the Landlord due to the uncertainties of the future of the downtown the opportunity to add the potential revenue from the existing Sudbury Arena or proposed new Downtown Event Center would be a major influence in the feasibility and design of these builds.

Kind Regards,



Jim Searle
Encl.



Newton Parking Structures

Base Price:

3.5 level parking structure according to the design drawings
Total of **234** stalls

Total Cost Budget: + HST

Based on the current space and car calculations, this is equivalent to:

Cost per parking space + HST

Budget Option Price:

297m2 of retail shell as indicated on the preliminary drawings:

Total Budget Option Price: HST

We would like to reiterate the lower maintenance costs on our CANADACAR Parking Structure due to the ultra-high performance concrete. Maintenance costs are about 90% LESS than conventional concrete structures and therefore our parking structure will significantly reduce the costs for the owner over the life span of the building.

Thank you for the opportunity to provide this quotation. Please don't hesitate to contact us for further discussion or clarification. We look forward to working with you on this project.

Yours truly,

A handwritten signature in black ink, appearing to read "Cam Krajcik", written in a cursive style.

Cam Krajcik
Construction Engineering Manager

NEWTON PARKING STRUCTURES
Division of Newton Group Ltd.



Newton Parking Structures

Base Price:

3.5 level parking structure according to the design drawings
Total of **345** stalls

Total Cost Budget: **HST**

Based on the current space and car calculations, this is equivalent to:

Cost per parking space **HST**

We would like to reiterate the lower maintenance costs on our CANADACAR Parking Structure due to the ultra-high performance concrete. Maintenance costs are about 90% LESS than conventional concrete structures and therefore our parking structure will significantly reduce the costs for the owner over the life span of the building.

Thank you for the opportunity to provide this quotation. Please don't hesitate to contact us for further discussion or clarification. We look forward to working with you on this project.


Yours truly,

A handwritten signature in black ink, appearing to read "Cam Krajcik", written in a fluid, cursive style.

Cam Krajcik
Construction Engineering Manager

NEWTON PARKING STRUCTURES
Division of Newton Group Ltd.

**THIS IS EXHIBIT "B" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**



A Commissioner, & etc.

**MEETING OF THE COUNCIL
OF THE CITY OF GREATER SUDBURY**

**Council Chamber
Tom Davies Square**

**Tuesday, November 24, 2015
Commencement: 4:00 p.m.**

DEPUTY MAYOR SIZER, IN THE CHAIR

Present

Councillors Signoretti, Vagnini, Montpellier, Dutrisac, Kirwan, Lapierre (A. 5:02 p.m.), Jakubo, Sizer, McIntosh, Cormier, Reynolds, Landry-Altman, Mayor Bigger

City Officials

Caroline Hallsworth, Executive Director, Administrative Services/City Clerk

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None declared.

Closed Session

The following motion was presented:

CC2015-374 Jakubo/Cormier: THAT the City of Greater Sudbury Council move to Closed Session to deal with one (1) Acquisition or Disposition of Land Matter (239(2)(c)) regarding Surplus School Board Properties; one (1) Acquisition or Disposition of Land / Litigation or Potential Litigation Matter (239(2)(c) and (e)) regarding Barrydowne Arena Lease Negotiations; one (1) Solicitor - Client Privilege Matter (239(2)(f)) regarding Elgin Street Watermain Improvement Project; one (1) Personal Matter (Identifiable Individual(s)) (239(2)(b)) regarding an Employment Matter, and one (1) Labour Relations / Employee Negotiations matter (239(2)(d)) regarding 2016 Negotiations with CUPE and its Locals 4705 and 148, all in accordance with the Municipal Act, 2001.

CARRIED

Rules of Procedure

THAT the order of the agenda be altered to move Item C/M-5 to be the first item on the agenda.

CARRIED BY TWO-THIRDS MAJORITY

Rules of Procedure

THAT the order of the agenda be altered to move Item C/M-4 to be the second item on the agenda.

CARRIED BY TWO-THIRDS MAJORITY

Recess

At 5:25 p.m., Council recessed.

City Council 2015-11-24

(1)

Reconvene At 6:03 p.m., Council commenced the Open Session in the Council Chamber.

HIS WORSHIP MAYOR BRIAN BIGGER, IN THE CHAIR

Present Councillors Signoretti, Vagnini, Montpellier, Dutrisac, Kirwan, Lapierre, Jakubo, Sizer, McIntosh, Cormier, Reynolds, Landry-Altmann, Mayor Bigger

City Officials Kevin Fowke, Interim Chief Administrative Officer/ Director of Human Resources & Organizational Development; Tony Cecutti, General Manager of Infrastructure Services; Paul Baskcomb, General Manager of Growth & Development; Caroline Hallsworth, Executive Director, Administrative Services/City Clerk; Eric Labelle, Assistant City Solicitor; Ron Henderson, General Manager of Assets, Citizen and Leisure Services; Ed Stankiewicz, Acting Chief Financial Officer/City Treasurer; Trevor Bain, Chief of Fire and Paramedic Services; Marie-Catherine Edsall, Communications & French Services Advisor; Vasu Balakrishnan, Interim Senior Auditor, Liana Bacon, Legislative Compliance Co-Ordinator; April Antoniazzi, Clerk's Services Assistant

MOMENT OF SILENT REFLECTION

ROLL CALL

DECLARATIONS OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Councillor Lapierre noted that he had a conflict of interest with item CM/5 from the Closed Session and had not attended that portion of the Closed Session.

PRESENTATIONS

Item 1
Greater Sudbury
Development
Corporation Board
of Directors Report dated October 27, 2015 from the General Manager of Growth & Development regarding Update from the Greater Sudbury Development Corporation Board of Directors.

Dr. Darren Stinson, GSDC Board Chair, provided an electronic presentation regarding Greater Sudbury Development Corporation Board of Directors for information only.

Item 2
Downtown Master Plan
Ten Year Implementation
Plan Update Report dated November 4, 2015 from the General Manager of Growth & Development regarding Downtown Master Plan Ten Year Implementation Plan Update.

Kris Longston, Senior Planner, provided an electronic presentation regarding Downtown Master Plan Ten Year Implementation Plan Update for information only.

**THIS IS EXHIBIT "C" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**



A Commissioner, & etc.

Modernizing Lottery and Gaming in Ontario



STRATEGIC BUSINESS REVIEW / ADVICE TO GOVERNMENT

This document contains forward-looking statements about our expected or potential future financial performance. For us, forward-looking statements include, but are not limited to, statements about possible transformation initiatives; our future revenue and profit guidance; and other statements about future events or conditions. Forward-looking statements are not guarantees of future performance and involve risks and uncertainties that could cause actual results to differ materially from those projected.

TABLE OF CONTENTS

INTRODUCTION

Brief description of process of the OLG review from government direction to stakeholder consultations and this report.

EXECUTIVE SUMMARY

Lottery and gaming are part of Ontario's entertainment and tourism attractions; OLG supports public priorities in Ontario; the challenge of sustaining the current lottery and gaming business; the vision for the future of OLG in Ontario; the value of a modernized lottery and gaming system and three recommendations on how to get there.

THREE RECOMMENDATIONS

Three broad recommendations: become more customer-focused; expand regulated private sector delivery of lottery and gaming, and increase support for responsible gambling while renewing OLG role in oversight of lottery and gaming.

APPENDIX I

Background Note: Internet and Charitable Gaming

APPENDIX II

Description of the consultation process and list of stakeholders consulted

In July of 2010 the Government of Ontario gave OLG new direction. OLG was asked to modernize commercial and charitable gaming through:

- an expansion of charitable gaming to allow bingo halls to deliver electronic games;
- a complete internet gaming platform including peer-to-peer games, selling lottery tickets and a process for private sector vendors to deliver internet gaming, with appropriate oversight;
- a comprehensive strategic review of the lottery distribution network and land-based gaming facilities.

All these initiatives were to include a commitment to socially responsible gambling—particularly age restricted access, privacy controls and maximum betting limits for the internet.

Since the inception of lottery and gaming in the province, the overall approach to the business has been reactive: gaming options have evolved over time. This is the first time that OLG has been asked to review its entire operation in a strategic way.

OLG was asked to report back to the Ministry of Finance with recommendations on this comprehensive strategic review.

STRATEGIC BUSINESS REVIEW

In December 2010, based on the government's direction, OLG launched a Strategic Business Review that included consultations with stakeholders and an extensive business analysis.

The consultation asked: "What should the gaming marketplace look like in the next three to five years, based on the best interests of Ontarians?" The Strategic Business Review team asked stakeholders to consider five principles or points of discussion:

1. Respond to the marketplace: advice about products, land-based sites and channels based on market demand and customer preferences.
2. Lessen the burden of capital costs on the public purse (within legal boundaries) and maximize the opportunity for private sector investment.
3. Commit to economic development including job creation (direct and indirect), business stimulus and investment.
4. Allow for greater flexibility such as commercial contracts and appropriate risk-sharing with third parties.
5. Clarify payments to stakeholders both in terms of the economic impact of payments as well as transparency and accountability.

The Strategic Business Review team met with over 50 stakeholder groups from across the province from December 2010 to June 2011. (For full list, please see Appendix II.)

Overall, consultations revealed that stakeholders felt that there has been significant benefit to the province from lottery as well as casinos and slot facilities over the past 20 years. However, the current model in Ontario must change substantially in order to better meet customers' needs. Stakeholders also noted that there is a need to modernize Ontario's lottery and gaming industry based on developments in other jurisdictions. There was broad consensus that the sector needs to change:

- Lottery and gaming in Ontario should become more market-driven and consumer-responsive.
- The private sector is willing to invest in gaming and take on a greater operating role.
- The lottery and gaming sector should embrace the latest in advanced technology and incorporate it into products and services.
- The role of OLG as a direct operator of all lottery and gaming should be clarified.
- OLG has the potential to be more efficient and effective.

The Strategic Business Review examined a number of research ideas proposed by stakeholders. These included new retail channels and new technology for lottery, new sites for land-based gaming and more efficient operations across the organization. This research led to three key recommendations for change:

1. Become more customer-focused.
2. Expand regulated private sector delivery of lottery and gaming.
3. Renew OLG's role in oversight of lottery and gaming.

These recommendations could achieve OLG's goal of 1365 generating greater and more sustainable Net Profit to the Province as well as economic and social benefits locally.

THREE RECOMMENDATIONS TO GOVERNMENT

1. Become more customer-focused.
2. Expand regulated private sector delivery of lottery and gaming.
3. Renew OLG's role in oversight of lottery and gaming.



GUIDING PRINCIPLES FOR TRANSFORMATION

- OLG will be a modern, efficient agency operating in the best interests of Ontarians.
- OLG will provide entertainment to Ontarians and visitors alike, while maintaining high, responsible gambling standards.
- OLG will uphold its record of regulatory compliance with standards established and enforced by the Alcohol and Gaming Commission of Ontario.
- OLG will continue to communicate openly with employees and treat them with respect.



OLG IN FUTURE

In 2017, OLG is a modern, sustainable organization. There are some 2,300 net new lottery and gaming industry jobs and an estimated 4,000 service sector jobs; about \$3 billion has been invested in private capital in Ontario; and OLG has increased Net Profit to the Province by an additional \$1.3 billion annually—all while upholding responsible gambling standards.

EXECUTIVE SUMMARY

There are two key reasons to transform lottery and gaming now:

1. Lottery and gaming are here to stay. In fact, last year a total of 8 million Ontario adults (80 percent) played the lottery at least once and 2.7 million (27 percent) visited gaming sites. But OLG’s offering could be more modern.
2. OLG contributes \$1.7 to \$2 billion in Net Profit to the Province for important public priorities, but the current model could provide more value. The long-term sustainability of that revenue is at risk, primarily due to a business model that is not serving customers as well as it could.

LOTTERY AND GAMING IN ONTARIO

Lottery and gaming have been a part of Ontario’s entertainment and tourism industries for decades. Lottery in Ontario began in 1975 with Wintario, which was designed to raise money for local community projects. In September of 1994, Ontario’s first casino opened in Windsor. Slots-At-Racetracks were launched in 1998.

On behalf of the Ontario government, OLG is responsible for 4 resort casinos, 17 slots at racetrack facilities and 5 OLG casinos, Great Blue Heron Charity Casino as well as the sale of lottery products at over 10,000 independent lottery retailers. OLG conducts and manages 6 eBingo sites. OLG directly employs about 7,700 people (and indirectly, through private sector operators, an additional 10,000 people) across Ontario.

Lottery and gaming are popular forms of entertainment in the province. Almost two-thirds of Ontarians over the age of 19 have visited a casino or slots facility at least once. Fully 80 percent of Ontario adults played a lottery game last year and about half the adult population plays lottery on a regular basis.

In 2010, the government gave OLG direction to launch internet gaming and expand charitable gaming. In charitable gaming, OLG has launched a four-way partnership between bingo halls, host municipalities, the Alcohol and Gaming Commission of Ontario and OLG to expand charitable gaming. At the same time, OLG was asked to find \$100 million in annual efficiencies. All these initiatives are currently underway and are part of OLG’s modernization plan.

OLG is the largest gaming organization – and jurisdiction – in North America, with 33 gaming sites and 10,000 lottery points of sale



Last year, a total of 8 million Ontario adults played the lottery at least once and 2.7 million visited casinos and slot facilities.¹³⁶⁸

CONTRIBUTION TO THE PROVINCE

The legislative authority of OLG is set out in the Ontario Lottery and Gaming Corporation Act, 1999 and OLG has a single shareholder, the Government of Ontario. OLG has consistently delivered profit (Net Profit to the Province) to the people of Ontario. OLG (and its predecessor organizations) has provided over \$34 billion to the Province, since 1975 (up to March 31, 2011).

OLG's Net Profit to the Province in each of the last seven years has ranged from \$1.7 billion to \$2.0 billion. In 2011–12, the profit from lottery and gaming will support health care, education and infrastructure as well as the Ontario Trillium Foundation (\$120 million), problem gambling and related programs (\$41 million) and support for amateur athletes through Ontario Amateur Sports (\$10 million).

In addition to OLG's payments to the Province, there are also several direct beneficiaries of gaming proceeds including the horseracing sector (approximately \$345 million in 2011–12), host municipalities (approximately \$92 million in 2011–12) and from both lottery and gaming, Ontario First Nations (approximately \$117 million in 2011–12).

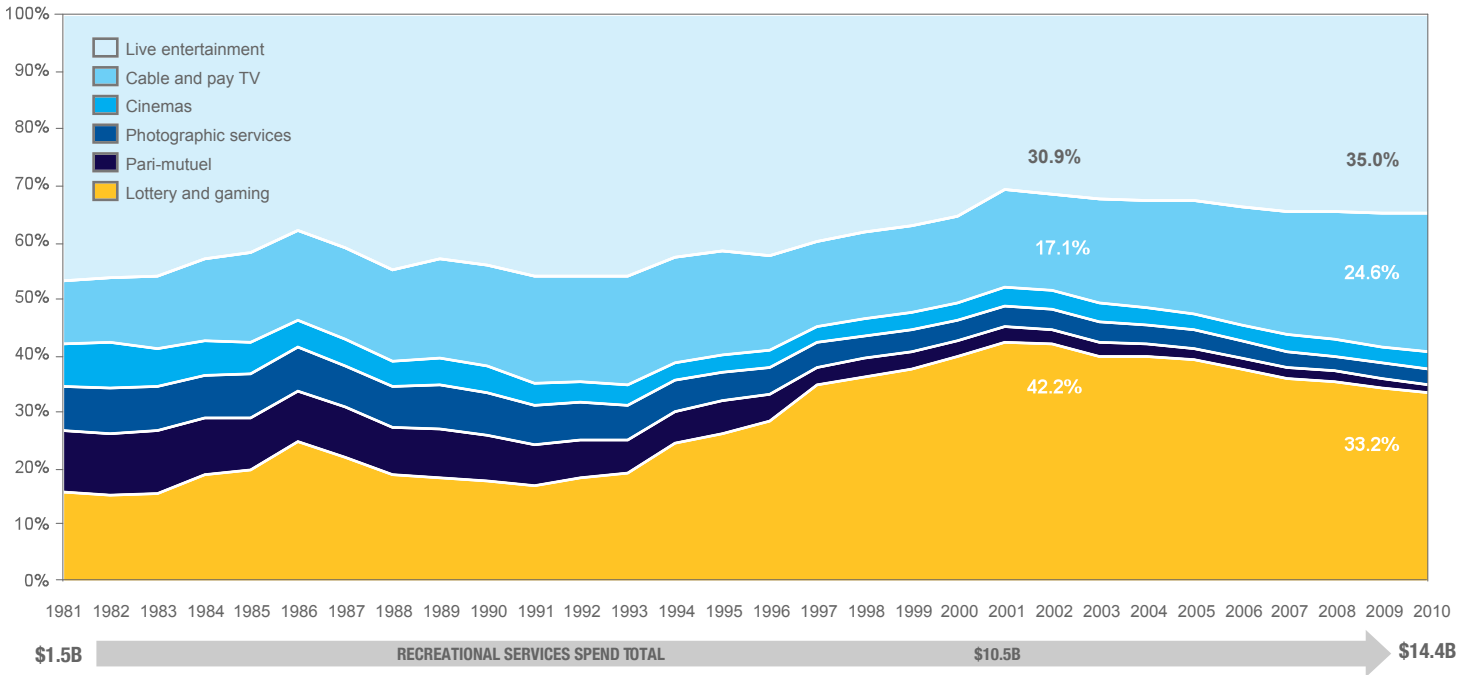
Lottery and gaming also contributes to the Ontario economy in a number of ways. In 2010–11, OLG operations generated \$3.7 billion in total economic activity in the province (OLG data, www.olg.ca).

OLG TODAY: THE CASE FOR CHANGE

While gaming and lottery playing have been well-accepted entertainment options for decades, the current OLG business model is not sustainable over the long term. Advances in technology, changes to shopping patterns, aging demographics, and declining visits from the U.S. have combined to threaten the industry and the contribution to the Province.

The lottery and casino games available in Ontario were designed in the 1970s and in the 1990s for the core gaming demographic of the time. Ontario is different now—people's interests in various recreation options have evolved. People shop differently and they play differently.

Currently there is increasing competition for customers' spending money. Live entertainment took up more share of wallet than lottery and gaming in 2009 for the first time since 2001. Cable & pay TV and live entertainment continued gaining share.



Source: Statistics Canada

Advances in technology

When casinos first opened in Ontario in 1994, e-mail was new, as was the internet. Since then, there has also been a significant increase in the technology that supports the lottery and gaming business. In some aspects of the business, OLG has not kept pace with available improvements in technology.

In addition, advances in technology have also created the opportunity for online gaming. In Ontario, an estimated \$400 million is spent annually on gaming sites not authorized in Ontario.

Changes to shopping patterns

OLG's current terminal technology limits where lottery tickets can be sold and does not fully reflect current shopping patterns. The majority of Ontario adults under 45 frequent supermarkets, big box stores and large retail locations. As a result, even though 50 percent of adult Ontarians play the lottery regularly, just 14 percent of adults under 45 play the lottery at least once a week.

Demographic shifts

About 88 percent of OLG land-based gaming revenue is from slot machines, which have limited appeal to players under 45. These players prefer table games like black jack and poker. Demand for slot machine gaming is not expected to grow and will plateau in the coming years.

U.S. Visits

In 2002, some 23 million U.S. residents entered Ontario every year. By 2011, the number declined to 7 million U.S. residents—a drop of 70 percent. Between 1998 and 2008, the number of U.S. residents entering Windsor has dropped by 74 percent.

Gaming revenues are also flattening, due to competition from neighbouring U.S. states. When casinos first opened, border communities had few gaming options. Now a number of U.S. cities in bordering as well as other states have casinos—or are planning to expand their offerings—including Chicago, Detroit, Baltimore, Boston and Buffalo as well as a number of locations in Ohio.

At the same time, OLG’s existing agreements foster internal competition, resulting in less value for marketing dollars spent. OLG resort casinos and other facilities compete with one another by marketing to the same customers.

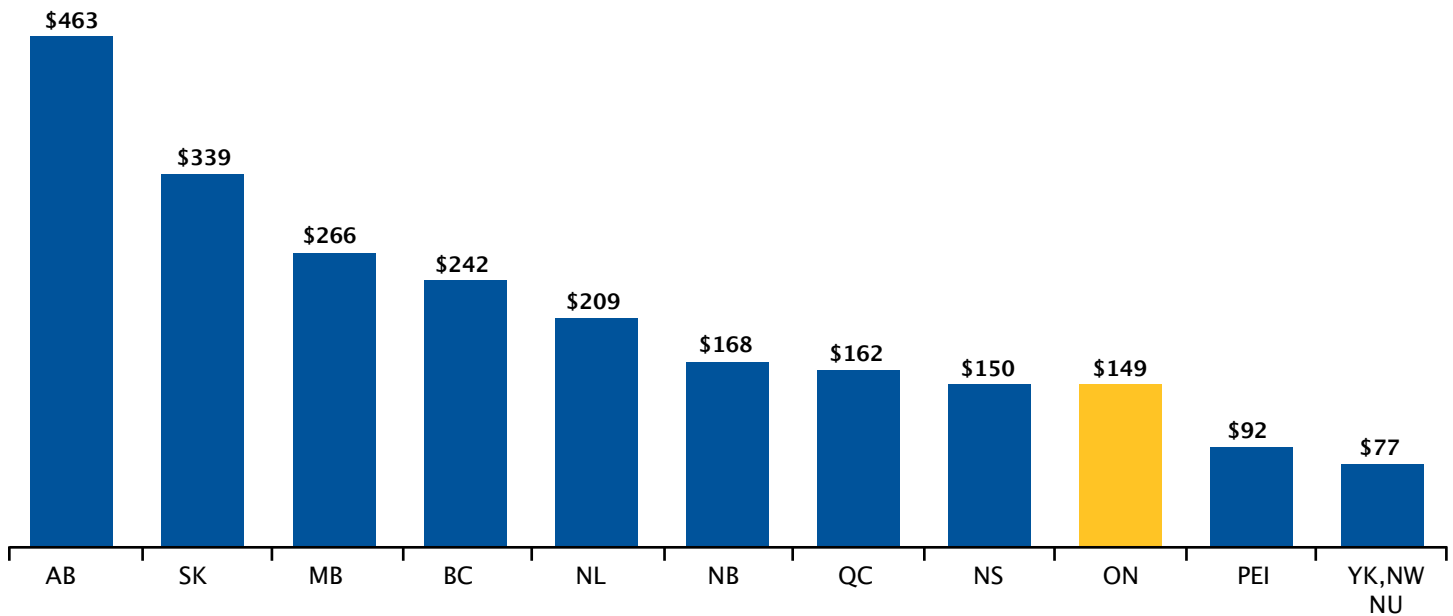
Today, investing to improve OLG’s current facilities would require government money. The Ontario government has in recent years, to positive effect, been using private partnerships to move the risk of public capital investment to the private sector. For example, some 18 hospitals are being built in Ontario through these partnerships.

The impact of all these developments on OLG business has been profound and has led to an unsustainable future for the organization. Over the past 10 years, the profits from gaming facilities close to the U.S. border have dropped from \$800 million in 2001 to \$100 million in 2011. Resort casinos alone have declined by over \$600 million.

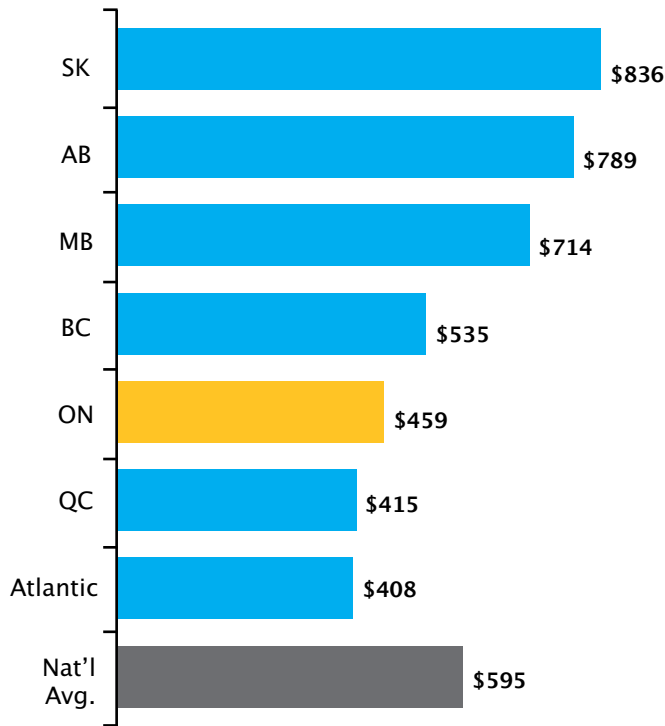
Increased lottery sales and profits from LOTTO 6/49, 1370 LOTTO MAX and INSTANT tickets have only partially offset the decline from resort casinos. These games are also beginning to plateau in terms of sales—due partially to the decline in players under 45.

