

**THE CORPORATION OF THE CITY OF PETERBOROUGH**

**BY-LAW NUMBER 07-075**

**BEING A BY-LAW TO AUTHORIZE THE MAYOR AND TREASURER TO SIGN  
A LETTER OF AGREEMENT BETWEEN THE MINISTRY OF  
TRANSPORTATION FOR THE PROVINCE OF ONTARIO AND THE CITY OF  
PETERBOROUGH FOR FUNDING UNDER THE ONTARIO BUS  
REPLACEMENT PROGRAM**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL  
THEREOF HEREBY ENACTS AS FOLLOWS:

1. That the Mayor and Treasurer be and they are hereby authorized to execute an agreement with the Ministry of Transportation, attached hereby as Schedule "A", and to affix the Seal of the Corporation thereto.

By-law read a first, second and third time this 22<sup>nd</sup> day of May, 2007

(Sgd.) Henry Clarke, Deputy Mayor

(Sgd.) Nancy Wright-Laking, City Clerk

Ministry of  
Transportation

Office of the Minister

Ferguson Block, 3rd Floor  
77 Wellesley St. West  
Toronto Ontario  
M7A 1Z8  
416 327-9200  
www.mto.gov.on.ca

Ministère des  
Transports

Bureau du ministre

Édifice Ferguson, 3<sup>e</sup> étage  
77, rue Wellesley ouest  
Toronto (Ontario)  
M7A 1Z8  
416 327-9200  
www.mto.gov.on.ca



March 22, 2007

His Worship Paul Ayotte  
Mayor  
The City of Peterborough  
500 George Street North  
Peterborough, Ontario  
K9H 3R9

Dear Mayor Ayotte:

**RE: Letter of Agreement between Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario (the "Ministry") and the City of Peterborough (the "Municipality") Related to Funding Provided by the Province of Ontario (the "Province") to the Municipality under the Ontario Bus Replacement Program (this "Letter of Agreement")**

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This Letter of Agreement is in response to the Municipality's request to the Ministry for funding, under the Ontario Bus Replacement Program (the "OBRP"), with regard to the replacement of transit buses.

In recognition of municipalities' need to replace aging transit buses to support the development of strong communities, increase public transportation reliability, reduce municipal operating costs, and invest in the renewal of transportation systems, the Ministry has created the OBRP under which the Ministry will be providing funds, under certain conditions, to municipalities towards the capital costs of replacing transit buses.

Any funding from the Ministry to the Municipality will be provided in accordance with the terms and conditions set out in this Letter of Agreement and the Ontario Bus Replacement Program (OBRP) - 2007 Guidelines and Requirements (the "Guidelines and Requirements").

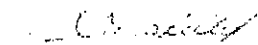
In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the Guidelines and Requirements, which have been reviewed and are understood by the Municipality and are hereby incorporated by reference, and other good and valuable consideration (the receipt of which is hereby acknowledged), the Ministry and the Municipality covenant and agree as follows:

1. The Ministry agrees to provide OBRP funding to the Municipality up to a maximum amount of \$510,809 in accordance with and subject to the terms set out in this Letter of Agreement and the Guidelines and Requirements, payable after April 1, 2007 upon receipt of this signed Letter of Agreement and related authorizing municipal by-law, a certified copy of a binding agreement between the Municipality or a transit operator, as applicable, and a manufacturer of transit buses for the purchase of such transit buses to be delivered in 2007, and, where applicable, a binding operating agreement between the Municipality and a transit operator.
2. Despite Section 1, the Municipality understands and agrees that any amount payable under this Letter of Agreement may be subject, at the Minister's sole discretion, to adjustment for consistency with the agreements described in Section 1, and any other adjustments as set out in the Guidelines and Requirements, including those related to annual appropriations of funds by the Legislative Assembly of Ontario.
3. The Municipality understands and agrees that the funding provided under this Letter of Agreement represents the full extent of the Ministry's and Province's financial contribution under the OBRP and that no additional funds will be provided by the Province, including the Ministry, for such purposes to the Municipality for the year 2007.
4. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please secure the required signatures for the four enclosed copies of this Letter of Agreement and return two fully signed copies to the Transit Policy and Programs Office, 2<sup>nd</sup> Floor, Building B, 1201 Wilson Avenue, Downsview, ON, M3M 1J8 for the Ministry's records.

Once the Ministry has received the signed copies of this Letter of Agreement and the related authorizing municipal by-law, and the certified copies of the agreements set out in Section 1, the Ministry may, in accordance with the OBRP, make arrangements for the payment of OBRP funding to the Municipality.


Sincerely,



Donna Cansfield  
Minister of Transportation

I have read and understand the terms of this Letter of Agreement, as set out above, and by signing below I am signifying the Municipality's consent to be bound by these terms.

**The Corporation of the City of Peterborough**

Per:   
Mayor

Date: May 31/07

Per:   
Chief Financial Officer/Treasurer

Date: May 28/2007