

**MINUTES OF THE COUNCIL  
OF THE  
CITY OF TORONTO**

**TUESDAY, OCTOBER 26, 1999 AND  
WEDNESDAY, OCTOBER 27, 1999**

City Council met in the Council Chamber, City Hall, Toronto.

**CALL TO ORDER**

- 12.1 Mayor Lastman took the Chair and called the Members to order.

The meeting opened with O Canada.

12.2 **CONFIRMATION OF MINUTES**

Councillor King, seconded by Councillor Lindsay Luby, moved that the Minutes of the Special Council meeting held on the 31st day of August, 1999; the regular Council meeting held on the 28th and 29th days of September, 1999, and the Special Council meeting held on the 5th day of October, 1999, be confirmed in the form supplied to the Members, which carried.

**PETITIONS AND ENQUIRIES**

- 12.3 Councillor Altobello filed with the City Clerk, a copy of a petition containing 1,367 signatures of concerned residents, regarding the Senior Men's Hostel at 1673 Kingston Road, for consideration with Notice of Motion I.

Council received the aforementioned petition.

**PRESENTATION OF REPORTS**

12.4 Councillor Pantalone presented the following Reports for consideration by Council:

Report No. 8 of The Policy and Finance Committee,  
Report No. 5 of The Planning and Transportation Committee,  
Report No. 4 of The Works Committee,  
Report No. 6 of The Administration Committee,  
Report No. 4 of The Community Services Committee,  
Report No. 4 of The Economic Development and Parks Committee,  
Report No. 9 of The North York Community Council,  
Report No. 12 of The Scarborough Community Council,  
Report No. 13 of The Toronto Community Council,  
Report No. 10 of The York Community Council,  
Report No. 11 of The East York Community Council,  
Report No. 12 of The Etobicoke Community Council,  
Report No. 6 of The Audit Committee,  
Report No. 8 of The Board of Health, and  
Report No. 11 of The Striking Committee,

and moved, seconded by Councillor Walker, that Council now give consideration to such Reports, which carried.

12.5 **DECLARATIONS OF INTEREST**

Councillor Adams declared his interest in Clause No. 14 of Report No. 13 of The Toronto Community Council, headed "Tree Injury - 7 Gange Avenue (Downtown)", and in Notice of Motion J(23), moved by Councillor Rae, seconded by Councillor Jakobek, regarding the re-opening of Clause No. 1 of Report No. 12 of The Toronto Community Council, headed "Ontario Municipal Board Appeal - Committee of Adjustment Decision - 7 Gange Avenue", in that he owns property within the Committee of Adjustment notice area of the subject site.

Councillor Ashton declared his interest in Clauses Nos. 3 and 4 of Report No. 8 of The Policy and Finance Committee, headed "Response to the Provincial Operational Review of Toronto's Implementation of Ontario Works and Child Care Fee Subsidy Programs" and "Learning, Earning and Parenting (LEAP)", respectively, in that his daughter is registered in a non-profit child care centre.

Councillor Augimeri declared her interest in Clause No. 3 of Report No. 6 of The Administration Committee, headed "Review and Harmonization of Environmentally Responsible Procurement", in that her husband is a shareholder in a company that deals with environmentally-responsible goods.

Councillor D'Isoro declared her interest in Clause No. 4 of Report No. 6 of The Administration Committee, headed "1171 St. Clair Avenue West and 1345 St. Clair Avenue West, Appeal of Interim Control By-law 1997-0321, Ontario Municipal Board", in that she has a legal interest in this matter.

Councillor Fotinos declared his interest in Clause No. 61 of Report No. 13 of The Toronto Community Council, headed "Establishment of a Student Pick-up/Drop-off Zone - Poplar Plains Road, East Side, From Lynwood Avenue to Clarendon Avenue (Midtown)", in that his children attend the subject school.