Based on per capita gaming profit in other Canadian provinces, the people of Ontario do not derive comparable benefit from lottery and gaming. If the customer base was significantly broadened, meaning more people playing a little, the province could benefit. On average, the lottery and gaming industry returns about \$220 to every resident of Canada. Ontario, on the other hand, contributes about \$149 per capita. B.C. and Alberta have seen considerable growth in the last five years, while Ontario’s and Quebec’s growth has been flat. By becoming more innovative, OLG could be more efficient and effective.

Net Profit to the Province per Capita 2011



Net Gaming Revenue per Adult 2011



Sources: Saskatchewan Lotteries Trust Fund Financial Statements, Alberta Gaming and Liquor Commission Annual Report, Manitoba Lotteries Annual Report, BCLC Annual Report, OLG, Loto-Québec Annual Report, Atlantic Lottery Corporation Financial Statements and OLG analysis.

In terms of gaming revenue, OLG's performance is average¹³⁷¹ compared to other Canadian provinces. Ontario ranked fifth in net gaming revenue per adult in 2010.

In recent years, OLG has maintained Net Profit to the Province to government in the absence of substantial new opportunities. However, without fundamental change, the Province should expect a gradual decline in revenue.

Most single or one-off options to improve sustainability, modernize the business and improve profit to government will not produce the best results. For example, simply reducing staffing levels would reduce costs but would not help improve the customer experiences or deliver innovation. OLG's current operating model for lottery terminals and supporting technology could be updated but it would be costly to replace the outdated infrastructure with public funding.

Over the next five years, simply maintaining existing OLG infrastructure will require an additional investment of \$1 billion in public funds. Major improvements to transform and modernize OLG's infrastructure could cost taxpayers up to \$3 billion.

Substantial change to the business within the current model could be costly, risky and unpalatable to many stakeholders. In one potential scenario, by 2017, due to the declining participation of younger adult players, the impact of technology and cross-border competition, annual profit to government could decline by \$400 million.

OLG IN THE FUTURE

In the future, OLG will be an efficient, modern organization committed to delivering sustainable lottery and gaming entertainment that serves the needs of Ontario players and visitors in a way that benefits the province, its communities and its people while leading North American funding for responsible gambling.

Combined with previously announced plans for iGaming and efficiencies, this proposed reform could see key public priorities like health care and education benefit from additional annual Net Profit to the Province of \$1.3 billion by 2017. Over the six-year period of the transformation, OLG will provide an additional \$4.6 billion to the Ontario government.

Employment will grow by over 2,300 net new jobs in the industry (in new gaming facilities and related amenities as well as in digital gaming design and management) as well as an estimated 4,000 service sector jobs in hotels, restaurants, entertainment centres and retail.

Ontario will continue to be a North American leader in responsible gambling—and support for research and treatment will increase.

As overall revenues increase, Ontario's First Nations communities will also continue to receive financial benefit from the industry—at a level higher than today's. Host municipalities would have a consistent model for funding support but overall will receive more than the current level, based on planned growth.

Ontario will see an additional \$3 billion in new private sector capital investment in the province. The capital costs of expanding, improving or simply maintaining gaming facilities will not be carried by taxpayers. The private sector will take on the role of building new gaming facilities or expanding existing ones. The costs to the

public to own and operate lottery and gaming will be significantly reduced. Regulated private sector providers will help define where the market for new facilities exists, consistent with government policy, responsible gambling standards and municipal approval. OLG and the government will retain the right to approve the location of any new site.

OLG will become a more sustainable organization that ensures that Ontario residents and visitors can play more innovative and fun games in a responsible way. OLG will continue to be the lead agency for lottery and gaming in Ontario, but no longer be directly delivering all lottery and gaming services. The future OLG will set standards for the customer experience, but allow the private sector to decide specifics. OLG will set standards for access, integrity, security and responsible gambling. In the long term, OLG will likely have a small operational footprint—it will do less. The organization will instead focus on core customer management, delivering a leading responsible gambling program, as well as overseeing the regulated private sector providers and the implementation of government gaming policy. Ultimately, Ontarians will benefit from a more effective, more valuable operation.

The tourist experience of gaming entertainment in Ontario will be enhanced. It will be easier for Ontario businesses to participate with OLG in lottery or gaming-related opportunities. OLG will become a more efficient organization focusing on well-defined control and oversight functions, rather than day-to-day operations.

HOW DO WE GET THERE?

This report makes three recommendations for systemic change. If followed as a whole, these recommendations will profoundly change the lottery and gaming industry in Ontario, rendering it more sustainable, more efficient and more valuable for the people of the province.

ONE / Become More Customer-Focused

Like any commercial operation, OLG needs to be responsive to customers. Gaming across the province needs to better reflect what customers want and should be closer to them.

OLG is recommending the expansion of lottery sales options to multi-lane retailers, including supermarkets and big box stores, while continuing to support convenience store retailers.

OLG is also recommending that government allow for the expansion and consolidation of gaming sites, based on customer interest. The government should allow gaming

facilities to be located where customers are. As part of this effort, slot facility locations should not be limited to racetracks.

As is current practice, municipalities will continue to receive financial support from the gaming operations in their communities through a portion of gaming revenue for the benefit of the community. However, OLG should introduce a consistent fee model for host municipalities. This would facilitate the introduction of a mix of games at sites. Funding levels should continue to be determined by customer volume.

TWO / Expand Regulated Private Sector Delivery of Lottery and Gaming

OLG needs to engage the private sector in building a new model for gaming in Ontario—while OLG maintains control and accountability. In order to enable efficient operations, avoid public expenditure on capital and address interest in land-based gaming, OLG should expand private sector participation in the efficient, effective delivery of casinos and gaming products. The first step would be for OLG to develop a competitive and transparent procurement process for these activities. The result would be regulated private operators selected to run existing and new sites.

OLG would manage the provincial market and the private sector would invest in it. New locations would be subject to the approval of host municipalities.

In lottery, OLG should shift the day-to-day operation of its lottery network to a regulated private sector operator. There should also be an expansion of retail options for lottery sales including multi-lanes in large stores, the internet and mobile devices. At the same time, OLG should allow for regulated private sector game development to foster innovation and increase responsiveness.

THREE / Renew OLG's Role in Oversight of Lottery and Gaming

OLG should improve both its business and infrastructure systems to appropriately manage all customer interaction from lottery to internet to casinos. This would allow the organization to more efficiently fulfill its function as a manager, protector and steward of customer information. OLG should become a leaner, more efficient organization focused on well-defined market management and oversight functions. OLG will continue to work positively

with its regulator, the Alcohol and Gaming Commission of Ontario (AGCO).

At the same time, Ontario should continue to lead the continent in responsible gambling standards and expand research and treatment support. In any expansion of lottery and gaming, OLG must continue to provide safe gaming options and commit to increased environmental practices.

These three recommendations should be seen as a comprehensive approach to modernizing the gaming sector and they should not be implemented individually. This systemic reform of the sector is substantial and it has significant implications for various stakeholders. Some of these considerations are outlined throughout the recommendation section.

The following chapter outlines in detail each of the three recommendations for the modernization of gaming in Ontario. This approach, together with OLG’s ongoing initiatives, will, by 2017–18, provide an additional \$1.3 billion in annual Net Profit to the Province and create about 2,300 net new industry jobs—and an estimated 4,000 jobs in hotels, restaurants, entertainment centres and retail.

The estimate for increased Net Profit to the Province is based on the following:

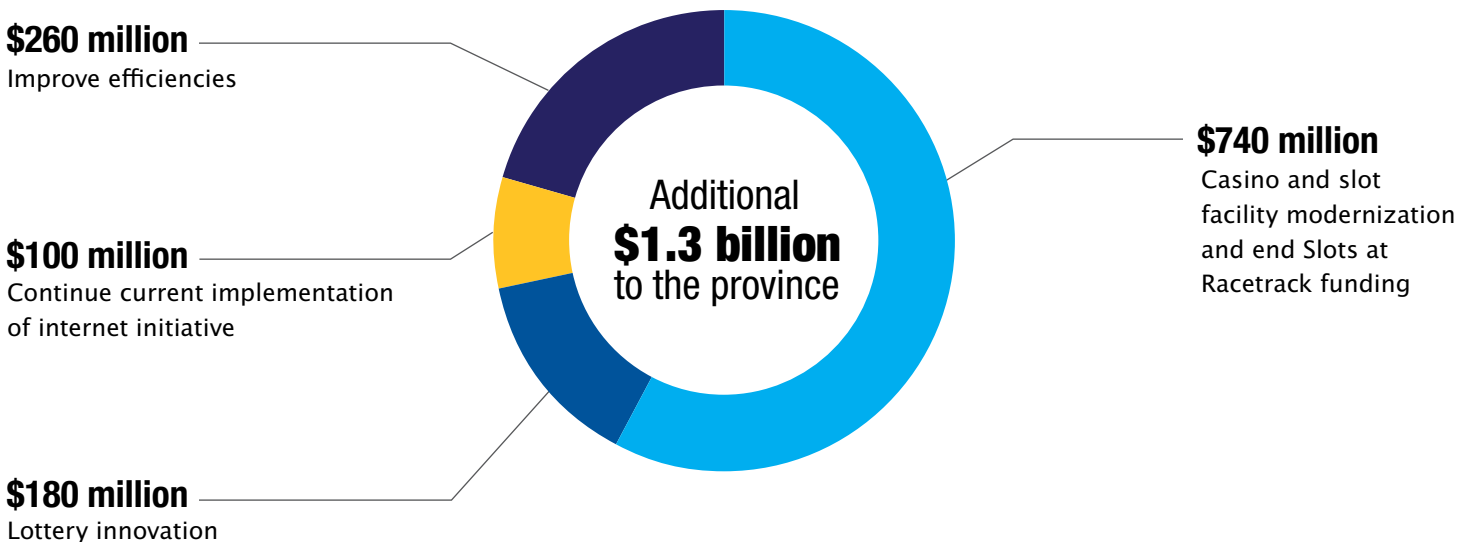
- Modernize and shift the day-to-day operation and capital development of gaming facilities to private sector; build new facilities based on customer interest; renegotiate the funding formula for municipalities to allow for a broader game offering; end the funding formula for slots at racetracks: about \$740 million increase in Net Profit to the Province annually.

- Modernize and shift the day-to-day operation of 1374 the lottery network to private sector operators; invest in new player technology; allow private sector to design lottery games; expand distribution of lottery through new channels: about \$180 million increase in Net Profit to the Province annually.
- Deliver a full range of games on the internet through an online site accessible by computer and other internet-connected devices including lottery ticket sales, interactive casino-style games (against the house) and peer-to-peer games (like poker): about \$100 million increase in Net Profit to the Province annually.
- Improve efficiencies at OLG as it focuses on being a smaller organization focused on market management and a leader in responsible gambling: \$260 million increase in Net Profit to the Province annually.

Ontario is facing a large deficit and over six years, as the plan is implemented, OLG would contribute an additional \$4.6 billion for critical services like health care and education.

All told, these initiatives would widen the appeal of gaming. OLG would broaden the player base by becoming more appealing—not increasing the amount that current customers gamble. These initiatives would also substantially reduce the amount of public capital invested in gaming sites and lottery infrastructure and encourage efficiency and innovation.

Additional Net Profit to the Province



RECOMMENDATION ONE

Become More Customer-Focused

Like any commercial operation, OLG needs to be responsive to customers. Gaming across the province needs to better reflect what customers want and should be closer to them.

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facilities to be located where customers are. As part of this effort, slot facility locations should not be limited to racetracks.

As is current practice, municipalities will continue to receive financial support from the gaming operations in their communities through a portion of gaming revenue for the benefit of the community. However, OLG should introduce a consistent fee model for host municipalities. This would facilitate the introduction of a mix of games at sites. Funding levels should continue to be determined by customer volume.

CONTEXT IN LAND-BASED GAMING

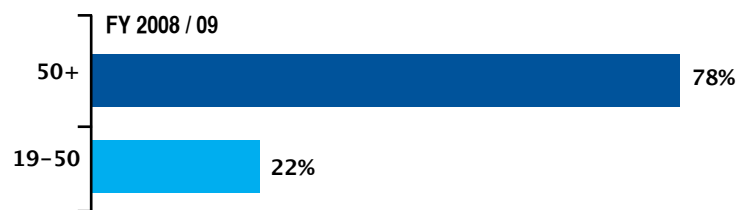
Historically, government has maintained the location and size of facilities, based on priorities that were not always responsive to customers. As a result, at some sites there are too many slot machines. In other markets however, particularly in the Greater Toronto Area, customer interest is not being met.

Three of Ontario's resort casinos, as well as five OLG facilities, are adjacent to the U.S. border, making it easier for U.S. travelers to visit. However, due to competitive U.S. casinos, the rise in the Canadian dollar, the rising price of gas and the increasing security at the border, the number of visiting U.S. customers has declined. (Sources: Bank of Canada, Ontario Ministry of Tourism, Culture and Recreation.)

Slot facilities currently, with few exceptions, are not located near population-dense urban centres—where the majority of Ontarians live.

The gaming facilities in this province were, by and large, designed over a decade ago and not only have customer preferences evolved since then, so too has technology. The customer base for gaming is aging rapidly. Adult players under 45 typically do not play slot machines. Adult customers under 45 who do visit casinos overwhelmingly prefer to play table games like black jack and poker.

Gaming Customer Age



The requirement to locate slots at racetracks limits site locations and impedes OLG's ability to serve customers closer to where they live and is therefore not responsive to customer interest.

Based on the current Slots at Racetrack program, the horseracing sector is projected to receive \$345 million (2011–12). Since the program was launched, horsepeople and racetrack owners have received over \$3.4 billion.

OLG is also limited in the game mix it can offer to customers due to current municipal funding arrangements. If OLG were to change the game mix, the cost to OLG would be prohibitive.

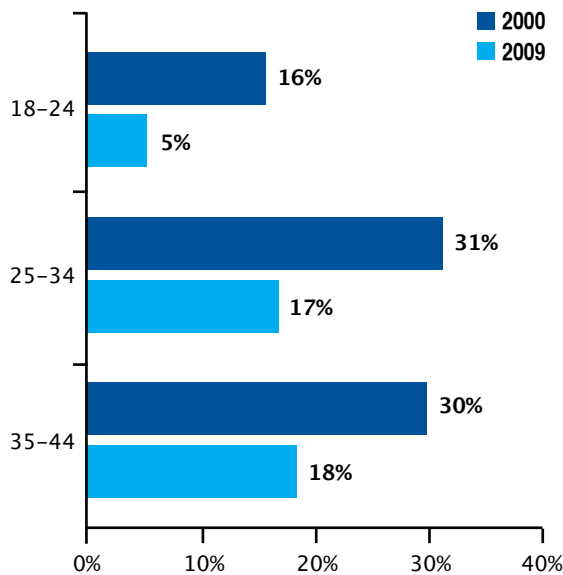
Municipalities where gaming facilities exist benefit in a number of ways from gaming. Tourist appeal, employment, the use of local suppliers and economic

development all expand when gaming facilities are located in a community. In addition, host municipalities generally receive a percentage of slot revenue. In 2011–12, host municipalities are forecasted to receive about \$92 million from slot and casino revenues.

CONTEXT IN LOTTERY

Since lottery games were introduced over 35 years ago, the desires of customers have evolved and technology has advanced considerably. Ontarians purchase lottery products through a retail clerk who hands them a paper ticket. OLG has a largely paper-based lottery system in an economy that is increasingly paper-free.

Core Lottery Players



The decline in participation in lottery by players under 45 has been severe in recent years. Overall, the average age of the player base is increasing, and current lottery games in existing channels do not attract players under 45.

Major lotteries outside North America have established internet lottery to attract adults under 45. Norsk Tipping, the Norwegian national lottery, for example, produces over 10 percent of sales over the internet, with tight responsible gambling restrictions and age verification.

In other jurisdictions, lottery tickets are sold across all lanes in grocery stores. Quebec has multi-lane sales and British Columbia has internet lottery ticket sales options. Camelot UK Lotteries Ltd., the UK National Lottery operator, achieved strong results in about five years in conjunction with a fast-pay card. Responsible gambling research indicates that e-cards for play help to combat problem gambling.

Ontario’s sales model does not fully meet the needs of 1376 today’s customers. There are about 10,000 terminals across the province and the vast majority are in convenience stores. OLG continues to rely heavily on convenience (and convenience with gas) stores for the primary delivery of lottery tickets (some two-thirds of sales), while Ontarians are shopping more frequently at large retailers such as supermarkets and big box stores. Lottery sales have, though, become an increasingly critical component of the convenience store business.

DESCRIPTION: CUSTOMER FOCUS

Like any commercial operator, OLG needs to be able to expand or contract gaming sites, based on customer interest—and always with consideration of OLG’s responsible gambling priorities.

New or relocated gaming sites would only go to municipalities that have explicitly approved them and where there is a clear business case. OLG and the government would continue to have the right to approve new or relocated gaming sites.

In lottery, OLG needs to improve the customer experience by offering lottery tickets in more locations where people currently shop. This would mean expanding sales to multi-lanes in supermarkets and big box stores.

The Slots at Racetracks Program limits OLG’s flexibility to locate gaming facilities near OLG customers. Furthermore, the formula restricts OLG’s ability to maximize revenues for key government priorities. As such, the Slots at Racetracks Program should be drawn to a close.

To improve the ability to offer a mix of games at sites, OLG should establish a fair and simple funding model that would supply a portion of slot machine revenue to host municipalities, independent of the type of facility.

A straightforward formula would have two key benefits:

1. Make the formula consistent across municipalities.
2. Provide flexibility for the decision to add table games or other new games, based on customer interest, municipal consent and OLG’s provincial market plan.

Once existing site holder agreements have been terminated, OLG will engage in negotiations on new arrangements for OLG and/or private sector vendors to occupy space at racetrack locations where there is customer interest.

Casinos that are operated in cooperation with First Nations have separate agreements that are subject to current contracts.

KEY CONSIDERATIONS

- Convenience stores are expected to continue to be the source of the majority of lottery ticket sales.
- Convenience store lottery terminal locations will continue to be a priority.
- New games, enabled by third party developers, would add to lottery sales in convenience stores.
- Employment is growing annually in Ontario's digital media sector. With the addition of expanded opportunities in lottery, there would be additional growth in game design jobs.
- New lottery sales options must be consistent with Ontario responsible gambling standards.
- New contractual arrangements with racetracks and municipalities will require the re-negotiation of existing arrangements, with sufficient notice.
- The majority of host municipalities would continue to receive the same benefit under a revised formula.
- New arrangements should ensure that municipalities retain the ability to use funds as they see fit, as is current practice.
- With municipal council approval, a new facility in the Greater Toronto Area or elsewhere in the province would increase revenue to that municipal government.
- Explicit municipal consent would be required for any host community.
- Any new facility proposal would include government sign-off and oversight, AGCO registration, a business case completed by OLG, and the need for local community consultation, support and approval.

RECOMMENDATION TWO

Expand Regulated Private Sector Delivery of Lottery and Gaming

OLG needs to engage the private sector in building a new model for gaming in Ontario, while OLG maintains control and accountability. In order to enable efficient operations, avoid public expenditure on capital and address interest in land-based gaming, OLG should expand private sector participation in the efficient, effective delivery of casinos and gaming products. The first step would be for OLG to develop a competitive and transparent procurement process for these activities. The result would be regulated private operators selected to run existing and new sites.

OLG would manage the provincial market and the private sector would invest in it. New locations would be subject to the approval of host municipalities.

In lottery, OLG should shift the day-to-day operation of its lottery network. There should also be an expansion of retail options for lottery sales including multi-lanes in large stores, the internet and mobile devices. At the same time, OLG should allow for regulated private sector game development to foster innovation and increase responsiveness.

CONTEXT

OLG is currently responsible for 23,000 slot machines and over 500 games tables in Ontario as well as 27 gaming facilities and over 10,000 lottery terminals. Currently, any maintenance and improvements to facilities or products require public sector investment. At the same time, the Ontario government has been using alternative financing and procurement processes to invest in public capital projects, such as hospitals.

OLG directly employs about 7,700 people at sites and facilities as well as at head offices sites. Through the privately-operated gaming sites, there are about 10,000 indirect employees. OLG assumes the cost of these employees as well.

Today, the commercial operators working with OLG compete with OLG for customers. A private sector provider will not invest in a market where it is asked to share customer information with OLG while competing with OLG's owned and operated sites.

At the same time, OLG facilities in need of capital improvements rely on public funds to do so. Any new facility, under current arrangements, would be built with public dollars. OLG could focus more clearly and more effectively on its role as the operating mind of the gaming sector by bringing in the private sector for capital investment and some operating expenses.

In consideration of maintaining profit to the Province, OLG has under-invested in the infrastructure required to run its lottery business over the last five to 10 years.

The lottery and shared services divisions of OLG are operating on a patchwork of outdated systems that require significant maintenance to keep running. Direct ownership of the technology has created extensive financial and labour commitments across the province.

The lottery terminals are also not being used at capacity—namely, they are only used for lottery tickets, though other options are technically available (such as phone cards and iTunes® cards). The terminals are almost fully depreciated and will soon need to be replaced.

DESCRIPTION: GAMING

OLG could engage regulated private operators to run the day-to-day operations of all existing OLG-operated gaming facilities and all new facilities. They would be paid a fee for this work.

To do so, OLG should implement a consistent set of terms and conditions for operating a land-based gaming site in Ontario that is fair, transparent and that encourages private sector investment. Location and site designs would be approved and overseen by OLG, but initiated, built and paid for by the private sector.

OLG needs to establish a level playing field by establishing a consistent private operating model that gives regulated providers the incentive to operate in their own interests, while OLG controls the parameters of gaming, maximizes Net Profit to the Province and ensures Ontario's responsible gambling standards are upheld.

This would include identifying distinct gaming zones where existing or new gaming sites could be permitted. These defined gaming zones will help reduce the impact of one gaming site upon another. Customer interest should determine the size and genre of gaming facility in a zone.

The right to operate in a particular geographic area should also be determined by OLG. Regulated private sector operators would have defined rights to operate land-based gaming inside the boundaries of a zone. In advance of an open, transparent procurement process to obtain operating rights, a map of zones, their definitions and their parameters should be planned by OLG in consultation with stakeholders.

Should OLG move out of the daily operation of facilities, OLG's current direct employees at gaming sites could have the option of working at privately-operated facilities.

OLG could also transfer the assets that are required to operate business to the regulated private sector providers. And in the future, the private sector would build and own new capital assets. By reducing OLG's interest in capital assets, regulated operators could finance their expansion plans through capital markets.

OLG would be the sole steward of customer information and would determine market management principles for all sites.

ONTARIO FIRST NATIONS

The Province has a funding arrangement with Ontario First Nations whereby OLG distributes 1.7 percent of total revenue (estimated at \$117 million in 2011-12) to the Ontario First Nations Limited Partnership, 2008 (OFNLP, 2008). The funds are to be distributed to Ontario First Nations for use in education and health initiatives as well as economic, social and community development. With this plan, payments to OFNLP are expected to increase.

In addition to the two current gaming locations (Casino Rama and Great Blue Heron Charity Casino) on First Nations land, Ontario First Nations should be free to bid in OLG's procurement process, either as a solo proponent or in partnership with other organizations, for the opportunity to operate in a zone.

DESCRIPTION: LOTTERY

Based on defined criteria, customer interest and Ontario's responsible gambling standards, private operation of the lottery distribution network would enable a selected vendor to determine the distribution and location of future lottery terminals.

While maintaining the integrity of lottery games, 1379 OLG should shift the day-to-day operation of the lottery network to a regulated private sector operator. A private operator of the terminal network would have the incentive to work with convenience store owners to save money and expand the services they provide via lottery ticket terminals. This would also enable the introduction of new points-of-sale for lottery products including multi-lane checkouts in large stores, mobile devices and home personal computers.

