

**Minutes of a Special Meeting of the Council of the City of Toronto
(excerpt) July 30, 31 and August 1, 2002**

minute

**S6.87 Request of Federal Government pertaining to the Superior Court of Ontario
Ruling on Same Sex Marriages**

Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(13), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Rae

Seconded by: Councillor Disero

“WHEREAS the people of Toronto have been in the forefront of efforts to create a compassionate society which recognizes the inherent dignity of all its members; and

WHEREAS in 1973, the City of Toronto established the Non-Discrimination Policy which includes gays and lesbians as a protected group, in advance of any other Canadian City; and

WHEREAS on August 10, 1981, Toronto City Council called upon the Province to amend the Ontario Human Rights Code to include ‘sexual orientation’ as a prohibited ground of discrimination, which the Province finally amended in 1986; and

WHEREAS in 1986, the Ontario Human Rights Code was amended to include sexual orientation as a protected group; and

WHEREAS in 1991, Lesbian and Gay Pride Day was officially proclaimed in Toronto; and

WHEREAS in 1992, City Council extended employment benefits to civic employees in same-sex spousal relationships, in advance of provincial government legislation in 1995; and

WHEREAS in 1996, sexual orientation was included in the Canadian Human Rights Act; and

WHEREAS in 1998, the amalgamated City of Toronto reaffirmed an anti-discrimination policy, which included protection based on sexual orientation and gender identity, among others; and

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WHEREAS in 1999, as a result of continuing City advocacy, OMERS, the City's pension benefit provider, announced the extension of pension benefits to the same-sex spouses of City employees, in advance of federal and provincial government legislation; and

WHEREAS in 1999, the Ontario Legislature passed Bill 5 that provided the same rights and obligations to same-sex spouses as common-law spouses in every piece of provincial legislation; and

WHEREAS in 2000, the Federal government passed Bill C23, extending full benefits and obligations under federal jurisdiction to all same-sex relationships; and

WHEREAS Toronto City Council policies and benefits recognize same-sex and opposite-sex spouses as having equal status; and

WHEREAS in 2002, the Ontario Superior Court ruled unanimously that the definition of marriage as being exclusively between a man and a woman is unconstitutional and should be struck down;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council strongly requests the Prime Minister of Canada to direct the Attorney General's office not to pursue the appeal of the Ontario Superior Court ruling;

AND BE IT FURTHER RESOLVED THAT Toronto City Council strongly requests the Prime Minister of Canada to take immediate steps to allow marriages between persons of the same sex;

AND BE IT FURTHER RESOLVED THAT, recognizing that the City Clerk is a party to the litigation, City Council request that the City Clerk advise the Courts on the appeal that City of Toronto Council endorses the decision of the Ontario Divisional Court."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(13) to the Administration Committee would have to be waived in order to now consider such Motion.

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Procedural Vote:

The vote to waive referral of Motion J(13) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(13), communications from the following, pertaining to the Superior Court of Ontario's ruling on same sex marriages, copies of which are on file in the Office of the City Clerk:

- (July 31, 2002) from Greg W. Johns;
- (July 31, 2002) from Jennifer Mason;
- (July 31, 2002) from Fionnuala Martin;
- (July 31, 2002) from Alec S. Kaminsky;
- (July 31, 2002) from Shelley M. Hobbs;
- (July 31, 2002) from John Kennedy;
- (July 31, 2002) from Salman Nensi;
- (July 30, 2002) from Steve Bourgeois and Konrad Merner;
- (July 31, 2002) from Rochelle Strauss;
- (July 30, 2002) from Zak Bailey;
- (July 30, 2002) from Matt Hughes and Roger Johnson;
- (July 31, 2002) from Richard Telfer, Ontario National Executive Representative of the Canadian Federation of Students;
- (July 30, 2002) from Sam Archer;
- (July 30, 2002) from Jenny Marino;
- (July 30, 2002) from Marie Robertson;
- (July 30, 2002) from Kevin Maisonville;
- (July 18, 2002) from Mark Grieveson;
- (July 18, 2002) from Daniel Greanya, together with the signatures of 13 others;
- (July 18, 2002) from Sandi Facciolo;
- (July 23, 2002) from James L.N.G. Hamilton;
- (July 29, 2002) from Grace Chang;
- (July 18, 2002) from Timothy C.S. Hemming;
- (July 31, 2002) from Christopher Wokral;
- (July 31, 2002) from Peter Schneider;
- (July 31, 2002) from Sara Catalarranas;
- (July 31, 2002) from Marc Glockner-Kaiser;
- (July 31, 2002) from Robb Travers;
- (July 31, 2002) from Bill Baker;
- (July 31, 2002) from Ken Davies;
- (July 31, 2002) from Rosanne Metz; and
- (July 31, 2002) from John Pollard.

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Vote:

Adoption of Motion J(13), without amendment:

Yes - 27	
Councillors:	Ashton, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Jones, Kelly, Layton, Mammoliti, Mihevc, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 6	
Councillors:	Altobello, Ford, Holyday, Korwin-Kuczynski, Li Preti, Minnan-Wong

Carried by a majority of 22.

Motion to Re-Open:

Mayor Lastman, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(13) be re-opened for further consideration, only insofar as it pertains to the vote thereon, in order that he may recorded as in support of such Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Revised vote on the adoption of Motion J(13), without amendment:

Yes - 28	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Jones, Kelly, Layton, Mammoliti, Mihevc, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 6	
Councillors:	Altobello, Ford, Holyday, Korwin-Kuczynski, Li Preti, Minnan-Wong

Carried by a majority of 22.