Lottery terminals have the potential to provide many more services—and could do so with private sector investment. These services could include the ability to sell phone cards, gift cards and iTunes® cards. This would help retailers to reduce inventory costs.

OLG should also consider various approaches to reusable tickets such as stored value cards or RFID (Radio Frequency Identification) cards. A stored value card is similar to a phone card and an RFID card could store a customer's preferred numbers—and allow the customer to check his or her numbers. These innovations would be carried out in consultation with Ontario's Privacy Commissioner.

The introduction of new capabilities for lottery terminal devices should, first and foremost, maintain the integrity of games and could also focus on several areas:

- Effectiveness of store operations (automation of paperwork, just in time inventory management)
- Operational cost reductions (security/surveillance, monitoring, alarms)
- Connectivity for Point-Of-Sale (leveraging the high speed network)
- Communications ability (phone, fax, internet)
- New revenue generation (prepaid services, instant coupons, gift cards, digital signage, government services, etc.)
- Additional services (connectivity for micro payment solutions, Wi-Fi connectivity, etc.) and all while maintaining the integrity of the games.

OLG should set the standards for external developers to create new and innovative games. This should also encourage the faster development of new games that appeal to new customers.

KEY CONSIDERATIONS

- Considerable interest exists among private sector stakeholders to invest and to assume a greater role in operations.
- Private sector operators would be able to run operations more efficiently and effectively.
- Private sector experts in technology support and channel sales have indicated interest in working with the largest lottery jurisdiction in Canada—and one of the largest markets in North America.
- Competitive procurement process will need to consider parameters of geography, population, tourism zones and proximity to the U.S.
- The procurement process will also need to account for existing bingo locations and current private sector investments.
- OLG will continue to be responsible for setting the rules, the odds and the payments as well as conducting the draws for all lotteries in Ontario.
- It is important to OLG to make sure that lottery terminals maintain the highest security standards.
- OLG will control game integrity and design while managing the private sector's access to the market.
- OLG will work with the private sector to ensure that customers are served in all parts of the province.

RECOMMENDATION THREE

Renew OLG's Role in Oversight of Lottery and Gaming

OLG should improve both its business and infrastructure systems to appropriately manage all customer interaction from lottery to internet to casinos. This would allow the organization to more efficiently fulfill its function as a manager, protector and steward of customer information. OLG should become a leaner, more efficient organization focused on well-defined market management and oversight functions. The OLG will continue to work

positively with its regulator, the Alcohol and Gaming Commission of Ontario (AGCO). At the same time, Ontario should continue to lead the continent in responsible gambling standards and expand research and treatment support. In any expansion of lottery and gaming, OLG must continue to provide safe gaming options and commit to increased environmental practices.

CONTEXT

The lottery and gaming marketplace is comprised of a number of different sectors, industries, regulated and unregulated operators, as well as provincial and federal bodies that oversee, regulate, and set standards in the lottery and gaming business.

OLG, often referred to as the “operator”, is a Crown agency of the Ontario government with responsibility for “conducting and managing” lottery games, a number of casino gambling facilities and charitable gaming centres (i.e. bingo halls with electronic games). The *Criminal Code* sets out the parameters under which lottery and gaming is legal in Canada. Under the Code, gaming may only be “conducted and managed” by the province or certain licensed entities. OLG “conducts and manages” lottery and gaming on behalf of Ontario, in accordance with the Code.

AGCO, often referred to as the “regulator”, is also a Crown agency of the Ontario government, responsible for the regulation of resort casinos, facilities directly operated by OLG: OLG casinos, slot facilities at racetracks, and lotteries conducted by OLG. AGCO’s responsibilities also include a range of other responsibilities, such as administration of the *Liquor Licence Act*.

Historically, OLG has been responsible for the oversight and operation of its gaming sites. This has resulted in a large proportion of the organization dedicated to operations.

Today it is more appropriate for OLG to focus on customer information, market management, oversight and responsible gambling. Other Canadian jurisdictions have moved to more modern approaches to the operation of lottery and gaming.

When Ontario expanded gaming beyond resort casinos, the most accessible way at the time to demonstrate control was to own and operate all facets of the gaming experience. Since then, technology has advanced considerably and OLG’s experience in gaming has evolved.

Currently, OLG is working on a number of initiatives to help position the organization for change and help it function more efficiently.

For example, OLG’s knowledge of its customers today is managed and secured across multiple business units and shared services, both internally and via third parties. OLG’s customer database includes:

- almost 2 million Lottery players
- 2.6 million Slots & Casino players; and
- over 5 million Resort Casino players.

BCLC

The British Columbia Lottery Corporation (BCLC) determines where gaming facilities go. BCLC owns the games and the game management system as well as the loyalty program. BCLC works with the private sector on where and how gambling opportunities will be made available. Private sector providers supply the facilities and operate casinos.

OLG is currently implementing an advanced gaming management system that will allow for an integrated view of all operations as well as all product and customer behaviour across all properties.

While the majority of Ontarians gamble without any detrimental impact, a small portion develop moderate to severe gambling problems.

Ontario is an acknowledged North American leader in Responsible Gambling prevention, research, and treatment. This province has one of the broadest networks of gambling counselors and some of the world's leading thinkers and practitioners in the field. These specialists and experts inform OLG's Responsible Gambling program.

DESCRIPTION

OLG should renew its approach (consistent with that of other provinces) to focus more on what is required for the successful operation of a modern gaming model including:

- customer and game management (customer touch points, databases, approval of marketing programs).
- market management (channel strategy, high-level planning for new gaming sites, product strategy);
- oversight (integrity, security, legal compliance);
- and responsible gambling.

DESCRIPTION: CUSTOMER INFORMATION

OLG should become a leader in customer information data. Reliable and consistent customer information is important from both a customer-preference and responsiveness point of view as well as for responsible gambling purposes.

OLG should adopt a "privacy by design" strategy to ensure careful stewardship of the personal information contained in OLG's customer database. This will safeguard customer privacy and ensure—among other things—that personal information is used only for defined and express purposes.

OLG will continue to seek the expertise and guidance of the Ontario Information and Privacy Commissioner on how best to embed best-in-class privacy protections in its data management systems.

DESCRIPTION: OVERSIGHT

It is important however, to retain a government presence where the public interest needs to be protected. Lottery and gaming are forms of entertainment widely enjoyed by millions of Ontarians so it is critical that OLG maintain a substantial degree of control over how they are run.

There must be OLG-set standards for access, integrity, security and responsible gambling. In the long term, OLG will likely have a small operational footprint—it will do less—but maintain oversight over the gaming experience in Ontario. Ultimately, Ontarians will benefit from a more modern, more sustainable and more valuable operation.

Under the transformed model for gaming, OLG would continue to define all policies and set thresholds for number of sites and games. For example, OLG would determine the maximum number of gaming devices in any site or geographic area. OLG would also set policies in relation to marketing activities and maintain the enterprise brand.

OLG would also help ensure legal compliance (along with AGCO and the OPP) in areas such as money laundering, investigations, fraud and collusion.

All told, OLG would be a much smaller organization focused on customer information, market management, the oversight of a portfolio of private operators as well as responsible gambling.

RESPONSIBLE GAMBLING

In a transformed industry, OLG would continue to set policies and help establish Ontario's Responsible Gambling standards—maintaining and improving its current leadership in the responsible gambling field.

OLG will continue to provide North American leadership in responsible gambling by:

- maintaining a strong funding base;
- ensuring all operations meet rigorous external standards
- advancing technology practices;
- integrating safe measures into overall customer experience; and
- continuing ongoing partnerships with independent provincially-funded agencies.

The evolution of technology to support customer decisions while gambling enables greater personal control and the collection of data. This information helps OLG better understand how it can encourage players to make informed choices. OLG plans to promote a new suite of individually-directed help services being developed by the Centre for Addiction and Mental Health, including a world-first internet counseling program for gamblers. Facial recognition technology, now being rolled out by OLG, allows facilities to better detect those who have signed up for the voluntary self-exclusion program.

“OLG supports and engages with a wide range of stakeholders, and demonstrates its commitment to innovation through its support for players ... by actively reaching out to support and counselling services.”

World Lottery Association’s award letter to OLG for Highest Certification for Responsible Gambling programs

These external controls will ensure that OLG’s program is continually evaluated and improved so that it meets the best interests of Ontarians.

OLG’s role is to help prevent problems from occurring and to assist those who need it. In order for gaming to continue to be a safe, sustainable option for Ontarians and visitors, OLG wants to ensure a broad base of sustainable players who can gamble safely and play for many years. It is not in the interest of OLG or Ontario to attract problem gamblers.

OLG’s future role should be to continue to build on a culture of responsibility where front line staff can identify and respond to players who need help as part of basic customer service. At the same time, OLG will direct and require operators of lottery channels and gaming sites to exceed regulatory compliance standards. OLG will provide operators with strategic and tactical support, performance evaluations, incentives, and plans for improvement. Ontario must continue to expand its leadership in the responsible gambling field, so OLG recommends increasing funding.

SAFE PLAY

Fair gambling is the foundation of player trust. In Ontario, games of chance are run with regulated and transparent odds, pay-out ratios, game mechanics and money management. Facilities and sales channels are monitored and well supported by licensed security officers, EMS trained staff, and as part of the oversight of the AGCO (Alcohol and Gaming Commission of Ontario), by the presence of the Ontario Provincial Police. All gaming staff in Ontario are “Smart Serve” trained on the service of alcohol, and strict age verification requirements support lottery sales and access to gaming facilities. This would continue in a transformed gaming industry.

GREEN GAMING

1383

Gaming in Ontario is going green. For over four years, OLG’s Bet On Green program has been lessening the environmental impact of OLG’s operations, promoting environmental awareness to employees, increasing green awareness among customers and helping OLG become a global leader in energy-efficient gaming. The program focuses on paper reduction, employee engagement, customer education and reducing energy consumption.

In new and renewed facilities, OLG will have the opportunity to increase environmental efforts. New buildings are likely to be LEED (Leadership in Energy and Environmental Design) certified—as are OLG’s most recent gaming site developments. Other current strategies could also extend to any new operations, including:

- ongoing paper reductions;
- and the use of environment-friendly certified cleaning products.

KEY CONSIDERATIONS

- Employees would be affected by OLG’s focus on oversight instead of all direct operations. Depending on decisions, there would be a transition period as many employees move from OLG to a private sector operator.
- Consider appropriate balance between customer knowledge for responsible gambling and business marketing purposes and privacy concerns.
- While increasing the role of the private sector in the delivery of lottery and gaming, it is even more important to focus on oversight and responsible gambling.
- Security and safe lottery and gaming are critical values to Ontario and must be maintained by OLG.

APPENDIX I

Internet and Charitable Gaming

INTERNET GAMING

While only provinces or their designates are allowed to operate betting or lottery schemes under the *Criminal Code of Canada*, Ontarians wager an estimated \$400 million on gambling websites that are not authorized in Ontario. The British Columbia Lottery Corporation and the Atlantic Lottery Corporation have created authorized internet lottery and gaming sites and Loto-Québec also recently initiated “espacejeux” for online gaming in December of 2010.

When it is first launched in late 2012 (and fully in 2013), OLG’s internet gaming site will uphold standards aimed at protecting players from risks such as problem gambling

and identity theft or financial fraud. Over the first five years of operation, internet gaming is estimated to deliver a cumulative \$375 million in Net Profit to the Province and create about 50 jobs (both at OLG and in the industry) in Ontario.

Following a staged rollout of products, OLG will deliver a full range of games on the internet through an online site accessible by computers and other internet-connected devices offering lottery ticket sales, interactive casino-style games (against the house) and peer-to-peer games like poker.

EXPANDED CHARITABLE GAMING

OLG will roll out a standardized suite of paper and electronic games to all interested bingo halls in Ontario. (The suite of games will not include slot machines.) OLG will offer Bingo, Break-Open Tickets, Raffles and Lottery games or variations of these games to be played on paper, electronic devices or delivered through electronic

dispensing units. Over eight years of operation, this Charitable Bingo and Gaming initiative will deliver about \$475 million for Ontario charities. This initiative will create hundreds of part-time jobs while preserving the role of the thousands of volunteers who are currently involved in community-based charitable activity.

APPENDIX II

Stakeholder Consultations

To support Strategic Business Review, from January 2011 to June 2011, OLG conducted a stakeholder consultation to:

- hear stakeholder perceptions on the future of lottery and gaming in Ontario;
- learn about best practices from within the province and around the world; and
- identify opportunities to work with the private sector or stakeholders in new ways.

The Strategic Business Review team met with over 50 stakeholder groups from across the province and in a number of other jurisdictions. The consistent message from stakeholders was that the current model of lottery and land-based gaming in Ontario needs to change substantially in order to meet customers' needs.

The Review team met with representatives from First Nations, casino owners, responsible gambling researchers, racetrack owners, horsepeople, industry leaders, operators in other jurisdictions, convenience store operators as well as related government organizations.

Stakeholders raised three major issues:

1. Market Demand

Stakeholders felt that the future of gaming should be determined by the market. Expansion or reduction in the number of sites, slot machines, table games and lottery distribution must be considered in the context of under- or over-served markets in the province. The GTA is one of the most under-served gaming markets in North America.

“Economics should drive the thinking, and it has not. Historical thinking has been ‘slots are less than full casinos...’ Both slots per adult and tables per adult are dramatically under proportion in the GTA compared to other large Canadian cities.”

Great Canadian Gaming Corporation, Consultation, March 11, 2011

“OLG should be encouraging more private sector involvement or investment.”

Chippewas of Rama First Nation, Consultation, June 2, 2011

2. Private Sector Involvement

OLG should take advantage of the expertise of the private sector to reduce the burden of capital investment on a government agency. It should increase third party operators' participation in the market. The result would be a return based on a reasonable risk/reward and substantially smaller costs.

3. Re-define Purpose

OLG should re-define its role as an operator, focusing on minimizing social costs while improving customer knowledge. This should also include clarification of OLG's role in responsible gambling.

Stakeholders also raised concerns about:

- The need for clarity in the roles and purpose of OLG relationship with stakeholders
- Transparency of where funds are allocated
- Transparency of relationships across the sector
- Efficiency of process
- Effective use of technology
- Fair implementation of rules and restrictions
- Communication from OLG should be consistent, respectful and timely
- Government should be at the forefront of responsible gambling initiatives (particularly in regard to online gaming)

LIST OF STAKEHOLDERS

- A** **Alberta Gaming and Liquor Commission (AGLC)**, Gerry McClennan
Alcohol and Gaming Commission of Ontario (AGCO), Jean Major, Don Bourgeois, George Sweny
Aristocrat Technologies, Seamus McGill, Christopher C. Rowe, Keith Wood, Robert A. Perry, Brendan McCarthy, Ron Baryoseph
- B** **Bally Technologies**, Bruce C. Rowe, Robert J. Parente, Tina M. Kilmer, Stan Kozlowski, James Marino, Derik Mooberry
Boardwalk Gaming and Entertainment, Jordan Gnat
Boyd Gaming Corporation, Laura De La Cruz, Samuel Johnson
British Columbia Lottery Corporation (BCLC), Michael Graydon, Marsha Walden
- C** **Caesars Entertainment Inc.**, Tom Jenkin
Caesars Windsor, Kevin LaForet
Camelot Global Services Limited, Richard Wheeler, Mark Biscoe
Canadian Gaming Association (CGA), Bill Rutsey, Paul Burns
Canadian Niagara Hotels Inc., Dino DiCienzo Sr., Dino DiCienzo Jr.
Casinos Austria, Great Blue Heron Charity Casino, Arnold Block
Central Ontario Standardbred Association (COSA), Bill O'Donnell
Centre for Addiction and Mental Health (CAMH), Wayne Skinner, Barney Savage, Robert Murray, Nina Littman-Sharp, Nigel Turner
Chippewas of Rama First Nation, Chief Sharon Stinson Henry
City of Niagara Falls, Mayor Jim Diodati, Ken Todd
City of Windsor, Mayor Eddie Francis, Onoerio Colucci
Commercial Gaming Association of Ontario (CGAO), Peter McMahon
- D** **Delta Bingo**, Cameron Johnstone
Draft FCB, Sophie Mair, John Boniface, David Williams
- F** **Falls Management Company (FMC)**, Clare Copeland, Bruce Caughill
- G** **Golden Eagle Charitable Entertainment Centre**, Patrick Brett, Eric Luke, Chief Skead
Great Canadian Gaming (GCG), Vic Poleschuck, Rod Baker
GTech Corporation, Tom Dawley, Jay Gendron, Tim Simonson
- H** **HLT Toronto**, Lyle Hall, Rob Scarpelli, Drew Chamberlain
- I** **IGT**, Eric Tom, Chad Helm, Duane Frahm, Jeff Millar
Inter provincial Lottery Corporation, Liz Kneible
- K** **Konami Digital Entertainment Inc.**, Sam Constantine, Ross O'Hanley
- M** **Ministry of Tourism**, Steven Davidson, Michael Kurts
Mississaugas of Scugog Island First Nation and Great Blue Heron Charity Casino, Chief Tracy Gauthier, Kelly Larocca, Dela Charles
Mississauga First Nation #8, Chief Daybutch

- O** **Office of the Information and Privacy Commissioner (IPC)**, Brian Beamish, Michelle Chibba
Ontario Bingo Development Fund (OBDF), Peter McMahon
Ontario Charitable Gaming Association (OCGA), Lynn Cassidy
Ontario Convenience Stores Association (OCSA), Dave Bryans, Steve Tennant
Ontario First Nations Limited Partnership, 2008 (OFNLP, 2008), Randy Sault
Ontario Harness Horse Association (OHHA), Ken Hardy, Brian Tropea, Jim Whelan
Ontario Horse Racing Industry Association (OHRIA), Sue Leslie, Dr. Ted Clark, R. Glenn Sikura
Ontario Korean Businessmen’s Association (OKBA), Kenneth Kim
Ontario Problem Gambling Research Centre, Judith Glynn
Ontario Teacher’s Pension Plan (OTPP), Lee Sienna
Ontario Racing Commission, Rod Selling, John Blakney, Steven Lehman
- R** **R2 Gaming**, Rocco DiPaola, Ravi Sharma
Racetracks Ontario (for profit), Jamie Deacey, Robert Locke, Bruce Barbour, Alex Lawryk, Andrew MacIssac
Responsible Gambling Council (RGC), Jon Kelly
- S** **Saskatchewan Gaming Corporation (SGC)**, Twyla Meredith, Tony Coppola
Saskatchewan Liquor and Gaming Authority (SLGA), Barry Lacey
Scientific Gaming, Lorne Weil
Six Nations of the Grand River, Matt Jamieson
Standardbred Breeders of Ontario Association (SBOA), Anna DeMarchi-Meyers, Liz Wappels
Standardbred Canada, John Gallinger, Pat Kennedy, Tami McNivon, Doug McIntosh, Chris Roberts
- W** **Wauzhushk Onigum First Nation**, Chief Skead
WMS Gaming Inc., Dean Hendrickson, Dean Ehrlich, Amy Lipton, Bob Hayes
Woodbine Entertainment Group (WEG), Nick Eaves, Jane Holmes

**THIS IS EXHIBIT "D" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**



A Commissioner, & etc.



Location:	Tom Davies Square
Commencement:	4:00 PM
Adjournment:	9:30 PM

Minutes For the City Council Meeting held Tuesday, May 15, 2012

Committee Room C-11

DEPUTY MAYOR RON DUPUIS, IN THE CHAIR

Present

Councillors Cimino (A4:37pm); Barbeau; Berthiaume; Dutrisac; Rivest; Kilgour; Belli; Craig; Caldarelli (A4:07pm); Kett; Landry-Altmann; Mayor Matichuk

City Officials

Doug Nadorozny, Chief Administrative Officer; Kevin Fowke, Director of Human Resources & Organizational Development; Caroline Hallsworth, Executive Director, Administrative Services/ City Clerk

Declarations of Pecuniary Interest

None declared.

Closed Session

CC2012-150 Landry-Altmann/Kett: THAT the City of Greater Sudbury Council move to Closed Session to deal with one Personal Matter regarding Identifiable Individuals in accordance with the *Municipal Act, 2001*, s.239(2).

CARRIED

Recess

At 5:48 p.m., Council recessed.

Reconvene

At 6:11 p.m., Council commenced the regular meeting in the Council Chamber.

HER WORSHIP MAYOR MARIANNE MATICHUK, IN THE CHAIR

Present

Business Improvement Areas.

1390

2012-95

2012-96

Report dated April 26, 2012 from the Chief Financial Officer/Treasurer regarding Tax Adjustments under Section 357 and 358 of the Municipal Act.

2012-97

Report dated April 26, 2012 from the Executive Director, Administrative Services/City Clerk regarding Procedure By-Law Amendment regarding Finance and Administration Committee Meeting Times.

2012-98

2012-99

2012-
1002012-
101

Report dated May 2, 2012 from the General Manager of Community Development regarding By-Law Request - Queen's University Student Agreement.

2012-
102P2012-
103Z2012-
104Z2012-
105Z2012-
106Z**R-2 Learning City**

See above.

Motions

R-17 .. The following motion was presented by Mayor Matichuk:

1390

Matichuk/Berthiaume: WHEREAS the Provincial Government will sever the agreement between Ontario Lottery and Gaming (OLG) and racetracks as of March 31, 2013;

AND WHEREAS the 5% revenue received by the host community must be preserved, or enhanced as it contributes to the community's general revenue fund, helping to reduce taxes and provide essential community services;

AND WHEREAS the implementation of the OLG Report Modernizing Lottery and Gaming in Ontario will impact municipalities and the future of gaming;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury will continue to support gaming and will continue to be a willing host for gaming as it evolves;

AND BE IT FURTHER BE RESOLVED THAT a copy of this resolution be sent to the Honourable Dalton McGuinty, Premier of Ontario; the Honourable Dwight Duncan, Minister of Finance; the Honourable Rick Bartolucci, MPP Sudbury; France G elinas, MPP Nickel Belt; and Rod Phillips, President and Chief Executive Officer, OLG.

Friendly Amendments

With the consent of the Mover, the following friendly amendments were made:

1. change the word 'will' in the first paragraph to 'intends to';
2. add the words 'as approved by Council' after the words 'to support gaming' in the second last paragraph.

Main Motion (as amended)

The main motion as amended was then presented:

CC2012-166 Matichuk/Berthiaume: WHEREAS the Provincial Government intends to sever the agreement between Ontario Lottery and Gaming (OLG) and racetracks as of March 31, 2013;

AND WHEREAS the 5% revenue received by the host community must be preserved, or enhanced as it contributes to the community's general revenue fund, helping to reduce taxes and provide essential community services;

AND WHEREAS the implementation of the OLG Report Modernizing Lottery and Gaming in Ontario will impact municipalities and the future of gaming;

THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury will continue to support gaming as approved by Council and will continue to be a willing host for gaming as it evolves;

AND BE IT FURTHER BE RESOLVED THAT a copy of this resolution be sent to the Honourable Dalton McGuinty, Premier of Ontario; the Honourable Dwight Duncan, Minister of Finance; the Honourable Rick Bartolucci, MPP Sudbury; France G elinas, MPP Nickel Belt; and Rod Phillips, President and Chief Executive Officer, OLG.

RECORDED VOTE:

YEAS

Cimino
Barbeau
Berthiaume
Dutrisac
Dupuis
Rivest
Kilgour
Belli

NAYS

Craig
Caldarelli
Kett
Landry-Altmann
Mayor Matichuk

1392

CARRIED UNANIMOUSLY

Addendum

.. Nil

Civic Petitions

.. Direct Bus Service from Ramsey View Court Area to Walmart Store

Councillor Caldarelli submitted a petition to the City Clerk signed by approximately 254 residents of the Ramsey View Court Area, which will be forwarded to the General Manager of Infrastructure Services. The petition is requesting direct bus service from the Ramsey View Court area to the Walmart Store at the Four Corners.

Question Period and Announcements

.. **QUESTION PERIOD**

Resurfacing of Regent Street between McLeod and York Streets

Councillor Cimino asked when Regent Street between McLeod and York Streets will be resurfaced with more aggregate as the current deteriorating infrastructure is causing houses to shake.

The General Manager of Infrastructure Services indicated he will check the 'roads list' and advised the Councillor.

Defibrillators

Councillor Barbeau inquired regarding the City's asked, in light of other municipalities having problems, what the City's protocol is regarding defibrillators. He was advised that staff checks each of the City's defibrillators weekly.

Councillor Barbeau inquired regarding the City's protocols for checking defibrillators as other municipalities have experienced problems in this regard.


The Chief of Emergency Services advised that a protocol is in place for regular inspections of defibrillators and recording of those inspections.

Ambulance Off-Loading

Councillor Dutrisac asked if there has been a reduction in the ambulance off-loading delays at the Emergency Department.

1392

**THIS IS EXHIBIT "E" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**



A Commissioner, & etc.



Request for Decision City of Greater Sudbury Submission to OLG for Casino RFP

Presented To:	City Council
Presented:	Tuesday, Aug 14, 2012
Report Date:	Thursday, Aug 02, 2012
Type:	Presentations

[show/hide decisions](#)

Decisions

Report dated August 2, 2012 was received from the General Manager of Growth and Development regarding City of Greater Sudbury Submission to OLG for Casino RFP.

Ian Wood, Director of Economic Development, provided an electronic presentation regarding the City of Greater Sudbury response to the OLG Modernization Program.

CC2012-265 Dupuis/Kilgour: THAT the City of Greater Sudbury adopt the following principles as the municipality's position on potential casino development:

1. The City of Greater Sudbury welcomes the results of OLG's Gaming Modernization Initiative and commits to working with the successful proponent of the forthcoming Request for Proposals;
2. The City of Greater Sudbury encourages gaming facility investment proponents to maximize benefits to the community by identifying and developing opportunities for ancillary and complementary amenities as part of their proposal;
3. The City of Greater Sudbury may consider the sale of municipal property for a gaming facility based on the proponent's commitment to develop ancillary and complementary amenities which benefit the Greater Sudbury community;

FURTHER THAT staff be directed to convey this information to OLG for their information and use as part of the Request for Proposal for the Sudbury Gaming Zone;

AND FINALLY THAT staff be directed to initiate an open house information session to seek public input on casino development in the four areas identified in the report dated August 2, 2012 from the General Manager of Growth & Development.

CARRIED

Resolution

That the Council of the City of Greater Sudbury adopt the following principles as the municipality's position on potential casino development:

Signed By

Report Prepared By

1. The City of Greater Sudbury welcomes the results of OLG's Gaming Modernization Initiative and commits to working with the successful proponent of the forthcoming Request for Proposals.

2. The City of Greater Sudbury encourages gaming facility investment proponents to maximize benefits to the community by identifying and developing opportunities for ancillary and complementary amenities as part of their proposal.

3. The City of Greater Sudbury may consider the sale of municipal property for a gaming facility based on the proponent's commitment to develop ancillary and complementary amenities which benefit the Greater Sudbury community.

Further, that staff be directed to convey this information to OLG for their information and use as part of the Request for Proposal for the Sudbury Gaming Zone, and

Finally, that staff be directed to initiate an open house information session to seek public input on casino development in the four areas identified in the report dated August 2, 2012.

Background

On **March 12, 2012**, OLG Chair Paul Godfrey and Minister of Finance Dwight Duncan announced the Modernization of Lottery and Gaming in Ontario. This announcement was in response to the direction provided by the Province in 2010 when OLG was asked to review its operations and determine how it might improve its operational efficiency and market appeal in order to deliver more revenue to the Government of Ontario.

The March announcement indicated that OLG intended to become more customer-focused and shift the gaming operations role to the private sector. Their analysis showed that other provinces were realizing significantly more gaming revenue per capita than Ontario (\$836 per year in Saskatchewan versus \$459 in Ontario). They expressed a strong interest in moving gaming facilities closer to populated areas, building additional facilities, and ending the direct relationship between horse racing facilities and gaming sites.

Host Municipality Revenue-Sharing

The modernization report addressed the issue of revenue-sharing with host municipalities and indicated that they will be establishing new agreements with municipalities and seeking a consistent fee model across the province with funding levels based on customer volume. They have stated that such new agreements will allow the introduction of table games in more facilities as tables have a different operating cost structure than slot machines and can't be reasonably initiated with the current agreement.

Identifying New Operators and Potential New Sites

On May 17, OLG issued a Request for Information (RFI) to the gaming industry. The purpose of this initiative was to gain a private sector perspective on Ontario gaming and receive suggestions and expressions of interest from developers and gaming operators. In the RFI document, 29 zones were identified across Ontario, including 5 zones in Northern Ontario.

Eleethea Savage
Business Development
Officer
Digitally Signed Aug 2, 12

1395

Division Review

Ian Wood
Director of Economic
Development
Digitally Signed Aug 2, 12

Recommended by the Department

Bill Lautenbach
General Manager of Growth
and Development
Digitally Signed Aug 3, 12

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Aug 3, 12

1395

Earlier this year, two information meetings were held for municipal representatives to explain the RFI process and the steps that will take place following the closure of the RFI on July 4. The first took place in Sault Ste Marie on June 8 and was organized by OLG. The second meeting was organized by Mayor Randy Hope of Chatham Kent and took place in Milton on June 21. At both these meetings, the purpose of the RFI and planned future steps were outlined by OLG staff.

At the Milton meeting, the CEO of OLG, Rod Phillips, expressed a desire to better understand each host community's position on gaming in the future, on the types of facilities and locations that might be desired, and any additional information that the municipality deems relevant to the process. Mr. Phillips emphasized that OLG will be the intermediary between all municipalities and all gaming facility developers and operators. Municipalities will not deal directly with operators as they will be chosen through a response to the OLG RFP later this year.

Mr. Phillips also advised municipal representatives that Premier McGuinty has committed that there will be a public consultation process as part of casino development in every potential host municipality. The nature and timing of this process have not been prescribed, but it is an obligation that each municipality must meet.

TIMELINE

The process timeline is summarized below:

March 2012 - Release of Modernization of Gaming Report

May 2012 - RFI issued

June 2012 - Information meetings held across Ontario

July 4, 2012 - RFI Closes (OLG begins to work on RFQ and or RFP)

August 2012 - RFPQ issued to establish interest and capabilities of private sector firms

September 15, 2012 - Draft revenue-sharing agreement presented to host communities for review and ratification

October 2012 - RFP issued for some or all of identified gaming zones

- Some zones may be bundled together and presented as a package for bidding
- Some zones may be held back for a second wave later in 2013

December 2012/

January 2013 - Selection of proponent and negotiation of operating agreement and site plan

April 1, 2013 - Handover of existing OLG facilities to new operators in zones where RFP process has been completed

- Commencement of commercial lease provisions and new municipal host agreements

Current Situation

Since the RFI release on May 17, CGS staff have made contact with more than a dozen industry players to discuss their interest in future gaming operations in Greater Sudbury. In some cases, these contacts were the result of outreach by municipal staff, while others made contact with us. Some of the companies involved are developers, both local and international, who had connections to the gaming industry and expressed interest in building a new facility. Other companies are gaming operators who expressed interest in managing the new facility. A couple of companies had both

capabilities and most were already involved in partnerships that could deliver a comprehensive package.

Throughout the interactions with all private sector proponents, staff have been careful to acknowledge that Council has not adopted an official position on the question of the desired location for a new facility. We have indicated that there is a latent interest in seeing what amenities might be leveraged as part of this opportunity, either directly or indirectly. We have also indicated that we understand that the private sector proponents must have a solid business case for their investments and that their proposals will be submitted to OLG. Nonetheless, through discussions with proponents staff have received significant feedback on what private sector proponents believe will work within Greater Sudbury.

Based on these discussions, it is clear that there are four areas which are attracting interest in terms of a location. In general terms, these areas can be described as South End, Kingsway East, Sudbury Downs and Downtown Sudbury.

Given these four areas of interest, staff have conducted a basic locational analysis exercise, looking at traffic patterns, population and demographic profiles in the immediate areas. We will also indicate proximity to associated amenities. Staff intend to collate this information into an overview document which can be shared with all potential proponents.

Conclusion

OLG's RFI closed on July 4 and they are now collating results as they begin to assemble a Request for PreQualifications (RFPQ) to establish which companies are qualified to bid on gaming opportunities. This will be followed by an RFP in September or October, which will allow the pre-selected proponents to submit comprehensive proposals for casino developments in specific gaming zones. As indicated earlier, both OLG and potential private sector bidders are interested in knowing as much as possible about the city's position on siting of a potential new casino. Staff have already been contacted by a company that has ranked Greater Sudbury highly in their RFI submission and would like to look at potential sites and discuss the city's requirements and interests for the project.

Staff recommends that Council adopt the following principles as a position on Casino development:

1. The City of Greater Sudbury welcomes the results of OLG's Gaming Modernization Initiative and commits to working with the successful proponent of the forthcoming Request for Proposals.
2. The City of Greater Sudbury encourages gaming facility investment proponents to maximize benefits to the community by identifying and developing opportunities for ancillary and complementary amenities as part of their proposal.
3. The City of Greater Sudbury may consider the sale of municipal property for a gaming facility based on the proponent's commitment to develop ancillary and complementary amenities which benefit the Greater Sudbury community.

Supporting Documents
1. Presentation - Submission to OLG for Casino RFP (pdf)

**THIS IS EXHIBIT "F" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**


A Commissioner, & etc.

CGS Response to OLG Modernization Program

Presentation to CGS Council
August 14, 2012

Background

- OLG Modernization Program announced on March 12, 2012
 - Identifies three key strategies for success
 - Become more customer-focused
 - Expand private sector delivery of gaming
 - Renew OLG's oversight role
- RFI issued on May 17, 2012
 - Identified CGS as site for casino with 600 slots and table games
 - Requested detailed information from industry

Background

- On May 15, 2012, CGS Council passed the following resolution:
 - CC2012-166 Matichuk/Berthiaume: WHEREAS the Provincial Government intends to sever the agreement between Ontario Lottery and Gaming (OLG) and racetracks as of March 31, 2013;
 - AND WHEREAS the 5% revenue received by the host community must be preserved, or enhanced as it contributes to the community's general revenue fund, helping to reduce taxes and provide essential community services;
 - AND WHEREAS the implementation of the OLG Report Modernizing Lottery and Gaming in Ontario will impact municipalities and the future of gaming;
 - THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury will continue to support gaming as approved by Council and will continue to be a willing host for gaming as it evolves;

Current Status

- RFI closed on July 4
 - Next step is Request for Pre Qualifications (RFPQ)
 - Expected in late August
 - Proponents will be evaluated by OLG and AGCO
 - Results will determine who will be eligible to bid on RFP
- RFP now expected later in Fall
 - Evaluation to take place early in 2013 with awards by April

Current Status

- OLG has asked for better understanding of position of host municipalities
 - To inform development of RFP and to share with potential bidders
- Premier McGuinty has made a commitment to public input in this process
 - No prescribed format has been outlined

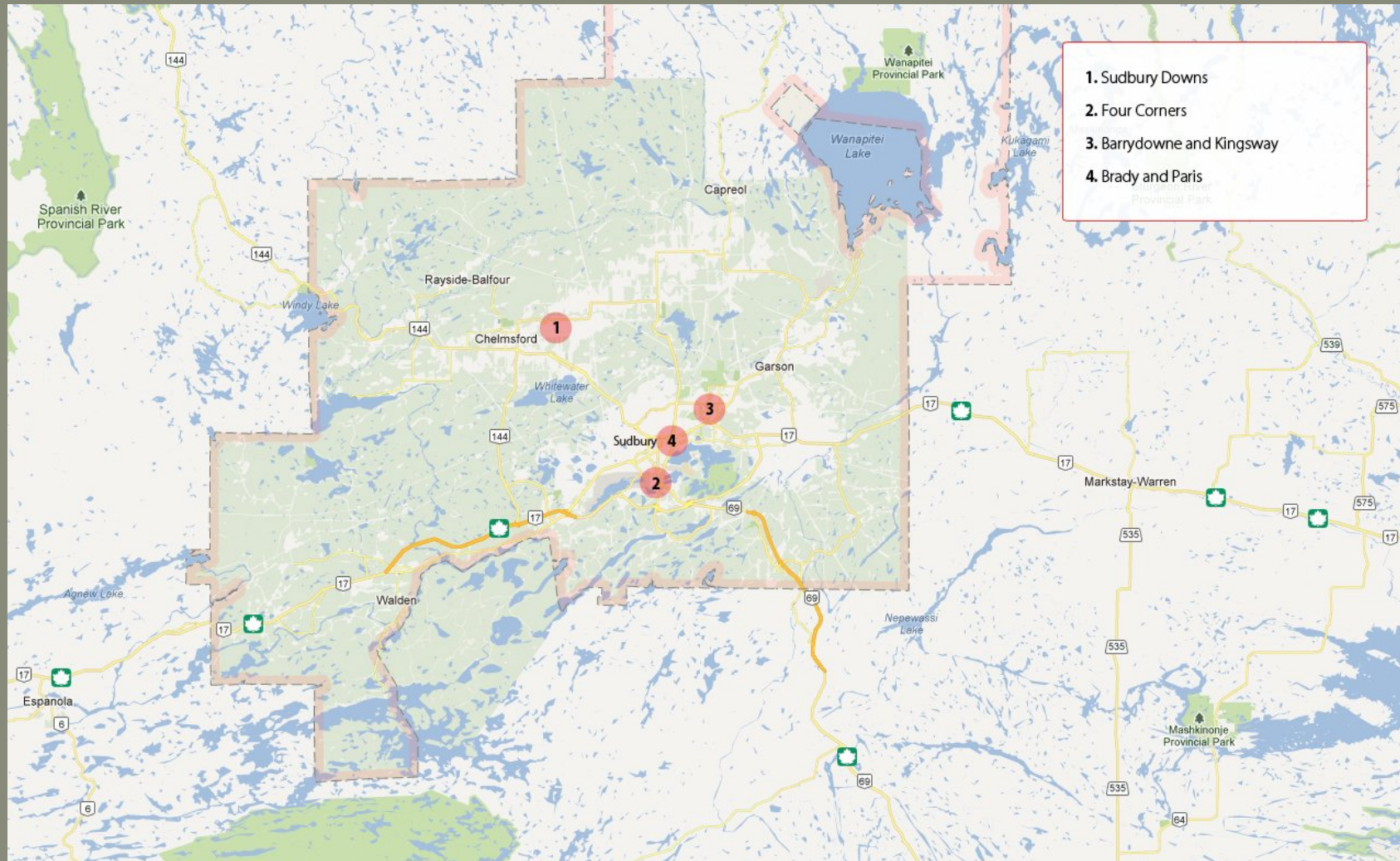
Current Status

- Staff recommends that Council adopt basic principles for casino development
 - To be provided to OLG for RFP purposes
 - To provide clarification to potential investors and operators
 - To guide staff responses to anticipated inquiries
- Staff anticipates additional questions regarding CGS position in coming days

Current Status

- Staff have been in contact with 14 companies regarding casino opportunity
 - Mix of operators, landowners and developers
 - All have received basic investment info package
 - Most interest expressed in four general areas within city
 - Four Corners
 - Kingsway East
 - Downtown Sudbury
 - Existing Sudbury Downs location

Areas of Current Interest



Current Status

- Preparation of revised investment document is underway
 - Will include locational analysis for all four areas
 - Traffic counts
 - Population densities
 - Demographic and income profiles
 - Proximity to hotels and restaurants
 - General information generic on each area, not specific to individual properties
 - To be shared with interested companies

Next Steps

- Seeking direction from Council on recommended principles
- Planned Open House in September to seek general public input on casino opportunity and areas of current interest
- Continue to refine relevant information on potential amenities
- Continue to engage potential proponents to convey CGS position and advantages
 - Anticipated that most significant discussions will take place once RFP is issued


Recommendation

- That the Council of the City of Greater Sudbury adopt the following principles as the municipality's position on potential casino development:
 1. The City of Greater Sudbury welcomes the results of OLG's Gaming Modernization Initiative and commits to working with the successful proponent of the forthcoming Request for Proposals.
 2. The City of Greater Sudbury encourages gaming facility investment proponents to maximize benefits to the community by identifying and developing opportunities for ancillary and complementary amenities as part of their proposal.
 3. The City of Greater Sudbury may consider the sale of municipal property for a gaming facility based on the proponent's commitment to develop ancillary and complementary amenities which benefit the Greater Sudbury community.

Recommendation

- Further, that staff be directed to convey this information to OLG for their information and use as part of the Request for Proposal for the Sudbury Gaming Zone, and
- Finally, that staff be directed to initiate an open house information session to seek public input on casino development in the four areas identified in the report dated August 2, 2012.

**THIS IS EXHIBIT "G" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**



A Commissioner, & etc.



Minutes For the City Council Meeting held Tuesday, August 14, 2012

Location:	Tom Davies Square
Commencement:	1:20 PM
Adjournment:	5:32 PM

Committee Room C-11

DEPUTY MAYOR LANDRY-ALTMANN, IN THE CHAIR

Present

Councillors Berthiaume; Dutrisac (D1:58pm, A2:07pm); Dupuis; Kilgour; Belli; Craig; Caldarelli; Kett (A1:28pm); Landry-Altmann; Mayor Matichuk

City Officials

Doug Nadorozny, Chief Administrative Officer; Guido Mazza, Acting General Manager of Growth & Development; Brigitte Sobush, Acting Executive Director, Administrative Services/City Clerk; Kevin Fowke, Director of Human Resources & Organizational Development; Danielle Braney, Director of Asset Services; Ian Wood, Director of Economic Development; Eric Taylor, Director of Planning Services; Jamie Canapini, City Solicitor; Carolyn Dawe, Assistant City Solicitor; Kristen Newman, Assistant City Solicitor; Jason Ferrigan, Senior Planner; Brian Bigger, Auditor General; Eliza Bennett, Manager of Communications & French Language Services

Declarations of Pecuniary Interest

None declared.

Closed Session

CC2012-263 Matichuk/Dupuis: THAT the City of Greater Sudbury Council move to Closed Session to deal with one Acquisition or Disposition of Land Matter regarding Property on Elgin Street, one Litigation or Potential Litigation and Solicitor-Client Privilege Matter regarding OMB Appeals, one Solicitor-Client Privilege Matter regarding a Closed Meeting Investigation and one Personal Matter regarding an Identifiable Individual in accordance with the *Municipal Act, 2001*, s.239(2).

CARRIED

Recess

At 2:20 p.m., Council recessed.

Reconvene

At 2:32 p.m., Council commenced the regular meeting in the Council Chamber.

HER WORSHIP MAYOR MARIANNE MATICHUK, IN THE CHAIR

Present

Councillors Barbeau; Berthiaume; Dutrisac; Dupuis; Kilgour; Belli; Craig; Caldarelli; Kett; Landry-Altman

City Officials

Doug Nadorozny, Chief Administrative Officer; Tony Cecutti, General Manager of Infrastructure Services; Catherine Matheson, General Manager of Community Development; Guido Mazza, Acting General Manager of Growth & Development; Joe Nicholls, Acting Chief of Emergency Services; Allan Lekun, Acting Chief of Police; Lorella Hayes, Chief Financial Officer/Treasurer; Kevin Fowke, Director of Human Resources & Organizational Development; David Shelsted, Director of Roads & Transportation Services; Ian Wood, Director of Economic Development; Jamie Canapini, City Solicitor; Jason Ferrigan, Senior Planner; Brigitte Sobush, Acting Executive Director, Administrative Services/City Clerk; Franca Bortolussi, Council Secretary

Declarations of Pecuniary Interest

None declared.

Welcome

Mayor Matichuk introduced and welcomed the new General Manager of Infrastructure Services, Tony Cecutti.

Presentations

- 1 .. Report dated August 2, 2012 was received from the General Manager of Growth and Development regarding Downtown Sudbury Master Plan and Action Strategy – 10 Year Implementation Plan.

Jason Ferrigan, Senior Planner, provided an electronic presentation regarding the proposed 10 year implementation plan for the Downtown Master Plan.

CC2012-264 Barbeau/Berthiaume: THAT the City of Greater Sudbury:

1. Receive the ten-year Implementation Plan, as described in the report dated August 2, 2012 from the General Manager of Growth and Development;
2. Direct staff to create a team of City Directors to resource and steer implementation of the Implementation Plan;
3. Refer the Implementation Plan to the 2013 Development Charge Study and By-law update for consideration as possible growth related capital costs; and,
4. Refer the Implementation Plan to the relevant city departments for inclusion in their respective multi-year capital planning.

CARRIED

- 2 .. Report dated August 2, 2012 was received from the General Manager of Growth and Development regarding City of Greater Sudbury Submission to OLG for Casino RFP.

Ian Wood, Director of Economic Development, provided an electronic presentation regarding the City of Greater Sudbury response to the OLG Modernization Program.

CC2012-265 Dupuis/Kilgour: THAT the City of Greater Sudbury adopt the following principles as the municipality's position on potential casino development:

1. The City of Greater Sudbury welcomes the results of OLG's Gaming Modernization Initiative and commits to working with the successful proponent of the forthcoming Request for Proposals;
2. The City of Greater Sudbury encourages gaming facility investment proponents to maximize benefits to the community by identifying and developing opportunities for ancillary and complementary amenities as part of their proposal;
3. The City of Greater Sudbury may consider the sale of municipal property for a gaming facility based on the proponent's commitment to develop ancillary and complementary amenities which benefit the Greater Sudbury community;

FURTHER THAT staff be directed to convey this information to OLG for their information and use as part of the Request for Proposal for the Sudbury Gaming Zone;

AND FINALLY THAT staff be directed to initiate an open house information session to seek public input on casino development in the four areas identified in the report dated August 2, 2012 from the General Manager of Growth & Development.

CARRIED

Matters Arising from the Closed Session

Rise and Report

Deputy Mayor Landry-Altmann, as Chair of the Closed Session, reported that Council met in Closed Session to deal with one Acquisition or Disposition of Land Matter regarding Property on Elgin Street, one Litigation or Potential Litigation and Solicitor-Client Privilege Matter regarding OMB Appeals, one Solicitor-Client Privilege Matter regarding a Closed Meeting Investigation and one Personal Matter regarding an Identifiable Individual in accordance with the *Municipal Act, 2001*, s.239(2) and that direction was given to staff regarding three matters.

Matters Arising from Operations Committee

Approval of Operations Committee Recommendations

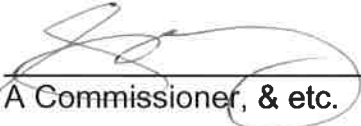
Councillor Barbeau, as Chair of the Operations Committee, reported on the matters arising from the Operations Committee Meeting of August 13, 2012.

The following motion was presented:

CC2012-266 Craig/Caldarelli: THAT the City of Greater Sudbury approve Operations Committee Recommendations OP2012-55 and OP2012-56 from the meeting of August 13, 2012.

CARRIED

**THIS IS EXHIBIT "H" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**


A Commissioner, & etc.

Public Input on Potential Casino Development

Open House Presentation
October 10, 2012

Ian Wood
Director of Economic Development

Introduction and Agenda

- Purpose of Meeting
- Background
 - Gaming in Greater Sudbury
 - OLG Modernization Program
 - City Council Resolutions
- OLG Process
 - Current Status
 - Anticipated Next Steps
- Public Input Opportunity
- Conclusion

Purpose of Meeting

- Enhance community dialogue
 - Premier's commitment
 - Requirement for OLG Business Plan

- Presentation provides public update on OLG process
 - Including outline of current status

- Open House and web provide opportunity for public input

Background – Gaming in CGS

- Three existing facilities
 - Two Charitable Bingo Facilities
 - Valley Bingo and Bingo One
 - Operated by Boardwalk Gaming
 - Support Local Charities
 - Slots at Sudbury Downs
 - Operated by OLG
 - Revenues are divided between OLG, Facility, Horsemen and City
 - Approx \$27.5 million to municipality since opening

Background – OLG Modernization

- In 2010, Ontario Government directed OLG to undertake Strategic Business Review
- Results indicated opportunity for change
 - Ontario behind other provinces in gaming revenue
 - Canadian average is \$220 per capita
 - Alberta is \$463 per capita
 - Ontario is \$149 per capita
 - Changing demographics, advancing technology and changing shopping patterns other factors

Background – OLG Modernization

- Program announced on March 12, 2012
 - Joint announcement with Minister of Finance
 - Identified three key strategies for success
 - Become more customer-focused
 - Expand private sector delivery of gaming
 - Renew OLG's oversight role
 - Applies to Casinos, Lotteries, Charitable Gaming and Internet Gaming
 - Focus today is on Casino opportunity
- End of Slots at Racetracks Program

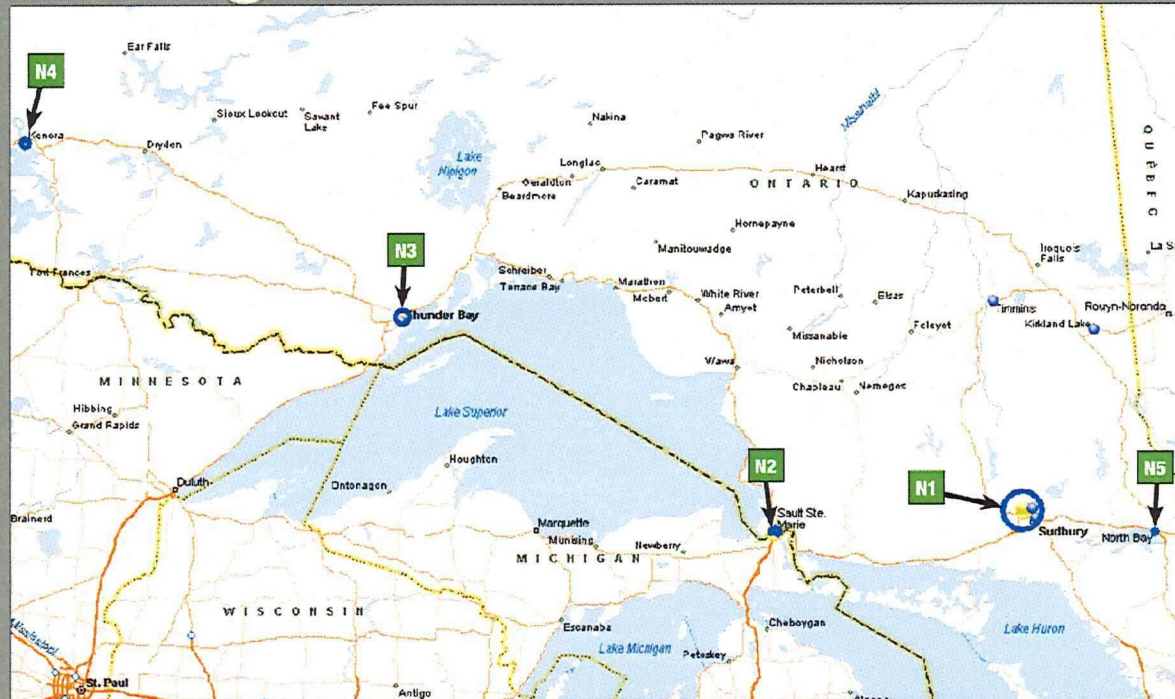
City Council Resolution #1

- On May 15, 2012, CGS Council passed the following resolution:
 - CC2012-166 Matichuk/Berthiaume: WHEREAS the Provincial Government intends to sever the agreement between Ontario Lottery and Gaming (OLG) and racetracks as of March 31, 2013;
 - AND WHEREAS the 5% revenue received by the host community must be preserved, or enhanced as it contributes to the community's general revenue fund, helping to reduce taxes and provide essential community services;
 - **AND WHEREAS the implementation of the OLG Report Modernizing Lottery and Gaming in Ontario will impact municipalities and the future of gaming;**
 - **THEREFORE BE IT RESOLVED THAT the City of Greater Sudbury will continue to support gaming as approved by Council and will continue to be a willing host for gaming as it evolves;**

Background – OLG RFI

- OLG Request for Information (RFI)
 - Released on May 17, closed on July 4, 2012
 - Identified 29 gaming zones across Ontario
 - Requested detailed information from industry
 - Interest in operating casinos and in which zones
 - Feedback on:
 - Zone structure
 - Number of slots and tables
 - Operating agreement and fee arrangements
 - Sudbury identified as one of five zones in Northern Ontario

Background – N Ontario Zones



- Sudbury, Sault Ste Marie and Thunder Bay
 - Up to 600 slot machines + tables
- North Bay and Kenora
 - Up to 300 slot machines + tables

Background – OLG RFI

- Request For Information closed on July 4
 - OLG continued to meet with proponents through summer
- OLG also asked for better understanding of position of host municipalities
 - To inform development of RFP and to share with potential bidders
- Premier McGuinty has made a commitment to public input in the process
 - No prescribed format has been outlined

Council Resolution # 2

- On August 14, 2012, Council passed the following resolution:
 - CC2012-265 Dupuis/Kilgour: THAT the City of Greater Sudbury adopt the following principles as the municipality's position on potential casino development:
 - The City of Greater Sudbury welcomes the results of OLG's Gaming Modernization Initiative and commits to working with the successful proponent of the forthcoming Request for Proposals;
 - The City of Greater Sudbury encourages gaming facility investment proponents to maximize benefits to the community by identifying and developing opportunities for ancillary and complementary amenities as part of their proposal;
 - The City of Greater Sudbury may consider the sale of municipal property for a gaming facility based on the proponent's commitment to develop ancillary and complementary amenities which benefit the Greater Sudbury community;



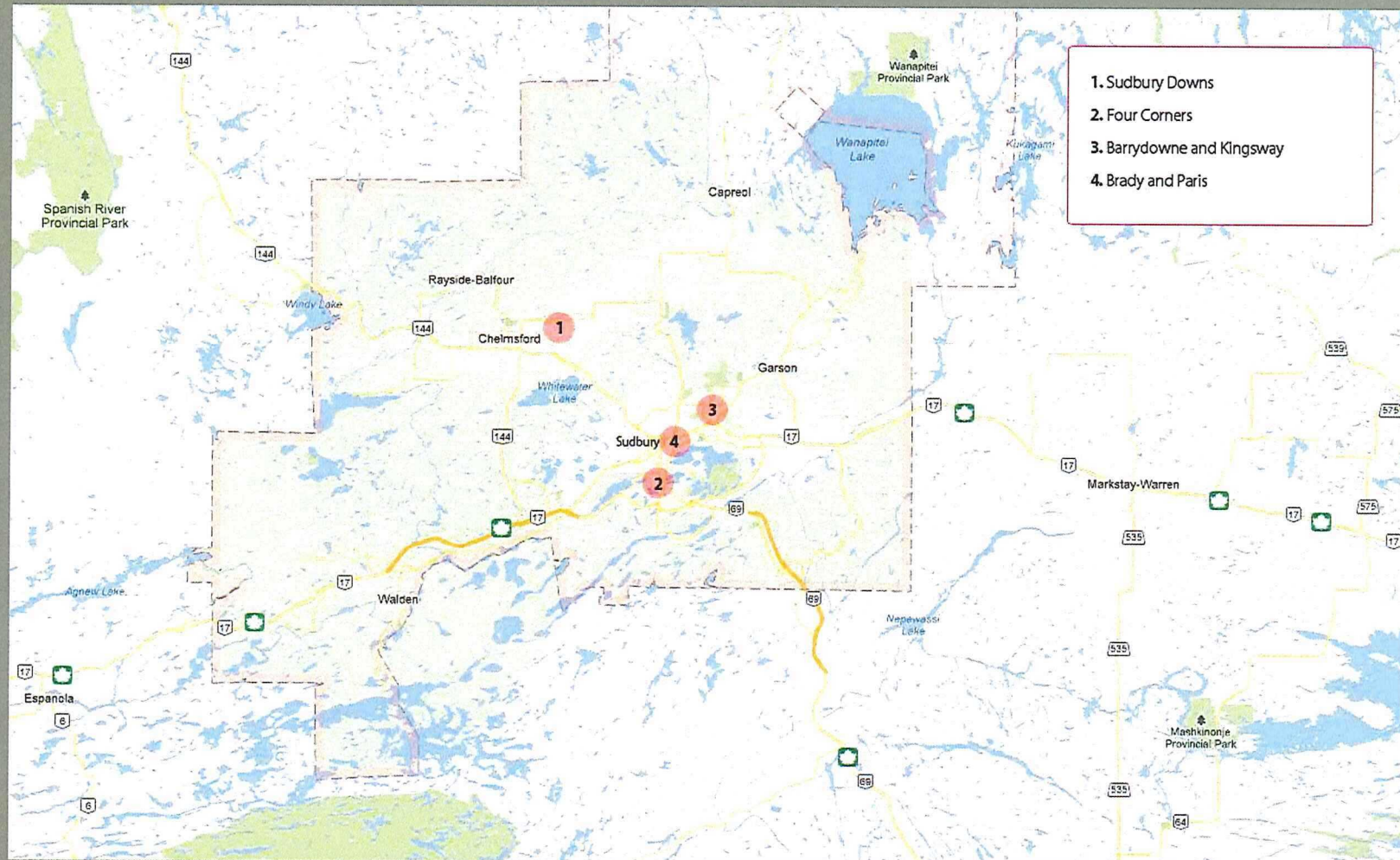
Council Resolution # 2

- FURTHER THAT staff be directed to convey this information to OLG for their information and use as part of the Request for Proposal for the Sudbury Gaming Zone;
- AND FINALLY THAT staff be directed to initiate an open house information session to seek public input on casino development in the four areas identified in the report dated August 2, 2012 from the General Manager of Growth & Development.

Current Status

- Staff have been in contact with more than 15 companies regarding casino opportunity
 - Mix of operators, landowners and developers
 - Most interest expressed in four general areas within city
 - Existing Sudbury Downs location
 - Four Corners
 - Kingsway East
 - Downtown Sudbury

Areas of Current Interest



Public Input Opportunity

- Open House
 - Also online until October 24
- Opportunity for public to express their views on future casino, including:
 - Preference for particular area of Greater Sudbury
 - Concerns regarding specific areas
 - Vision for what a casino project should include in terms of ancillary amenities
- Take time to work through the stations in the Foyer

Next Steps

- City will collate information to share with OLG and proponents
 - Will include summary of public input and locational analysis for all four areas
 - Traffic counts
 - Population densities
 - Demographic and income profiles
 - Proximity to hotels and restaurants
 - General information generic on each area, not specific to individual properties

Next Steps


- OLG to issue RFPQ
 - Request for Pre-Qualifications
 - Late Fall 2012
 - Will determine which operators are eligible to bid in each zone

- OLG will follow with RFP
 - Request for Proposals
 - Early 2013
 - Expect detailed discussions with selected proponents

Conclusion

- Opportunity to provide public input
 - Open tonight and online until October 24, 2012
 - All information and questionnaires on city website
 - www.greatersudbury.ca
- Complete information on OLG Modernization Program
 - www.modernolg.ca

THIS IS **EXHIBIT "I"** TO THE AFFIDAVIT
OF **JEFFREY MACINTYRE**,
SWORN THIS **18TH** DAY OF **October, 2019**.



A Commissioner, & etc.

Downtown Event Center

Year	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	
Annual Allotment	75,000	60,000	61,800	63,654	65,564	67,531	69,556	71,643	73,792	76,006	78,286	100,245
Cumulative	75,000	135,000	196,800	260,454	326,018	393,548	463,105	534,748	608,540	684,546	762,833	784,791

Year	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039
Annual Allotment	80,635	83,054	85,546	88,112	90,755	93,478	96,282	99,171	102,146	105,210	108,367	111,618
Cumulative	865,426	948,480	1,034,026	1,122,138	1,212,893	1,306,371	1,402,653	1,501,824	1,603,970	1,709,181	1,817,547	1,929,165

Year	2040	2041
Annual Allotment	114,966	118,415
Cumulative	2,044,131	2,162,546

**THIS IS EXHIBIT "J" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**



A Commissioner, & etc.

**Robert T. Kirwan**

Hi Jeff.

I need you to confirm or deny a rumour that seems to be making its way around town. I have heard that the Downtown Sudbury BIA is going to appeal the decision by Council on the location of the arena / event centre to the OMB. I want to put up a post on my Valley East site assuring the members that if they hear that rumour they should ignore it and I want to state that you assured me that this is not an action that is contemplated by the BIA. Can I say that you are denying this rumour?



I'm getting ready to hop on a plane to Vancouver.
Not planning anything

Thank you. After we approved all of the other projects, I want to start bringing the city together moving forward and a rumour like this could cause a real backlash against the downtown businesses. So I will state that you have confirmed to me that the BIA is not planning any sort of oppositional strategy against the decision by Council.



Not going to lie it's going to be a long road. A lot of downtown businesses feel betrayed by the council



Does this mean the rumour is true?

It means you have miles to go to bring the city to get

Together.

The BIA isn't working on anything. But council needs to be

We had businesses that took council at it's word when it approved the Downtown master plan. And made investments based on it.



City councillor targets Sudbury downtown business group

1440



Mary Katherine Keown The Sudbury Star

Published on: May 22, 2019 | Last Updated: May 22, 2019 1:00 PM EDT



An artist's conception of what the city's Kingsway Entertainment District might look like. *CITY OF GREATER SUDBURY*

Ward 5 Coun. Robert Kirwan is fed up with the delays associated with the Kingsway Entertainment District and he wants to see some forward action.

He is so fed up with the delays to the Local Planning Appeal Tribunal, he has been calling for the disbanding of the downtown business improvement association.

“Because city council created the Sudbury BIA, appoints the board of directors, approves the annual budget and collects the dues from member businesses, city council may also be at risk of having to pay damages that are awarded against the Sudbury BIA,” Kirwan wrote to The Star. “This leaves council no choice but to set in motion the process of repealing the bylaw that established the Sudbury BIA and effectively dissolving the organization. The downtown businesses will be free to form their own private association if they wish, but that will have to be done without any city involvement or assistance. They will also have to approach all of the downtown businesses to see if they still want to be members.”

Kirwan also plans to ask the province to intervene.

1440



Ward 5 Coun. Robert Kirwan makes a point at a special city council meeting in 2017. *GINO DONATO/SUDBURY STAR FILE PHOTO*

“I will be urging city council to officially request that the Minister of Housing and Municipal Affairs intervene in the LPAT procedure concerning the KED,” he wrote to *The Star*. “We need the process to be expedited so that a hearing can be scheduled and the parties can present their arguments in front of the tribunal. We need a decision on these appeals as soon as possible or we risk losing everything we have

worked so hard for during these past two years.”

A total of 12 appeals have been filed by Tom Fortin, Steve May, the Minnow Lake Restoration Group, the BIA and Christopher Duncanson-Hales. The LPAT deemed all appeals valid; they are currently being heard.

A large part of Kirwan’s consternation relates to the fact that Fortin and the BIA filed a notice of application with the Ontario Superior Court of Justice on April 8.

“Effectively what’s happened is they’ve put in motion the process to follow if they lose the LPAT,” he said Tuesday. “The problem is, there are so many steps along the way before you actually get to make your presentation in front of the judge (in civil court), this could be years before it gets to the end. That kills any further development. There’s no way a private company will invest in a project if there’s a legal proceeding against it.”

Fortin said in early May the city has exhibited bias throughout the whole decision-making process, vis-a-vis the KED.

“The city hasn’t kept an open mind and hasn’t been objective in hearing anything contrary to what they believe,” he said.

For example, Fortin said he had submitted several reports to the city, including a thorough economic and financial analysis of the KED prepared by urbanMetrics Inc. He said earlier this month he had never gotten a response or even an acknowledgement from the city.

“Nothing was ever commented on; nothing was ever even acknowledged,” Fortin said. “We didn’t even get an acknowledgement of receipt from the city. So everything we did to try to educate them was basically ignored. That’s contrary to the Planning Act. There has to be some dialogue and open discussion throughout the planning process. It’s part of the Planning Act.”

By filing a notice of application with the Superior Court, Fortin said that will allow his team to basically bypass the LPAT and go right to court if need be.

“We’re not going to go down that road unless the LPAT doesn’t hear the willing host and bias issues,” Fortin said. “If the LPAT doesn’t hear those issues, we have the option of going to Superior Court.”

Jeff MacIntyre, a spokesperson for the BIA on matters related to the LPAT, explained why his group and Fortin have filed a claim with the Ontario Superior Court of Justice. He said it largely has to do with jurisdiction.

“Filing the notice of application was needed because we do not know yet what the jurisdiction of the LPAT will be on all matters, and this filing allows us to file our case with the proper channels, should LPAT deem a matter not under their jurisdiction,” he said. “Due to proposed changes in Bill 108 it’s impossible to know what channel will have the proper jurisdiction at this point. This is the all part of the same issue we have taken from the beginning, nothing has changed other than a possibility of a different venue hearing part of the case.”

Kirwan said he is not concerned that calling for the disbandment of the BIA sends a bad message to the city’s business community. Instead, he said the actions Fortin and the BIA have taken actually do more harm.

“This says despite the fact you can go through the LPAT and have your appeal process, if you lose the appeal now you go to court? That sends a bad message to businesses,” Kirwan said. “It says it doesn’t matter how much support you get from council, somebody is going to be able to file an action against you in court.”

Kirwan also said Fortin and the BIA are trying to drag out the process for so long that Gateway gives up. He is concerned Gateway could decide to abandon the KED or Sudbury altogether, although the company has not made any announcements.

“This could end with Gateway leaving the city totally, and closing up Sudbury Downs too,” he said. “That would be a \$2.2 million hit to our levy. This could result in a one per cent increase in taxes, in order to replace the loss. This isn’t a game anymore.”



Local businessman Tom Fortin takes part in a press conference on the release of a report on the economic impact of the Kingsway Entertainment District on March 13, 2018. *JOHN LAPP/SUDBURY STAR*

Kirwan said he plans to bring up the topic of disbanding the BIA with his peers at an upcoming council meeting.

1443

“Unless the LPAT appeals can be resolved quickly, and unless the OLG gives Gateway some bid relief to reduce its financial obligations in Sudbury until the construction is completed, Gateway may be forced to make a decision that will have serious consequences for the future of Greater Sudbury,” Kirwan wrote on his Valley East Facebook page. “The legal action taken by the Sudbury BIA and Tom Fortin have added fuel to a very volatile situation and should be dealt with immediately by city council. Back in June 2017, there was so much hope for the future of the City of Greater Sudbury. I am still confident that we will prevail and all of the appeals and legal actions will be resolved in our favour. But I am concerned about the collateral damage that may occur as the fight continues.”

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Twitter: [@marykkeown](https://twitter.com/marykkeown) (https://twitter.com/marykkeown)

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Comments

9 Comments

Sort by Oldest



Add a comment...



Marc Pleau

we're all fed up with Robert T. Kirwan...so.. he can stow it! Law is the law...and the Dictator of Valley East can just caln down or...Step Down. He's a dangerous man, that mustn't be allowed Supremacy. He's the type of Imperiatric persona that would cut down his perceived Foes..."off with their heads" style. "I'm fed up with rules..I want my way. *Stomp*" M intelligent people agree with the Appeals..only the Trogs, red necks and otherwise uneducated Follower types that car grasp Big Picture, or foresee the financial problems with Zulichland...and have no true understanding of t... See More

Like · Reply · 9 · 21w



Marc Pleau

this isnt about what is best for future of the city going to 2130, the people or the fans or the team...this is about appeasing a team of spoiled rich people, and likely some Thing that isnt being said outloud. Why are the town smart people all against it? if it was do good for everyone...these appeals wouldn't exist. becomes it stinks...it stinks as much as the landfill next door. He couldve just built an industrial park there, like was planned for 25 years...made a modest profit and moved on..but no..he had to get revenge, notoriety, whatever he's so hard u on. Tell me you dont feel everything that isnt being said. Come on. the last arena this City built in 1951...went without a hitch... SUDBURY COMMUNITY ARENA FOR THE PEOPLE. not the Dario Zulichrickrory Garbage: Arena and Gsming Center . the world has quite literally gone mad...and those people think they are sane.

Like · Reply · 4 · 21w



Steve Specht

Wrong, we are not fed up with Kirwan, he's one of the few that makes sense. We are however fed up with For and the BIA for pulling these stall tactics for THEIR OWN PERSONAL GAIN.

Like · Reply · 1 · 21w



Peter Glass

Put "" TOMMY"S ""own money up in trust so when they loose there will be his money at stake ! This GAME OF CHAN he is leading and playing with is the people of this city's future and at what cost !! BREAK HIM and his PIGGY BANK !

Like · Reply · 3 · 21w



Eliza Beth May

This sounds like blackmail to me. If things don't go his way he will try to dismantle the BIA? Wtf? He has bigger bones pick, like his campaign promises to reduce the price of gas.. C'mon wankir we're still waiting!



Colette Adams

The Downtown Boys Club has been around way too long...

Like · Reply · 21w



Eliza Beth May

Colette Adams are you implying that there is a gender imbalance and it is intentional? Do you know who the members of the BIA are or are you just throwing around some fear tactics Kirwan style? The BIA are the only reason downtown looks even a little bit inviting. They are also responsible for some of the festivals you no doubt enjoy every year. The members of the downtown BIA are not the enemy here. Not only are they concerned that their own business will be in jeopardy but they are also fighting to keep our downtown even a little bit more of a place you don't dread going to when you need to see a doctor. Stop it with your bs comments unless you have something to back it up with.

Like · Reply · 21w



Linda C. Makela

Eliza Beth May don't assume anyone enjoys the festivals downtown.

Like · Reply · 21w



Eliza Beth May

Honestly, this is just a very public tantrum on Kirwan's part. Does he really think he makes sense and that eleven councillors and the mayor will vote with him? I would be very disappointed if my councillor voted to dismantle the BIA but I know he wouldn't because he loves the downtown. Why is it that the star only ever quotes Kirwan? Oh I know, I know! Because the other ones aren't idiots who blog their every thought and attack tax payers who disagreed with them. At least my councillor will listen to all his constituents and not just the ones who bow to him.

Like · Reply · 3 · 21w



Colette Adams

The BIA has always been the problem in Sudbury's progress. They have too much control..Mr Kirwan isn't the problem. Mr. Fortin is.

Like · Reply · 6 · 21w



Marc Pleau

Colette Adams the BIA are actively improving the city. Kirwan wants 1975 to be business as usual.

Like · Reply · 21w



Steve Specht

Marc Pleau, again, you are incorrect. The BIA want everything to be downtown however they are not "actively improving" it, they are actively opposing growth outside of downtown. That is their only play at this point. Much of what they have tried to achieve has failed, because our downtown is not viable for change until the rail tracks junkies are gone, and both are not happening anytime soon.

Like · Reply · 1 · 21w



Mandii LaFauci

I agree dismantling the BIA they can go

Like · Reply · 10 · 21w



Michael Doyon

I'll vote with my wallet. Downtown BIA is off my Christmas card list

Like · Reply · 5 · 21w



Robert Turpin

I am NOT a Mr. Kirwan fan. I am usually one of the people railing against anything he posts. Surprisingly I agree with you here. That fact that he is a total bully is working for a positive outcome in my opinion. It seems everyone is blinded by their hate for Mr. Kirwan and forgetting the facts. This has NOTHING to do with the viability of the KED project. It's my understanding that the BIA is taking your tax dollars to fight our very own City Council, that's the problem here. A classic example of a child suing its parent. So the tax payer is paying BOTH sides of this case + Tom Fortin's cash. The BIA should never

child suing its parent. So the tax payer is paying BOTH sides of this case + Tom Fortin's cash. The BIA should never have been financially involved with the Tom Fortin KED appeal. I think Mr. Kirwan is right, I think he will win and the BIA will be no more. They should have never given any financial support to the KED appeal. The BIA has dug its own grave here and that's sad. This liability issue Mr. Kirwan raises is very real.

Like · Reply · 2 · 21w



Eliza Beth May

I would totally be upset if the BIA was using my tax dollars for this, but they aren't. The businesses downtown and extra levy that is collected by the city on behalf of the BIA. At the end of the day, the only tax dollars from or I being spent on the LPAT process is what the city is spending on legal fees. (which sucks too).

Like · Reply · 21w



Robert Turpin

Eliza Beth May That's not my understanding, tax dollars given to the BIA are totally being spent on this KED appeal. Tax dollars pay staff. Are the paid employees @ BIA volunteering their time or do they get paid for the work on the appeal. The only point that Mr. Kirwan said that concerns me is the liability. He is very right about that. Watch what happens to all those business's who submitted fees when a judgement comes down that the lost and have to pay court fee's and damages to KED. The BIA should never have put itself in that position. Very bad business decision. It could lead to the end of the BIA. Regardless of their intent, they put the organization a very dangerous position. Let's say the BIA and Tom win the case. You actually think this city council will keep funding an organization that just sued them and beat them in court. Like I said, very bad business decision. I don't see how the BIA survives this, hope I'm wrong.

Like · Reply · 21w



Don Bethune

Trogs, rednecks and the uneducated along with Mr. Kirwan being dangerous?
I think you might want to take a deep breath and calm down.

Like · Reply · 21w



Marc Pleau

no..I think everyone else needs to take some schooling, with a good long hard step back ...at the mess they support..the very mess that causes all the problems that they complain about Daily. Garbageside...and developments like it are what got us into the mess we are in now. One day when you are too old to drive and afford your house taxes and fall into overcharged rental, you'll understand .

Like · Reply · 21w



Marc Pleau

wow..for you that day might never come...seems you've cushioned your fall for the end of days.

Like · Reply · 21w



Steve Specht

The urbanMetrics report is completely biased against the KED because the report was paid for by those that are again it. Those that support it can pay a firm to do a similar financial analysis that will produce results that show the planned is the best option. There has never been a truly independent and unbiased report produced, only complete drivel and whining from those opposed. Tom Fortin and the BIA are using stall tactics to kill the project, I hope the Minister steps and stops this ridiculous farce asap. And please Mr. Kirwan and city council, I beg you to dissolve the BIA as soon as possible so my tax dollars can stop going to support an organization that is using my money to impede much needed progress in our city.

Like · Reply · 1 · 21w



Linda C. Makela


Boycotting downtown businesses

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OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**


A Commissioner, & etc.

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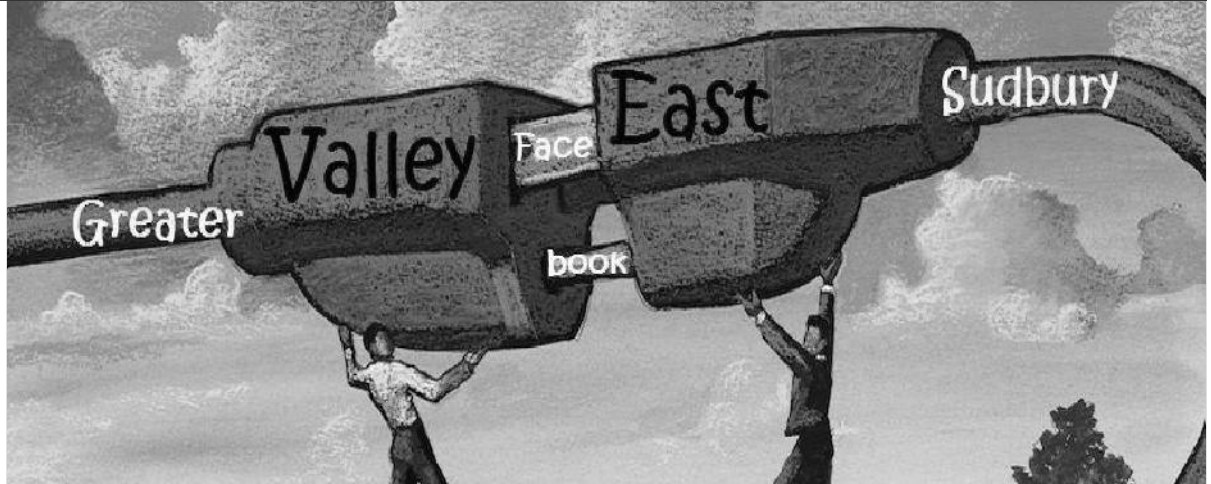
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Councillor Robert Kirwan shared a link.

August 6

As of the end of the business day today, there has been no application served on the City of Greater Sudbury.

Also, the Notice of Application that was filed with the Superior Court was filed by two parties: Tom Fortin and the Downtown Sudbury BIA.

Both parties are expected to be taking the matter to the Superior Court of Justice, not just Tom Fortin.

As for the argument that the City was biased and made the decision prior to the public hearings, that accusation is completely unfounded and preposterous.

City Councillors have no authority unless we are meeting as the City Council and make decisions as "City Council". Mr. Fortin is basically accusing us of holding a closed door meeting to advance the business of Council and I can state emphatically that no such closed door meeting was ever held that I attended.

By his own admission in the article below, Mr. Fortin claims, "I know I'm risking a lot of this community's money, and I don't take that responsibility lightly, or the confidence has been placed in me, both monetary and verbal."

The LPAT case management conference will be held on Thursday morning at Tom Davies Square. I will be attending and will report on what I witness. I fully expect that a hearing will be scheduled some time in October or early November so that we can deal with the zoning and official plan amendments that will allow the KED to move forward.

As for the Superior Court of Justice matter, if that item is actually served on the City, we have hired a lawyer who is well prepared to represent the City of Greater Sudbury and who will be seeking a fair and just outcome.

Mr. Fortin is asking for costs to be awarded if he wins the case, so it is normal for the City to also be asking for costs to be awarded if the City wins the case. The damages could be significant and it is quite likely that there may be civil action filed by the winning party against the losing party to recover additional losses.

City Council has made the decision to go forward with the KED and the Downtown Junction. As Councillor for Ward 5, I plan to continue to support the efforts of staff to make these projects happen and I am absolutely confident that the LPAT will rule in our favour. If the matter goes to the Superior Court of Justice, I am also absolutely confident that Tom Fortin's Application will be dismissed.

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Casino opponent moves to delay LPAT hearing

Tom Fortin heading to Superior Court to try and quash KED decision

36

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**THIS IS EXHIBIT "L" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**



A Commissioner, & etc.

Schedule "A"
to By-law 2019-16 of the City of Greater Sudbury

**Code of Conduct for Members of Council and Local Boards
And Complaint Protocol**

Part 1 – Code of Conduct

Purpose:

A legislated Code of Conduct helps to ensure that the members of Council and members of Local Boards, as defined in sections 1(1) and 223.1 of the *Municipal Act, 2001*, share a common basis of acceptable conduct in the individual conduct of their Official Duties. The Code of Conduct promotes public confidence that the City's elected representatives operate from a base of integrity, transparency, justice and courtesy.

Enforcement of the Code of Conduct by an independent Integrity Commissioner promotes public confidence in the process.

Definitions

1. For the purposes of this Code of Conduct:

- (a) **"Applicant"** means a person who has applied for an investigation by the Integrity Commissioner of an alleged contravention of the *Municipal Conflict of Interest Act*;
- (b) **"Application"** means a written request for an investigation with respect to an alleged contravention of the *Municipal Conflict of Interest Act*;
- (c) **"City"** means the municipal corporation of the City of Greater Sudbury, or the geographic area of the municipal corporation of the City of Greater Sudbury, as the context requires;
- (d) **"Complaint"** means a written request for an investigation with respect to an alleged contravention by a Member of the Code of Conduct or any other procedures, rules or policies governing ethical behaviour;
- (e) **"Complainant"** means a person who has applied for an investigation by the Integrity Commissioner of an alleged contravention of this Code of Conduct or any other procedures, rules or policies governing ethical behaviour;
- (f) **"Confidential information"** includes but is not limited to information:
 - (i) in the possession of the City or Local Board that the City or Local Board is prohibited from disclosing, is required to refuse to disclose under the *Municipal Freedom of Information and Protection of Privacy Act* or any other applicable law, or has exercised discretion to refuse to disclose;
 - (ii) identifying a matter or pertaining to the substance of a matter discussed or considered, or pertaining to advice received, presented, reviewed or discussed in an In-camera meeting under section 239 of the *Municipal Act, 2001*;

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- (iii) pertaining to matters of a type that could be discussed in an In-camera meeting under section 239 of the *Municipal Act, 2001*;
 - (iv) that is subject to solicitor/client privilege;
 - (v) that is of a personal nature to employees or clients of the City or Local Board; or
 - (vi) the publication of which may infringe on the rights of any person, including by example, the source of a complaint where the identity of the complainant is given in confidence.
- (g) **"Council"** means the Council of the City of Greater Sudbury;
- (h) **"Family Member"** means a **child, parent or spouse** of the Member, as those terms are defined in the *Municipal Conflict of Interest Act*:
- (i) **"child"** means a child born within or outside marriage and includes an adopted child and a person whom the parent has demonstrated a settled intention to treat as a child of their family;
 - (ii) **"parent"** means a person who has demonstrated a settled intention to treat a child as a member of their family whether or not that person is the natural parent of the child; and
 - (iii) **"spouse"** means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.
- (i) **"Gift or Benefit"** means cash, fees, admission fees, advances, vouchers, invitations, services, hospitality, travel and accommodation, entertainment or other thing or consideration, given, donated, transferred or otherwise conveyed to a Member, unless the giver, donor, transferor or conveying person receives payment or other consideration of goods or property, of equal or greater value to the value of what was so provided;
- (j) **"In-camera"** means the conduct of a meeting or part of a meeting, of Council or a committee of Council, which is closed to the public as permitted under section 239 of the *Municipal Act, 2001*;
- (k) **"Integrity Commissioner"** means the person appointed by Council of the City as the Integrity Commissioner for the City, responsible to perform the functions of an integrity commissioner under part V.1 of the *Municipal Act, 2001*;
- (l) **"Local Board"** means a local board as defined in sections 1(1) and 223.1 of the *Municipal Act, 2001* and without limitation includes the Board of Management for any Business Improvement Area, the Committee of Adjustment, Fence Viewers appointed under the *Line Fences Act*, Livestock Valuers appointed under the *Protection of Livestock and Poultry from Dogs Act* but is not intended to include any advisory panel created by Council from time to time;

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- (m) **"Member"**, means a member of Council, including the Mayor, or a member of a Local Board;
- (n) **"Official Duties"** means the public duties or responsibilities of a Member in office and includes functions performed by Members necessary to demonstrate responsible and accountable government with respect to matters within the City's or Local Board's jurisdiction and which are done for the purpose of providing good government with respect to those matters; and
- (o) **"Social Media"** means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video.

Application of the Code of Conduct

- 2. This Code of Conduct applies to every Member. This Code of Conduct shall be applied to Members who are members of a Local Board and not members of Council with necessary modifications applied in the discretion of the Integrity Commissioner.

Framework

- 3.(1) The Code of Conduct operates as a supplement to the legislative parameters within which the Members must operate. Members must comply with statutes of the Provincial Legislature and of the Parliament of Canada that govern the conduct of Members of Council, including:
 - the *Municipal Act, 2001*;
 - the *Municipal Conflict of Interest Act*;
 - the *Municipal Elections Act, 1996*;
 - the *Municipal Freedom of Information and Protection of Privacy Act*;
 - the *Ontario Human Rights Code*;
 - the *Criminal Code (Canada)*;
 - *Occupational Health and Safety Act*; and
 - *Public Enquiries Act*.
- (2) The City's Procedure By-law as amended or replaced from time to time, governs the conduct of Council Members during meetings of Council and its Committees.
- (3) Other City By-laws, rules, procedures and policies also govern the ethical behavior of Members of Council and supplement this Code of Conduct.

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General Principles

- 4.(1) Every Member shall serve, and be seen to serve, the public in a conscientious and diligent manner.
- (2) Every Member shall perform their functions with integrity, accountability and transparency and avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real.
- (3) Every Member shall perform their Official Duties in a manner that promotes public confidence.
- (4) Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the By-laws, rules, procedures and policies of Council pertaining to their position as an elected official.
- (5) Members should act in a manner which recognizes that the public has a right to open government and transparent decision making, while acknowledging all rules regarding confidentiality contained in this Code of Conduct and in other legislation.

Gifts or Benefits

- 5.(1) No Member shall accept a Gift or Benefit that is connected, directly or indirectly, with the performance of the Member's Official Duties, or which would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or where the Gift or Benefit is related to a public function would exceed what a reasonable member of the public would consider to be appropriate in the circumstances.
- (2) For the purposes of subsection 5(1), a Gift or Benefit, provided with the knowledge of the Member, to a Family Member, to a member of staff of the Member, to any other person related to the Member, or to any other person, corporation or body with whom or which the Member is associated, that is connected, directly or indirectly, to the fact or performance of the Member's Official Duties, is deemed to be a Gift or Benefit to the Member.
- (3) Members are not precluded by this Code of Conduct from accepting:
 - (a) compensation authorized by law;
 - (b) such Gifts or Benefits that normally and reasonably accompany the duties of office and are received as an incident of protocol or social obligation;
 - (c) a political contribution accepted and reported in accordance with applicable law;
 - (d) admission to a widely-attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event, offered by the entity responsible for organizing and presenting the event and unsolicited by the Member, if attending or participating in the Member's official capacity, including:

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- (i) participation in an event as a speaker or panel participant by presenting information related to City matters;
 - (ii) performance of a ceremonial function appropriate to the Member's office;
 - (iii) attendance at an event that is appropriate to the official capacity of the Member.
- (e) admission to a charity or community organization for whose benefit the event is being held, and unsolicited by the Member;
 - (f) admission to a training or education program, including meals and refreshments furnished to all attendees, if such training or education is related to the Member's Official Duties and in the interests of the City;
 - (g) services provided without compensation by persons volunteering their time;
 - (h) a suitable memento of a function honouring the Member;
 - (i) food, lodging, transportation and entertainment provided by federal, provincial or municipal governments or by political subdivisions of them;
 - (j) food and beverages consumed at banquets, receptions or similar events, if:
 - (i) attendance serves a legitimate business purpose;
 - (ii) the person extending the invitation or a representative of the organization is in attendance; and
 - (iii) the value is reasonable and the invitations infrequent; or
 - (k) communications to the office of a Member of Council, including subscriptions to newspapers and periodicals.
- (4) Except in the case of paragraphs 5(3) (b), (h), (i), (j) or (k), a Member shall not accept a Gift or Benefit worth in excess of two hundred dollars (\$200.00) or Gifts or Benefits from one source during a calendar year in excess of two hundred dollars (\$200.00). In the case of Gifts or Benefits of a type described in 5(3) (b), (h), (i), (j) or (k), if the value thereof, or if the total value of any one or more such Gifts or Benefits provided to or received by a Member from any one source during the course of a calendar year exceeds two hundred dollars (\$200.00), the Member shall, within thirty (30) days of such provision or receipt, or of reaching or exceeding such amount, file a disclosure statement with the Integrity Commissioner. The disclosure statement shall indicate:
- (a) the nature of every such, Gift or Benefit;
 - (b) its source and date of its provision and/or receipt;
 - (c) the circumstances under which it was provided and/or received;

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- (d) its estimated value;
 - (e) what the Member intends to do with the Gift or Benefit; and
 - (f) whether any Gift or Benefit is regarded by the Member as the property of the City.
- (5) Every disclosure statement filed or required to be filed under subsection 5(4) shall be a matter of public record, and duly made available to the public.
- (6) On receiving a disclosure statement, the Integrity Commissioner shall examine it to ascertain whether the receipt of the Gift or Benefit might, in their opinion, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, they shall call upon the Member to justify receipt of the Gift or Benefit, and in the further event that the Integrity Commissioner determines that the Gift or Benefit may create a conflict as described above, may request the Member to return the Gift or Benefit, or pay to the donor the value of any Gift or Benefit already consumed.

Confidential Information

- 6.(1) No Member shall, contrary to any applicable privacy law, disclose, release by any means or in any way divulge to any person or to the public, any Confidential Information, including without limitation any personal information as that term is used in the *Municipal Freedom of Information and Protection of Privacy Act*, acquired by virtue of their office, except when required by law or authorized by Council or the Local Board to do so.
- (2) No Member shall misuse Confidential Information or other information that they have knowledge of by virtue of their position that is not in the public domain, including e-mails and correspondence, consultant's reports, draft documents, such that the use thereof may lead to financial or other gain of the Member or of any person related to the Member or cause detriment to the City, Council, a Local Board, the public or others.
- (3) Except for information that is relevant to matters before Council, a committee of Council or the Local Board as the case may be, Members enjoy the same level of access right to information as any other member of the community and must follow the same processes as any private citizen. No Member shall access or attempt to gain access to Confidential Information in the possession of the City or Local Board, unless it is necessary for the performance of their Official Duties and not prohibited by Council or Local Board policy.
- (4) Every Member shall ensure they comply with the *Municipal Act, 2001*, *Municipal Conflict of Interest Act*, *Municipal Freedom of Information and Protection of Privacy Act*, and other applicable legislation regarding open meetings, accountability and transparency.

Use of City Property, Services and Other Resources

- 7.(1) No Member shall use or permit the use of, City land, facilities, equipment, supplies, services, City employees or other resources, including City-owned materials, websites,

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Council transportation delivery services, or Councillor global budgets, for activities other than the business of the City and in accordance with City policies.

- (2) No Member shall obtain financial gain from the use or sale of any City-developed intellectual property, (including inventions and creative writings or drawings), computer program, technical innovation, or other item capable of being patented, in which property remains in the exclusive ownership of the City.
- (3) Every Member shall avoid waste, abuse and extravagance in the provision or use of public resources.
- (4) Every Member shall comply with the City's policies on use of City property, use of technology, the Sale of Information Technology Equipment Policy and related procedures and guidelines.

Expenses

8. Every Member shall comply with City policies in effect from time to time governing expenses, including the policy for Payment of Councillor Expenses and Travel and Business Expense Policy, and related procedures and guidelines and ensure that conditions related to each expense are met.

Election Campaign Work

9. Every Member shall comply with the *Municipal Elections Act, 1996* and the City's policy on the Use of Municipal Resources by Candidates during a municipal election and shall not use municipal resources in respect of a Provincial or Federal election.

Business Relations

- 10.(1) No Member shall act as a paid agent before Council, its committees or an agency, board or commission of the City.
- (2) No Member shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.

Conduct re Prospective and Future Employment

11. No Member shall allow the prospect of their future employment by a person or entity to detrimentally affect the performance of their Official Duties.

Conduct in Office, Including at Council and Committees

- 12.(1) Every Member shall conduct themselves with decorum in the course of their performance, or required performance, of their responsibilities as a Member, and at meetings of Council, Committees of Council or meetings of the Local Board as the case may be, and other meetings, and in the case of Members of Council, in accordance with the provisions of the City's Procedure By-law, and other By-laws of the City, where applicable.

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- (2) Failure by a Member of Council to comply with one or more provisions of the Council Procedure By-law does not, in itself, constitute a contravention of this Code of Conduct, in circumstances in which it is open to the body and/or the person chairing the meeting, to take appropriate steps to call the Member to order, or otherwise deal appropriately with the contravention, and the Member complies with the decision of the body or chairperson, and otherwise with the requirements of the Council Procedure By-law.
- (3) This section does not prevent a Member from requesting that Council or Local Board as the case may be, grant a specific exemption or exception from strict application of this Code of Conduct, or of any other City policy or procedure, amend this Code of Conduct, or take no action in respect of a contravention of it, and such an exception or decision may be limited as to time or scope, and subject to amendment or revocation by Council. Any such request to Council or a Local Board shall be made in a meeting open to the public.

Improper Use of Influence

- 13.(1) No Member shall use the influence of their office for any purpose other than the performance of the Member's responsibilities as a Member, and other Official Duties.
- (2) In addition to the general requirement contained in subsection 13.(1):
- (a) No Member shall use their status as a Member to influence, or try to influence, improperly, any action or decision of another person or entity to the private advantage of:
- (i) the Member;
 - (ii) any Family Member;
 - (iii) any business or other associate;
- or attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of constituents as part of their Official Duties;
- (b) No Member shall hold out the prospect or promise of future advantage through or related to, the supposed influence of the Member, in return for any decision, vote, action or inaction; and
- (c) Every Member shall comply with the Purchasing By-law and shall not attempt to influence the decision making process as it relates to the award of contracts or settlement of claims through personal contact or interaction with the parties administering or directly involved in such processes.
- (3) For the purposes of subsection 13.(2), "private advantage" does not include an advantage that:
- (a) affects a Member of Council, a Family member, City employee, friend or associate, as one of a broad class of persons; or

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- (b) concerns the remuneration or benefits of one or more Members of Council, as authorized by law.
- (4) Members should not advocate on behalf of any person at a hearing of an adjudicative board or tribunal and should not contact any member of such a board or tribunal regarding any application before it.

Conduct Respecting City Employees

- 14.(1) Only Council as a whole and no single Member, including the Mayor, has the authority to direct employees, approve budgets, policy, and other such matters, unless specifically authorized by Council.
- (2) Every Member shall be respectful of the role of City officers and employees to provide professional service and advice based on political neutrality and objectivity, and without undue influence from any one or more Members. Members shall refrain from any conduct which may deter, interfere or unduly influence employees in the performance of their duties, obligations and any standards of conduct prescribed for the employee's profession.
- (3) No Member shall maliciously, falsely, negligently, recklessly, or otherwise improperly, injure the professional or ethical reputation, or the prospects or practice, of any one or more City employees.
- (4) No Member shall ask, expect or take any step to compel, any City officer or employee to engage in any partisan political activity, or be subjected to threat or discrimination for refusing to do so.
- (5) No Member shall make requests or statements or take actions which may be construed as an attempt to influence the independent administration of justice.
- (6) No Member shall use, or attempt to use, the Member's authority or influence for the purpose of intimidating, threatening, coercing, or otherwise improperly influencing any City employee with the intent of interfering with that employee's duties, including the duty to disclose improper activity.

Discreditable Conduct

- 15.(1) Every Member shall:
 - (a) treat other Members, City officers and employees, and members of the public, appropriately, and without abuse, intimidation, harassment or violence; and
 - (b) make all reasonable efforts to ensure that their work environment is free from discrimination, harassment and violence.
- (2) Every Member shall act in compliance with the *Ontario Human Rights Code* and the *Occupational Health and Safety Act*, and where applicable, the City's Workplace Violence, Harassment and Discrimination Prevention Policy and Program.

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Respect for Decision Making Process

- 16.(1) Every Member shall accurately and adequately communicate the decisions of Council or the Local Board, as the case may be, even if they disagreed with the decision of Council or the Local Board, as the case may be, such that respect for and trust and confidence in the decision-making processes is encouraged.
- (2) Every Member should refrain from making statements known to be false or with the intent to mislead Council or the Local Board as the case may be, or the public.
- (3) Every Member shall encourage public respect for and compliance with City processes, by-laws and policies.

Social Media

17. Every Member shall:
- (a) adhere to any and all City policies and guidelines, regarding social media use; and
- (b) always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the City when using social media.

Comply with Policies and Procedures

- 18.(1) Every Member shall adhere to such by-laws, policies and procedures adopted by Council or the Local Board as the case may be, that are applicable to them, whether or not specifically identified herein.
- (2) Nothing herein prevents a Member from requesting that Council or the Local Board grant an exemption from a policy.

Integrity Commissioner

- 19.(1) The Code of Conduct is administered by the City's Integrity Commissioner, appointed by Council by By-law 2018-131 to perform, in an independent manner, the functions of an Integrity Commissioner under section Part V.1 of the *Municipal Act, 2001*.
- (2) Any Member seeking clarification of any part of this Code of Conduct is encouraged to consult with the Integrity Commissioner by way of written request for advice. Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter as long as all the relevant facts known to the Member were disclosed to the Integrity Commissioner.
- (3) The Integrity Commissioner, is not restricted to looking at the pecuniary interest of the Member, and for clarity, the Integrity Commissioner is specifically authorized to

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investigate issues of conflict in a broad and comprehensive manner, while carrying out their responsibilities regarding the Code of Conduct.

- (4) The Integrity Commissioner shall provide the following services:
- (a) The application of this Code of Conduct for Members.
 - (b) The application of any procedures, rules and policies of the City and local boards governing the ethical behaviour of Members of Council and of Local Boards or of either of them.
 - (c) The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to Members of Council or of Local Boards.
 - (d) Requests from Members for advice respecting their obligations under the Code of Conduct applicable to the Member. All requests for such advice and the advice in response thereto, shall be provided in writing.
 - (e) Requests from Members for advice respecting their obligations under a procedure, rule or policy of the City or of the Local Board, as the case may be, governing the ethical behaviour of Members. All requests for such advice and the advice in response thereto, shall be provided in writing.
 - (f) Requests from Members for advice respecting their obligations under the *Municipal Conflict of Interest Act*. All requests for such advice and the advice in response thereto, shall be provided in writing.
 - (g) The provision of educational information to Members, the City and the public about the City's Code of Conduct for Members and about the *Municipal Conflict of Interest Act*.

Investigations under the Code of Conduct

- 20.(1) The Complaint Protocol set out in Part 2 of this document shall govern allegations of wrongful behavior or activity under the Code of Conduct in Part 1 of this document (the "Code of Conduct". Every Member shall respect the procedures established in the Complaint Protocol and co-operate with requests for information during investigations under the Code of Conduct.
- (2) No Member shall engage in reprisal or make a threat of reprisal against a Complainant or any other person for providing information to the Integrity Commissioner or for making a Complaint to the Integrity Commissioner.
 - (3) No Member shall obstruct the Integrity Commissioner in carrying out their responsibilities.
 - (4) Without limiting the generality of subsection 20.(3), "obstruct", under that subsection includes:

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- (a) destroying documents or records, including erasing electronic documents or records;
- (b) withholding or concealing documents or records, including electronic documents or records; or
- (c) failing to respond to the Integrity Commissioner within ten (10) days after a written request is given, or within such longer period as the Integrity Commissioner may allow.

Part 2 – Complaint Protocol

Formal Complaint/Application Process

- 21.(1) A Complaint that a Member has contravened the Code of Conduct or a corporate policy of the City governing ethical behaviour may be initiated by any person, any Member of Council, or by Council as follows:
- (a) a Complaint shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
 - (b) a Complaint must be signed and dated by the Complainant who shall be an identifiable individual (Complaints may not be submitted by any group, organization or corporation);
 - (c) a Complaint shall include:
 - (i) an explanation, with specific reference to sections of this Code of Conduct, as to why the issue raised is alleged to be a contravention of this Code of Conduct;
 - (ii) any evidence in support of the allegation; and
 - (iii) the names of any witnesses who can support the allegation
 - (d) the alleged violation shall have taken place within sixty (60) days of filing the Complaint with the Integrity Commissioner;
- (2) If filed with the Integrity Commissioner on or after March 1, 2019, an Application to the Integrity Commissioner to inquire into an alleged contravention of Sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* ("MCIA") may be made by an elector as defined in Section 1 of the MCIA or by a person demonstrably acting in the public interest, as follows:
- (a) an Application shall be made in writing and shall be sent directly to the Integrity Commissioner by mail, e-mail, fax or courier;
 - (b) an Application must be signed and dated by the Applicant who shall be an identifiable individual (An Application may not be submitted by any group, organization or corporation);

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- (c) an Application shall include:
 - (i) an explanation, with specific reference to sections of the MCIA, as to why the issue raised is alleged to be a contravention of the MCIA;
 - (ii) any evidence in support of the allegation;
 - (iii) the names of any witnesses who can support of the allegation;
 - (iv) a statutory declaration attesting to the fact that the Applicant became aware of the alleged contravention not more than six (6) weeks before the date of the Application in accordance with Section 223.4.1(5) & (6) of the *Municipal Act, 2001*; and
 - (d) an Application may only be made six (6) weeks after the Applicant became aware of the alleged contravention and otherwise in compliance with Section 223.4.1(5) & (6) of the *Municipal Act, 2001*.
- (3) The Integrity Commissioner shall undertake an initial review of a Complaint or an Application and shall determine whether the matter relates to non-compliance with the Code of Conduct or other corporate policy applying to Members or compliance with the MCIA. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the Complaint or Application, if it is not alleging such a contravention, or if the Complaint relates to the following matters:
- (a) **Criminal Matter** – if the Complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the Complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service;
 - (b) **Municipal Freedom of Information and Protection of Privacy Act** – if the Complaint relates to a matter under the *Municipal Freedom of Information and Protection of Privacy Act*, the Complainant shall be referred to the Clerk; or
 - (c) **Municipal Elections Act** – if the Complaint relates to the enforcement of the *Municipal Elections Act*, the Complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that act.
- (4) If the Integrity Commissioner determines that they do not have jurisdiction as described in Section 21.(3) the Integrity Commissioner shall advise the Complainant/Applicant in writing accordingly.
- (5) The Integrity Commissioner may dispose of a Complaint or Application on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may do so confidentially or report same to Council. The Integrity Commissioner may also seek further information or clarification from the Complainant/Applicant and shall endeavour to apprise the Complainant/Applicant of subsequent steps and the processing of the Complaint or Application and any ensuing investigation.

Schedule "A"
to By-law 2019-16 of the City of Greater Sudbury

- (6) If the Integrity Commissioner is of the opinion that a Complaint or Application is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the Complaint/Application in a summary manner. The Integrity Commissioner shall advise the Complainant/Applicant in writing of their decision and reasons for not undertaking an investigation or terminating it.
- (7) If the Integrity Commissioner has decided to commence an investigation (except where otherwise required by the *Public Inquiries Act, 2009*, if applicable), the Integrity Commissioner shall provide a copy of the Complaint or Application and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within ten (10) days. The Integrity Commissioner may provide the response from the Member to the Complainant/Applicant with a request for a written reply also within ten (10) days. A Complainant or an Applicant may request that their Complaint or Application remain anonymous and, if approved by the Integrity Commissioner, their name will not be released.
- (8) The Integrity Commissioner shall review the written responses and may, if necessary, discuss the matter with anyone that the Integrity Commissioner considers is relevant to the Complaint or Application. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act, 2001* and may access any City workplace relevant to the Complaint or Application, including any documents or records under the custody or control of the City.
- (9) Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member with the basis for their findings and any sanctions that may be recommended. The Member shall have the opportunity to comment further, either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.
- (10) Upon conclusion of a Complaint investigation, the Integrity Commissioner shall:
- (a) issue a report to Council on the findings of the investigation and, where there is a finding of contravention, the report shall contain the detailed findings and any recommended sanctions or any settlement; and
 - (b) provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the Complainant and at the same time the report becomes public.
- (11) Upon conclusion of an Application investigation, the Integrity Commissioner may, if they consider it appropriate, apply to a Judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the Member has contravened Section 5, 5.1 or 5.2 of that act.
- (12) The Integrity Commissioner shall:
- (a) advise the Applicant if the Integrity Commissioner will not be making an Application to a Judge; and

Schedule "A"
to By-law 2019-16 of the City of Greater Sudbury

- (b) after deciding whether or not to apply to a Judge, provide a written report to Council providing reasons for the decision.
- (13) The Integrity Commissioner's report on a Complaint or an Application shall be placed on an agenda for consideration at a public meeting of the Committee of the Whole or Council, in accordance with the Procedure By-law, as determined by the Clerk in consultation with the Integrity Commissioner.
- (14) The Integrity Commissioner should generally complete the investigation and provide any required report to Council within 90 days of the Complaint or Application being filed. If additional time will be required to complete the investigation and report, the Integrity Commissioner shall report to Council explaining the delay, and where possible advising of the projected completion date.

Election Blackout Period

- 22. No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, and nor shall Council consider imposing sanctions regarding a Complaint, within the election period between nomination day and six (6) weeks after voting day. If an investigation is terminated on nomination day the Integrity Commissioner shall not commence another investigation in respect of the matter, unless the investigation is requested in writing by the Complainant/Applicant or the Member or former Member within six (6) weeks after voting day.

Penalties

- 23.(1) Upon receipt of a final report with respect to a Complaint and the recommendations of the Integrity Commissioner, Council may, where the Integrity Commissioner has determined there was a violation of the Code of Conduct, impose either of the following two (2) penalties:
 - (a) a reprimand; or
 - (b) suspension of remuneration paid to the Member in respect of their services as a Member for up to ninety (90) days.
- (2) Council may also take the following actions:
 - (a) removal from membership of a committee;
 - (b) removal as chair of a committee;
 - (c) request the repayment or reimbursement of monies received; or
 - (d) request the return of property or reimbursement of its value.

**THIS IS EXHIBIT "M" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**

A handwritten signature in black ink, appearing to be "B. J. MacIntyre", written over a horizontal line.

A Commissioner, & etc.

10:26



Councillor Robert Kirwan uploaded a file in the group: **Valley East**.
Thursday at 6:10 PM



City Councillors are elected every four years and assume responsibility for running the city. We are the ones who are obliged to consider all of the information available and make decisions that are in the best interests of the residents. It is understandable that there will always be people who will disagree with any decision, but at the end of the day it is City Council that must make a decision.

And so, back in June 2017, City Council made decisions that will eventually launch the City of Greater Sudbury into a whole new level with the Kingsway Entertainment District and the Downtown Junction projects. Hundreds of jobs will be created and hundreds of millions of investment will be forthcoming. Millions of additional tax revenue will be realized.

When we approved the applications for zoning amendments and official plan amendments that would allow for the casino and the municipal arena to be built on the site that was selected, we accepted that there would be appeals simply because we knew that some people wanted the arena downtown. A total of 12 appeals have been filed and they are going through the LPAT process. Once that decision is rendered, we can proceed with construction.

There was an election held in October 2018, and that would have been a perfect opportunity for the public to let us know that they disagreed with our decisions about the KED and the Junction. However, "every" single person who ran was re-elected. That was a pretty good indication that the public supported our



10:26



There was an election held in October 2018, and that would have been a perfect opportunity for the public to let us know that they disagreed with our decisions about the KED and the Junction. However, "every" single person who ran was re-elected. That was a pretty good indication that the public supported our decisions.

And so, it is disheartening to read the Application that has been filed in the Ontario Superior Court of Justice. What this amounts to is the same appeal, but filed in the Superior Court just in case the appeals are unsuccessful at LPAT. I reviewed the Court File at the Sudbury Court House today and it is attached as a file below. You can look at it and see that what is being asked is the same that has been asked for at LPAT.

However, you will also see that one of the Applicants in this file is the Sudbury Business Improvement Area as well as Tom Fortin. They are both being represented by Gordon Petch, the lawyer from Oakville who is also representing 10 of the 12 appeals with LPAT.

I have a lot of problems with what has been written in the Application. There are many false and misleading statements as well as unfounded accusations.

I just wonder how many of the Downtown businesses knew that their BIA filed this application? I wonder how many of them know that one of the things that is being asked for is "costs"? But with the Superior Court of Justice, costs are awarded to the "winning" side. If the city "wins", then the Sudbury BIA will have to pay "costs". I wonder if the Downtown Businesses are prepared to pay for those costs through the levy that is imposed on them every year. Costs in this case can be hundreds of thousands of dollars by the time it



10:26



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I also wonder how the Downtown BIA is paying for their legal costs? Our Auditor General can examine the BIA books, so I am going to request an audit because the City Council has to approve the BIA budget.

I just want to do my job as City Councillor. I, along with 11 other Councillors and the Mayor, spend a lot of time reviewing material, investigating, and debating to come up with what we feel is best for the city. We are running the city. It is indeed sad to think that some people now feel that they have to run to court and ask a judge to overturn decisions that have been made by the elected representatives. I am sure that the Superior Court Judge will dismiss the Application with costs awarded to the City. A Judge is not going to rescind by-laws that have been passed by City Council.

So what is the purpose of filing the Application? Is it just to add more confusion and complexity to the LPAT process? Is it just another power struggle to see who controls Council and the city? I don't know, but I am concerned for the hundreds of residents of Ward 5 who were counting on those hundreds of new jobs to



10:26



So what is the purpose of filing the Application? Is it just to add more confusion and complexity to the LPAT process? Is it just another power struggle to see who controls Council and the city? I don't know, but I am concerned for the hundreds of residents of Ward 5 who were counting on those hundreds of new jobs to help them get out of the cycle of poverty they are in. This seems to be a "game" to the Applicants, but to my constituents, this is survival and quality of life. They need jobs and our city needs the growth.

We will see what comes from this court action. But I don't think any good will come from it.



16 95 Comments 3 Shares

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Councillor Robert Kirwan
Everything was fine when the Sudbury BIA was simply doing things t... [See More](#)

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Michel Lalonde
James Tremblay the City is essentially the middle m... [See More](#)

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Write a comment...



**THIS IS EXHIBIT "N" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**



A Commissioner, & etc.



CITY COUNCIL AGENDA

City Council Meeting
Tuesday, July 9, 2019
 Tom Davies Square - Council Chamber

MAYOR BRIAN BIGGER, CHAIR

****REVISED**

1:00 p.m. CLOSED SESSION, COMMITTEE ROOM C-12

2:30 p.m. OPEN SESSION, COUNCIL CHAMBER

City of Greater Sudbury Council and Committee Meetings are accessible and are broadcast publically online and on television in real time and will also be saved for public viewing on the City's website at:

<https://agendasonline.greatersudbury.ca>.

Please be advised that if you make a presentation, speak or appear at the meeting venue during a meeting, you, your comments and/or your presentation may be recorded and broadcast.

By submitting information, including print or electronic information, for presentation to City Council or Committee you are indicating that you have obtained the consent of persons whose personal information is included in the information to be disclosed to the public.

Your information is collected for the purpose of informed decision-making and transparency of City Council decision-making under various municipal statutes and by-laws and in accordance with the *Municipal Act, 2001, Planning Act, Municipal Freedom of Information and Protection of Privacy Act* and the City of Greater Sudbury's *Procedure By-law*.

For more information regarding accessibility, recording your personal information or live-streaming, please contact Clerk's Services by calling 3-1-1 or emailing clerks@greatersudbury.ca.

ROLL CALL

Resolution to move to Closed Session to deal with one (1) Security of Property Matter regarding the City's information technology systems and data and one (1) Labour Relations or Employee Negotiations Matters regarding negotiations with CUPE; and one addendum to deal with one (1) Acquisition or Disposition of Land / Solicitor-Client Privilege Matter regarding property at 200 Larch Street, Sudbury in accordance with the *Municipal Act, 2001, s. 239(2)(a), (c), (d) and (f)*.

(RESOLUTION PREPARED)

M-1. Request to Rename C Street in Lively to Len Turner Drive

As presented by Councillor Vagnini:

WHEREAS Len Turner served as Lively's first Mayor, as appointed by Inco, from 1956 to 1972;

AND WHEREAS Len Turner was one of the forefathers who contributed to Lively's growth from an Inco development into the wonderful community it is today;

AND WHEREAS C Street was a street in existence at the time of Len Turner's term as Mayor;

AND WHEREAS Len Turner's service to his community is worthy of renaming C Street in Lively to Len Turner Drive;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury direct staff to bring a report to the Planning Committee for its consideration in the second quarter of 2019 with a recommendation regarding the renaming of C Street in Lively to Len Turner Drive.

M-2. Commencement Times for Operations and Community Services Committees

As presented by Councillors McIntosh and Lapierre:

WHEREAS By-law 2019-51, being a By-law of the City of Greater Sudbury regarding Committees of Council and Advisory Panels, provides for meetings of Operations Committee to commence at 4:00 p.m. and of the Community Services Committee to commence at 6:00 p.m. on the third Monday of every month;

AND WHEREAS Members of the Operations and Community Services Committees wish to have their meetings commence at 2:00 p.m. and 4:30 p.m. respectively, and further wish to provide that the Operations Committee meeting must adjourn at least fifteen minutes prior to the time scheduled for the commencement of the Community Services Committee meeting;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury directs staff to prepare the necessary by-law to be presented at the July 9th, 2019 Council meeting to amend By-law 2019-51 by amending:

(a) the Terms of Reference for the Community Services Committee to provide for meetings to commence at 4:30 p.m.; and

(b) the Terms of Reference for the Operations Committee to provide for meetings to commence at 2:00 p.m. and adjourn no later than 15 minutes prior to the time the Community Services Committee meeting is scheduled to commence.

M-3. Downtown Sudbury Board of Management By-Law Amendment

As presented by Councillor Leduc:

WHEREAS, pursuant to the Municipal Act, 2001, municipalities can designate business improvement areas with a mandate that includes oversight of the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally and the promotion of the area as a business or shopping area;

AND WHEREAS the Downtown Sudbury Board of Management, which was established

by By-law 77-76 Being a By-law of the Corporation of the City of Sudbury to Establish a Board of Management for the Improvement Area for the Central Business District of the City of Sudbury, has supported appeals before the Local Planning Appeal Tribunal with regard to the Kingsway Entertainment District project and is a party to litigation against the City of Greater Sudbury;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury direct that staff present a by-law to amend By-law 77-76, as amended, to prohibit the Board of Management from commencing, maintaining, funding or continuing litigation of any sort against the City of Greater Sudbury and that such prohibition also restrict the Board of Management from commencing, maintaining, funding or continuing any proceedings before the the Local Planning Appeal Tribunal or any other administrative tribunal appointed from time to time to deal with land use matters.

M-4. Request For Review Of By-Laws 2009-101 And 2011-277

As presented by Councillor Landry-Altman:

WHEREAS By-law 2009-101 being a by-law to Require the Clearing of Yards and Certain Vacant Lots, as well as By-law 2011-277 being a by-law to Prescribe Standards for the Maintenance and Occupancy of All Property have not been extensively reviewed since their creation;

AND WHEREAS the standards prescribed in those by-laws are minimum standards which could be raised to improve the quality of life and place and enhance the health and safety of all residents;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury directs staff to undertake a review of the standards prescribed by By-laws 2009-101 and 2011-277 as amended, conduct comparisons with other municipalities, and present a report to Council in the 4th quarter of 2019 with recommendations to improve standards in both by-laws for Council's consideration.

M-5. Request For A Commercial Advertising Policy

As presented by Councillor McCausland:

WHEREAS the City of Greater Sudbury encourages external advertising on a variety of municipal assets as a method of generating non-tax based revenue for the municipality;

AND WHEREAS the City of Greater Sudbury wishes to ensure that all advertising meets the standards set out by the Canadian Code of Advertising Standards (CCAS), the freedoms of expression protected under the Charter of Rights and Freedoms and the City of Greater Sudbury's Corporate Identity and Vision;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury direct that staff bring forward a report for Council's consideration to establish a Commercial Advertising Policy which adheres to the CCAS, Federal and Provincial Statutes, as well as municipal by-laws and/or policies, in the fourth quarter of 2019.

CORRESPONDENCE FOR INFORMATION ONLY

**THIS IS EXHIBIT "O" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**



A Commissioner, & etc.



DOWNTOWN SUDBURY
115 LARCH STREET
SUDBURY, ON P3E 1B8

705 674 5115
www.downtownsudbury.com

August 2, 2019

Via email

Gordon E. Petch
Municipal Law Chambers
Royal Building
277 Lakeshore Road East, Suite 211
Oakville, Ont.
L6J TH9

Dear Sir:

RE: LPAT Sudbury

This letter is to inform you that the 'Downtown Sudbury' BIA will not be participating in the Superior Court filing against the City of Greater Sudbury due to regular threats of disbandment or retributive action against the BIA for participating.

Yours truly,

A handwritten signature in black ink, appearing to read 'Maureen M. Luoma', written in a cursive style.

Maureen M. Luoma
Executive Director

A PLACE FOR YOU
SINCE 1883

**THIS IS EXHIBIT "P" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**



A Commissioner, & etc.

Downtown Sudbury

115 Larch st
P3E 1B8
Sudbury On,
Phone: 705.674.5115



It is with deep concern we write to you regarding the recent social media and public comments made by City of Greater Sudbury Councillor Robert Kirwan regarding Downtown Sudbury Business Improvement Area and a municipal planning decision that greatly affects the future of our organization.

Our organization contends that social media posts, public statements and newspaper columns produced by Coun. Kirwan are in breach of City of Greater Sudbury's council's Code of Conduct.

Attached are the comments Coun. Kirwan has made through social media as well as in several media articles.

In these materials, we contend that Coun. Kirwan has made public his desire to dissolve the Downtown Sudbury BIA for the express purpose of intimidating the BIA into forfeiting its right to legally defend its interests. He is presenting to the public and to fellow councillors the option of a quid-pro-quo: Either the BIA falls in line with his position and drops its planning appeals and potential legal action or he will urge the council to terminate the BIA.

Background

Downtown Sudbury (formerly Sudbury Metro Centre) is dedicated to the growth of Downtown Sudbury through policy development, advocacy, special events and economic development. All 90-plus property owners and 400-plus businesses that own or lease property within Downtown Sudbury are members. On their behalf, Downtown Sudbury is proactive in terms of program delivery, event co-ordination and advocacy.

For three years, Ward 5 Councillor Robert T. Kirwan has been a vocal advocate for the Kingsway Entertainment District (KED) project and the city's partnership with the casino operator and local businessman Dario Zulich. He has also been a vocal critic of anyone who opposes this development, including Downtown Sudbury.

As is made clear from the attached correspondence, Coun. Kirwan has routinely made veiled threats against Downtown Sudbury, up to and including suggesting that participating in planning appeals "may lead to collateral damage against some innocent downtown merchants."

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His Facebook posts on this topic often generate streams of hateful comments toward Downtown Sudbury, up to and including calls for boycotts of Downtown Sudbury and its members. Coun. Kirwan has made no attempt to moderate or mitigate these hateful posts.

It is our contention that Coun. Kirwan has knowingly and willfully been misleading the public regarding the basic facts of this project and the challenges it faces; has knowingly and willfully defamed the appellants, including Downtown Sudbury and named individuals; and has knowingly and willfully spread discord across the city in a co-ordinated attempt to deter members of the community from pursuing lawful recourse against a decision of City Council; and he has done all of these things in contravention of the City of Greater Sudbury's Code of Conduct.

Complaint

In the offending Facebook post dated Thursday May 16th, Kirwan writes: "Now that they (the BIA) have actually filed a civil suit against the City they have left us with only one option from what I can see. Council needs to repeal the by-law that established the Sudbury BIA and dissolve the association."

The premise of these statements is fundamentally untrue: Downtown Sudbury and other appellants have filed a Notice of Application in Superior Court which would allow it to serve the city in the future. This is required because LPAT's rules at this point are untested, and because the Province is overhauling the process with Bill 108 and appellants, the city and LPAT do not know what will be in the jurisdiction of LPAT by the time this case is heard.

None of the issues being appealed have changed, and all of the issues listed in the Notice of Application are also listed in the original LPAT appeal, all of which have already been deemed valid by the current LPAT process.

In these same writings, Coun. Kirwan makes the spurious claim that the principal purpose of the LPAT appeals and more recent court filing is to tie up the KED projects in legal proceedings and thus delay the project hoping its proponents will give up and withdraw.

That assertion is also completely wrong. It not only defames the appellants, but is also contemptuous of the justice system. This comment dismisses out of hand the fact that the

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appellants' case is based on planning and case law and has already passed the first hurdle as addressing legitimate planning law.

In fact, it was City Council that chose to wait until the previous and well-tested OMB process expired before taking the KED project to the planning committee so they could go before what they hoped would be a more favourable body in LPAT. It was this decision that has caused the most delay, and added the most confusion to the process. Because the LPAT rules were untested, the first case, The Rail Deck in Toronto, has endured process appeals and those appeals halted all LPAT appeals across the province until the case law could be decided. It is entirely possible that further delays could occur due to other appeals regarding the process on any case currently before LPAT. Again, this was the process chosen by City Council, including Coun. Kirwan.

Further, Coun. Kirwan has assumed the motives both the BIA and others who have taken action in the case against the city and misrepresented the words of board member Jeff MacIntyre. His commentary about the BIA and fellow appellant Tom Fortin simply trying to delay the process are misleading to the public and damaging to the reputations of Downtown Sudbury as a whole, and Tom Fortin and Jeff MacIntyre in particular.

Coun. Kirwan's comments are clearly an act of coercion designed to stop the BIA from proceeding with its right to take legal action. He is making it clear that if the BIA does not want to have itself voted out of existence, it should comply with his coercive demand to back out of legal action against the city.

On May 23, Coun. Kirwan is quoted by CBC:

[https://www.cbc.ca/news/canada/sudbury/kingsway-entertainment-district-notice-superior-court-1.5145679?fbclid=IwAR1gU8X5RH8rjcQnHNgorejJfquPI7cS6GBNI7ygQR-
iuOYoayDiu4IH5M](https://www.cbc.ca/news/canada/sudbury/kingsway-entertainment-district-notice-superior-court-1.5145679?fbclid=IwAR1gU8X5RH8rjcQnHNgorejJfquPI7cS6GBNI7ygQR-
iuOYoayDiu4IH5M))

"We don't mind the Sudbury BIA filing an appeal against the applications, but to actually take the city to court with Tom Fortin and ask the court to overturn the decisions is just going too far," he said.

"I see no other choice but to dissolve the Sudbury BIA and let them go on their own. Dissolving the BIA really basically takes them out of the court application because they will no longer exist, it'll leave Tom Fortin by himself."

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Who is the “We” Coun. Kirwan refers to? Since he is writing and speaking as a member of City Council, the only reasonable conclusion is that he is speaking on behalf of City Council. Do his fellow city councillors agree with his assessment, as he is clearly saying they do?

Further, he says there’s only one choice for a course of action: “to dissolve the Sudbury BIA.” That is not a course of action an individual councillor can take; only council as a whole can take such an action and he presents no evidence that council will make such a determination. Nevertheless, Coun. Kirwan goes on to describe what will happen to the BIA when it is dissolved: That “Dissolving the BIA really basically takes them out of the court application because they will no longer exist, it'll leave Tom Fortin by himself.”

The same opinions are expressed in a column in The Sudbury Star on May 24

(<https://www.thesudburystar.com/news/local-news/sudbury-column-why-the-downtown-bia-should-be-scraped>).

In it, he writes: “This leaves council no choice but to set in motion the process of repealing the bylaw that established the BIA and effectively dissolving the organization. Downtown businesses will be free to form their own private association if they wish, but that will have to be done without any city involvement or assistance. They will also have to approach all of the downtown businesses to see if they still want to be members.

“The ‘death’ of the BIA will leave Fortin as the sole applicant in this matter and city lawyers can then determine a legal course of action that will have the application removed from the Superior Court of Justice.”

Again, Coun. Kirwan is prescribing the decision City Council will make, failing to differentiate from a decision council might make. It’s an important distinction given that no councillor has yet brought such a motion before council.

Further, Coun. Kirwan goes on to describe what the downtown BIA’s options will be once council has taken this theoretical action, suggesting this action is fait accompli.

Further, Mr Kirwan states in an additional Facebook posting that: “Clearly, the Sudbury BIA is acting beyond its mandate. The action taken in the Superior Court of Justice may place all of the commercial property owners in the Downtown CIP as well as the City of Greater Sudbury at significant risk if the court case is lost and costs are awarded against the Sudbury BIA. There is

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also the potential for the private sector parties to initiate a civil action to recover lost revenue as a result of the actions taken by the Sudbury BIA. These damages could result in huge legal costs and damages which would be the responsibility of the commercial property owners in the Downtown CIP as well as the City of Greater Sudbury.”

Coun. Kirwan possesses no legal designations or expertise, and neither does he reference any in his writings. At no time in his Facebook posts or newspaper column does Coun. Kirwan present evidence that he is representing other city councillors or decisions made by city council. Neither does Coun. Kirwan preface any of these communications as his personal opinion only.

Lastly, Coun. Kirwan again reiterates that the “death of the BIA” will secure the city’s path to legal victory over the various appeals ... thus revealing his true motive.

His unsolicited opinions as a councillor as to the legal ramifications of any action furthers the pressure on the BIA to change course on its lawsuit to meet his opinions. It also goes against General Principle 4(3) from the code of conduct: “Every member shall perform their official duties in a manner that promotes public confidence.”

This is clearly an attempt by Coun. Kirwan to spread fear about the consequences of decisions taken by Downtown Sudbury and other appellants in consultations with their own legal counsel.

Code of Conduct**Greater Sudbury City Council’s Code of Conduct, General Principles**

4.(1) Every Member shall serve, and be seen to serve, the public in a conscientious and diligent manner.

(2) Every Member shall perform their functions with integrity, accountability and transparency and avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real.

(3) Every Member shall perform their Official Duties in a manner that promotes public confidence.

Downtown Sudbury

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1484

(4) Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the By-laws, rules, procedures and policies of Council pertaining to their position as an elected official.

(5) Members should act in a manner which recognizes that the public has a right to open government and transparent decision making while acknowledging all rules regarding confidentiality contained in this Code of Conduct and in other legislation.

We contend that Coun. Kirwan has violated the general principles of City Council's Code of Conduct:

1. He is not serving the public in a **conscientious and diligent manner**. Rather, Coun. Kirwan is willfully spreading misinformation, defaming individuals and maliciously sowing discord in the community.
2. Coun. Kirwan is deliberately using **the influence of his office** to spread misinformation and to sow discord.
3. Coun. Kirwan has, over the past four years as well as the past couple of weeks, deliberately blurred the lines between his work as a city councillor, his private business interests and his opinions as a private citizen. As a result, he has created numerous **conflicts of interest, both apparent and real**.
4. Coun. Kirwan **has not performed his Official Duties in a manner that promotes public confidence**. He has done the opposite by willfully spreading misinformation and maliciously sowing discord in the community.
5. Coun. Kirwan is not **servicing the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the By-laws, rules, procedures and policies of Council pertaining to their position as an elected official**. Instead, he is deliberately and publically trying to coerce lawful citizens and organizations into abandoning their constitutional right to a fair trial.

To sum up, Coun. Kirwan has deliberately and repeatedly used his position as a city councillor to 1) defame known individuals, 2) spread misinformation in the community, 3) maliciously sow discord in the community, and 4) attempt to coerce known individuals and organizations to abandon their legal right to defend their interests in courts of law.

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We further contend that Coun. Kirwan has violated the general principles of City Council's Code of Conduct: Section 13:

1) No Member shall use the influence of their office for any purpose other than the performance of the Member's responsibilities as a Member, and other Official Duties.

(2) In addition to the general requirement contained in subsection 13.(1): (a) No Member shall use their status as a Member to influence, or try to influence, improperly, any action or decision of another person or entity to the private advantage of:

(i) the Member;

(ii) any Family Member;

(iii) any business or other associate; or attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of constituents as part of their Official Duties;

- 1) Coun. Kirwan is very clearly and openly used the influence of his office for a purpose other than the performance of the Member's responsibilities as a Member, and other Official Duties. He has worked diligently over the years to use his councillor position to promote the KED project and support its promoter, even though the project is not in his ward.

At no time over the two-week period in which Coun. Kirwan made these spurious, defamatory and damaging allegations and arguments has he attempted to distinguish between his personal opinion, his work as a city councillor and his business enterprise. The Facebook post was made on a page he created and describes as the official town hall for Ward 5 and Valley East, his newspaper column was attributed to "Robert Kirwan is the councillor for Ward 5 in the City of Greater Sudbury," and in his media interviews he presented himself as "City councillor Robert Kirwan."

- 2) Coun. Kirwan has clearly used his status as a Member to influence, to try to influence, improperly, any action or decision of another person or entity to the private advantage of a business or other associate; or attempt to secure preferential treatment beyond

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activities in which Members normally engage on behalf of constituents as part of their Official Duties;

Coun. Kirwan provides both editorial advertising and political opinion through his Facebook page <https://www.facebook.com/groups/valleyeasttoday/> and has continually lobbied for the Casino, The Sudbury Wolves, The Sudbury Five as well as the KED project on his city councillor page. He has, over the years, also provided advertorial content for which he has been paid in this same Facebook page. It is impossible to know what has been his political opinion vs. paid editorial placement (in his words “education-based marketing”), therefore it is hard to discern whose interests he has been serving over the past two weeks.

Conclusion

In conclusion, we contend that Coun. Kirwan is deliberately spread misinformation, is defaming known individuals and maliciously sowing discord in the Greater Sudbury community.

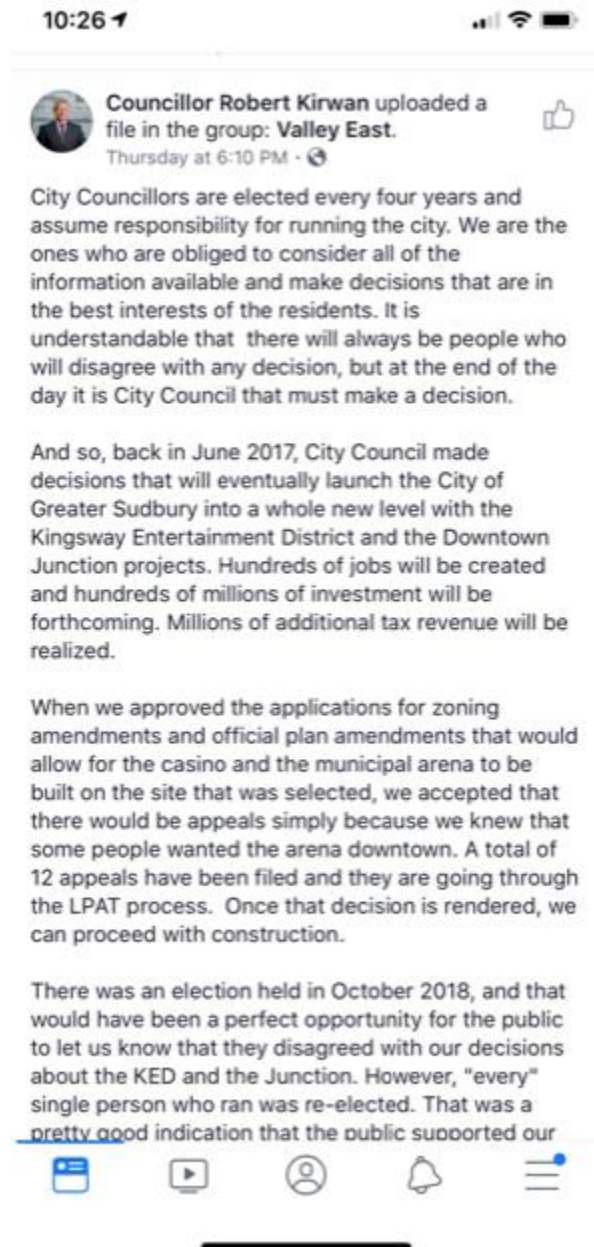
We contend that Coun. Kirwan is willfully and purposely trying to coerce an organization and individuals to abandon their constitutional right to defend their interests in a court of law.

We contend that Coun. Kirwan is doing all of these things with use of councillor resources, such as his City of Greater Sudbury email address and internet service.

Lastly we contend the Coun. Kirwan is doing all of these things in violation of the General principles and Section 13 of the City of Greater Sudbury’s Code of Conduct.

Yours,
Brian McCallagh
Kendra McIssac
Co-Chairs
Downtown Sudbury BIA

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10:26

I just wonder how many of the Downtown businesses knew that their BIA filed this application? I wonder how many of them know that one of the things that is being asked for is "costs"? But with the Superior Court of Justice, costs are awarded to the "winning" side. If the city "wins", then the Sudbury BIA will have to pay "costs". I wonder if the Downtown Businesses are prepared to pay for those costs through the levy that is imposed on them every year. Costs in this case can be hundreds of thousands of dollars by the time it is over. And all it takes is a motion at an AGM to force the downtown businesses to pay with the special levy on their property taxes.

I also wonder how the Downtown BIA is paying for their legal costs? Our Auditor General can examine the BIA books, so I am going to request an audit because the City Council has to approve the BIA budget.


I just want to do my job as City Councillor. I, along with 11 other Councillors and the Mayor, spend a lot of time reviewing material, investigating, and debating to come up with what we feel is best for the city. We are running the city. It is indeed sad to think that some people now feel that they have to run to court and ask a judge to overturn decisions that have been made by the elected representatives. I am sure that the Superior Court Judge will dismiss the Application with costs awarded to the City. A Judge is not going to rescind by-laws that have been passed by City Council.

So what is the purpose of filing the Application? Is it just to add more confusion and complexity to the LPAT process? Is it just another power struggle to see who controls Council and the city? I don't know, but I am concerned for the hundreds of residents of Ward 5 who were counting on those hundreds of new jobs to

10:26

So what is the purpose of filing the Application? Is it just to add more confusion and complexity to the LPAT process? Is it just another power struggle to see who controls Council and the city? I don't know, but I am concerned for the hundreds of residents of Ward 5 who were counting on those hundreds of new jobs to help them get out of the cycle of poverty they are in. This seems to be a "game" to the Applicants, but to my constituents, this is survival and quality of life. They need jobs and our city needs the growth.


We will see what comes from this court action. But I don't think any good will come from it.




PDF
Superior Court Application.pdf

16 95 Comments 3 Shares


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 **Councillor Robert Kirwan**
Everything was fine when the Sudbury BIA was simply doing things t... [See More](#)

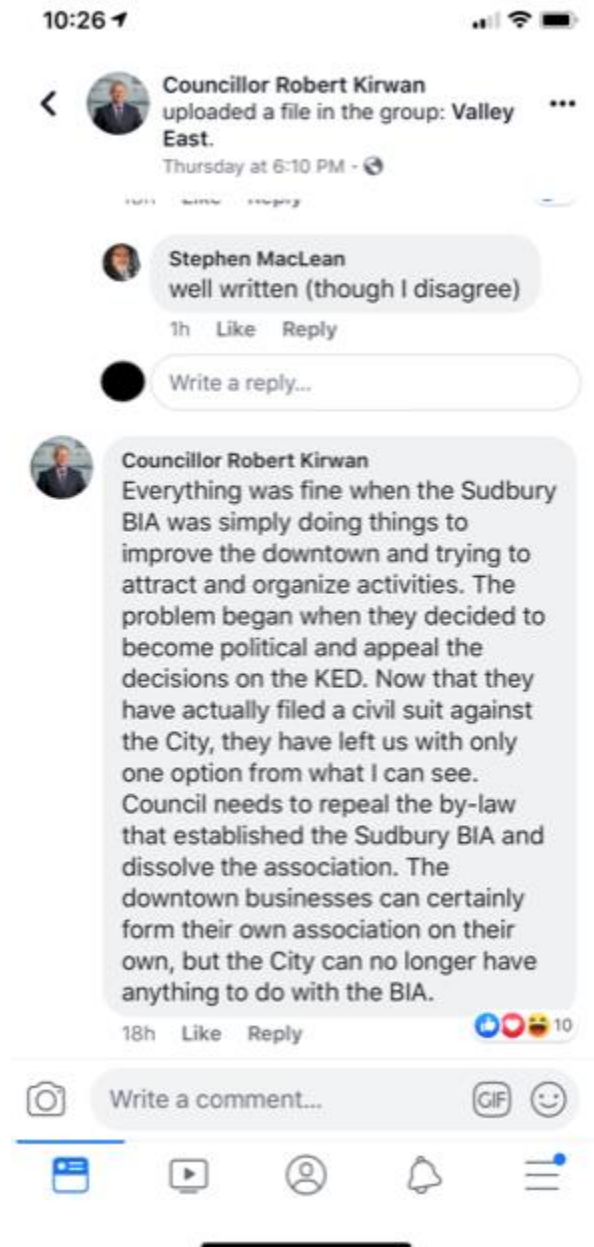
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James Tremblay the City is essentially the middle m... [See More](#)

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1490



Councillor Robert Kirwan shared a link.

Like Page

Admin · 16 hrs

As you will see in this article below, the Business Improvement Areas in Windsor are facing dissolution by the Windsor City Council for acting outside their legislative mandates. They too have supported appeals against a Council decision.

In the case of the Sudbury BIA, not only have they supported appeals financially, they have also filed 4 appeals and now initiated legal action in the Superior Court of Justice in opposition to Council decisions.

So, I am not alone in taking a position that City Council must repeal the by-law that established the Sudbury BIA Board of Management in order to mitigate any future damages as a result of the actions that have been taken by the Sudbury BIA Board.

The Sudbury BIA is a Board of Management that was established by City Council. The responsibilities entrusted to the Board of Management include "the improvement, beautification and maintenance of municipally-owned lands, buildings and structures in the area beyond such improvement, beautification and maintenance as provided at the expense of the municipality at large and the promotion of the area as a business or shopping area."

That is why the Sudbury BIA was formed. It was to enhance the "improvement, beautification and maintenance of municipally-owned land, buildings and structures" over and above what the City provided.

The second responsibility of the Sudbury BIA is "the promotion of the area as a business or shopping area."

In order for the Sudbury BIA to fulfil its responsibilities, the legislation allowed the City to create a Community Improvement Plan (CIP) and designate the area that the Sudbury BIA would operate within. The legislation also allowed for the Sudbury BIA to establish a budget and have the city collect the funds from all of the commercial property owners in the CIP. Hence, approximately 140 commercial property owners contribute to the close to \$600,000 annual budget through a special levy

1490

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on their municipal taxes. This levy adds about 15% to their tax bill and is

Discussion the Sudbury BIA Board of Management to administer. The commercial property owners must pay this levy. They cannot opt out.

The City must appoint Board members; approve the Board budget; and collect the funds from the commercial property owners.

The Sudbury BIA has filed 4 of the 12 appeals against the decision by City Council to approve the applications made to amend the zoning and official plan to permit the arena and casino to be part of the KED.

On April 8, 2019, the Sudbury BIA initiated legal action in the Ontario Superior Court of Justice against the City of Greater Sudbury, asking the court to overturn the decisions made by City Council.

Clearly, the Sudbury BIA is acting beyond its mandate. The action taken in the Superior Court of Justice may place all of the commercial property owners in the Downtown CIP as well as the City of Greater Sudbury at significant risk if the court case is lost and costs are awarded against the Sudbury BIA. There is also the potential for the private sector parties to initiate civil action to recover lost revenue as a result of the actions taken by the Sudbury BIA. These damages could result in huge legal costs and damages which would be the responsibility of the commercial property owners in the Downtown CIP as well as the City of Greater Sudbury.

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Screen Shot from December 2017:


The screenshot shows a Facebook post and its replies. The first post is from a user with a blacked-out profile picture, discussing a public campaign for TNS. The second post is from Robert T. Kirwan, who explains the council's decision and mentions potential collateral damage to merchants. The third post is a reply from the same user as the first post, mentioning a previous post.

[Redacted] i thnk there needs to be some kind of organized, public campaign by majority of the citizens who support TNS.....enough with the minority being louder with the majority..... Robert T. Kirwan.maybe if in your travels you have a chance to talk to Dario Zulich bring it up with him ...tell me how i can help, i have a few ideas... i am sick of these whiney, petulant babies being the only ones who are heard
Like · 2 · December 7 at 6:43pm · Edited

Robert T. Kirwan Matt Saroka The application is going through the regular procedures right now. All citizens have the right to exercise certain options. We are going forward with the confidence that we have made the right decisions and we are doing everything properly. There is no reason for anyone to object to the decision or the integrated site design plan and we know the kind of return we will get on our investment. All that the Kingsway opponents are doing is getting everyone upset and there may even be some collateral damage against some innocent downtown merchants as a result. I know that not all downtown merchants are against the plan that Council is implementing, but they are all being painted with the same brush.
Like · 2 · December 7 at 6:51pm

[Redacted] made a post somewhere recently saying the same thing...
Like · December 7 at 6:54pm

THIS IS **EXHIBIT "Q"** TO THE AFFIDAVIT
OF **JEFFREY MACINTYRE**,
SWORN THIS **18TH** DAY OF **October, 2019**.



A Commissioner, & etc.

From: Jeff MacIntyre <jeff@fuelmedia.com>
Date: September 16, 2019 at 1:28:29 PM EDT
To: Gordon Petch <gpetch@mlawc.com>
Subject: Reason for BIA removal from Court Filing

Mr Petch,

Further to my last email asking for the BIA to be removed from the court filing, I would like to share the reasons the BIA is not comfortable pursuing this at this time. We have been threatened publicly as well as in-person that the BIA risks disbandment or excessive restrictions placed on it if it pursues what we believe to be just legal recourse.

We have attempted to reach out to the integrity commissioner about the actions of a Councilor Robert Kirwan who has aggressively attacked the BIA and been complicit in calls for boycotts of our member businesses. You will find our complaint to the Integrity Commissioner attached. In the Integrity Commissioners Report he did not address directly the issues of councillor kirwans threats against the BIA, but is none the less recommending he be sanctioned.

In addition, we are currently facing a change to the enabling by-law proposed by Councilor Leduc. This is the second time Councilor Leduc has proposed a motion similar to this in retaliation to the BIA defending itself.

<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&lang=en&id=1329#agendaitem17485>

In addition, our Council representative on the BIA, was asked by other members of councillors to inform the BIA if they pursued this action against the City that they would disband us.

FUEL MEDIA


JEFF MACINTYRE

Partner / Director of Business Development
jeff@fuelmedia.com

Sudbury Office 705.929.1265 ext. 101
83 Durham Street 1.844.475.FUEL (3835)
Sudbury, ON P3E 3M5 fuelmedia.com



**THIS IS EXHIBIT "R" TO THE AFFIDAVIT
OF JEFFREY MACINTYRE,
SWORN THIS 18TH DAY OF October, 2019.**



A Commissioner, & etc.

Agenda City Council



City Council Meeting
Tuesday, September 24, 2019
 Tom Davies Square - Council Chamber

Brian Bigger, Chair

*REVISED

4:30 p.m. CLOSED SESSION, COMMITTEE ROOM C-12

6:00 p.m. OPEN SESSION, COUNCIL CHAMBER

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Please be advised that if you make a presentation, speak or appear at the meeting venue during a meeting, you, your comments and/or your presentation may be recorded and broadcast.

By submitting information, including print or electronic information, for presentation to City Council or Committee you are indicating that you have obtained the consent of persons whose personal information is included in the information to be disclosed to the public.

Your information is collected for the purpose of informed decision-making and transparency of City Council decision-making under various municipal statutes and by-laws and in accordance with the *Municipal Act, 2001, Planning Act, Municipal Freedom of Information and Protection of Privacy Act* and the City of Greater Sudbury's *Procedure By-law*.

For more information regarding accessibility, recording your personal information or live-streaming, please contact Clerk's Services by calling 3-1-1 or emailing clerks@greatersudbury.ca.

ROLL CALL

Resolution to move to Closed Session to deal with one (1) Personal Matters (Identifiable Individual(s)) regarding a performance review in accordance with the *Municipal Act, 2001, s. 239(2)(b)*.
(RESOLUTION PREPARED)

RECESS

MOMENT OF SILENT REFLECTION

M-1. Roads Construction And Maintenance Review

As presented by Councillor Signoretti:

WHEREAS rate payers in the City of Greater Sudbury expect maximum benefit from the spending of their tax dollars on road infrastructure;

AND WHEREAS the City of Greater Sudbury wishes to earn rate payers' confidence in its delivery of quality road construction and maintenance standards and designs;

AND WHEREAS the City of Greater Sudbury Council wishes to conduct a review of the City's policies, procedures, standards, design specifications, and inspections as they apply to road construction, reconstruction and maintenance;

THEREFORE BE IT RESOLVED that a Working Group comprised of two Members of Council (to include Councillor Mark Signoretti and perhaps the Chair of the Operations Committee) together with key senior management and infrastructure department staff be established right away;

AND BE IT FURTHER RESOLVED THAT the Working Group be directed to prepare a report describing terms of reference that identifies service level expectations, assesses current legislation, corporate policies and best practices in relation to current road maintenance practices, all in contemplation of a business case to conduct the work as part of the 2020 budget;

AND BE IT FURTHER RESOLVED that the business case to be presented for Council's consideration during the 2020 budget deliberations include the option to engage the services of external experts to conduct the review, in consultation with the Working Group.

M-2. Downtown Sudbury Board of Management By-Law Amendment

As presented by Councillor Leduc:

WHEREAS, pursuant to the Municipal Act, 2001, municipalities can designate business improvement areas with a mandate that includes oversight of the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally and the promotion of the area as a business or shopping area;

AND WHEREAS the Downtown Sudbury Board of Management, which was established by By-law 77-76 Being a By-law of the Corporation of the City of Sudbury to Establish a Board of Management for the Improvement Area for the Central Business District of the City of Sudbury, has supported appeals before the Local Planning Appeal Tribunal with regard to the Kingsway Entertainment District project and is a party to litigation against the City of Greater Sudbury;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury directs that staff present a by-law to amend By-law 77-76, as amended, to prohibit the Board of Management from commencing, maintaining, funding or continuing litigation of any sort against the City of Greater Sudbury and that such prohibition also restrict the Board of Management from commencing, maintaining, funding or continuing any proceedings before the the Local Planning Appeal Tribunal or any other administrative tribunal appointed from time to time to deal with land use matters.

M-3. Request For Review Of Municipal Road 80 And Notre-Dame Avenue In Hanmer

As presented by Councillor Lapierre:

WHEREAS the Valley East area has grown significantly over the years, and as such, traffic flows and volumes have increased proportionately;

AND WHEREAS residents have concerns with accessing and crossing Municipal Road 80 due to the high traffic volumes;

~~SUDBURY BUSINESS IMPROVEMENT AREA~~ and TOM v.
FORTIN
Applicants

CITY OF GREATER SUDBURY

Respondents

Court File No. CV-19-8313-00

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings commenced at **Sudbury**

**AFFIDAVIT OF JEFFREY
MACINTYRE**

(sworn October 18, 2019)

MUNICIPAL LAW CHAMBERS

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Lawyers for the Applicants

**SUDBURY BUSINESS IMPROVEMENT AREA
and TOM FORTIN**
Applicants

v.

THE CITY OF GREATER SUDBURY

Respondent

Court File No. CV-19-8313-00

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceedings commenced at **Sudbury**

APPLICATION RECORD

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