Councillor Gardner declared his interest in Clause No. 8 of Report No. 8 of The Policy and Finance Committee, headed "Veterans' Clubhouses and Legion Halls -Property Tax Rebates Under Section 442.1 of the Municipal Act", in that he is a member of the Queen's Own Rifles Officers' Association, which is an affiliate of the subject properties; and in Item (l), entitled "Preliminary Evaluation Report - Zoning Amendment Application UDZ-99-19 and Site Plan Application UDSP-99-085 - Del Real Estate Consultants - 12 McKee Avenue, 33 Doris Avenue and 21 Church Avenue -North York Centre", embodied in Clause No. 17 of Report No. 9 of The North York Community Council, headed "Other Items Considered by the Community Council", in that he is a member of a Board of Directors of a private company and another member of that Board of Directors is involved in the ownership of property that is involved with this application.

Councillor Jakobek declared his interest in Notice of Motion J(21), moved by Councillor Moeser, seconded by Councillor King respecting a site plan control application with respect to 34 Morrish Road, in that his father-in-law owns property within the area of 34 Morrish Road.

Councillor Johnston declared her interest in Notice of Motion J(4), moved by Councillor Miller, seconded by Councillor King, regarding the health of the rivers of the Greater Toronto Area and of the Oak Ridges Moraine, in that she owns property on the Oak Ridges Moraine.

Councillor Korwin-Kuczynski declared his interest in Clause No. 6 of Report No. 12 of The Etobicoke Community Council, headed "Final Settlement, Park Lawn Cemetery, 2801 Bloor Street West (Lakeshore-Queensway)", in that he owns property within Park Lawn Cemetery.

Mayor Lastman declared his interest in Item (h), entitled "Area Specific Development Charges", embodied in Clause No. 19 of Report No. 8 of The Policy and Finance Committee, headed "Other Items Considered by the Committee", in that the Applicant's solicitor is employed by the same law firm as his son who is not a real estate lawyer and does not personally act on this file.

Councillor Pantalone declared his interest in Clause No. 3 of Report No. 8 of The Policy and Finance Committee, headed "Response to the Provincial Operational Review of Toronto's Implementation of Ontario Works and Child Care Fee Subsidy Programs", and in Item (a), entitled "Response to the Provincial Operational Review of Toronto's Implementation of Ontario Works and Child Care Fee Subsidy Programs", embodied in Clause No. 12 of Report No. 4 of The Community Services Committee, headed "Other Items Considered by the Committee", in that one of his children is registered in a day care centre which has a purchase of service agreement with the City of Toronto.

**CONSIDERATION OF REPORTS  
CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION**

**12.6 The following Clauses were held by Council for further consideration:**

Report No. 8 of The Policy and Finance Committee, Clauses Nos. 1, 2, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17 and 19.

Report No. 5 of The Planning and Transportation Committee, Clauses Nos. 2, 3 and 4.

Report No. 4 of The Works Committee, Clauses Nos. 1, 5, 6, 7, 9, 10, 12, 13, 16, 21, 22, 28, 29 and 30.

Report No. 6 of The Administration Committee, Clauses Nos. 1, 3 and 4.

Report No. 4 of The Community Services Committee, Clauses Nos. 2, 4 and 5.

Report No. 4 of The Economic Development and Parks Committee, Clause No. 1.

Report No. 9 of The North York Community Council, Clauses Nos. 13 and 16.

Report No. 13 of The Toronto Community Council, Clauses Nos. 5, 6, 7, 13, 14, 16, 31, 35, 48, 60 and 61.

Report No. 10 of The York Community Council, Clauses Nos. 4 and 8.

Report No. 11 of The East York Community Council, Clause No. 2.

Report No. 12 of The Etobicoke Community Council, Clause No. 5.

Report No. 6 of The Audit Committee, Clauses Nos. 1, 3 and 4.

Report No. 11 of The Striking Committee, Clause No. 1.

**The following Clauses which were held by Council for further consideration were subsequently adopted without amendment or further discussion:**

Report No. 8 of The Policy and Finance Committee, Clauses Nos. 5 and 17.

Report No. 5 of The Planning and Transportation Committee, Clauses Nos. 3 and 4.

Report No. 4 of The Works Committee, Clauses Nos. 5, 7, 16, 21 and 30.

Report No. 6 of The Administration Committee, Clause No. 3.

Report No. 6 of The Audit Committee, Clause No. 1.

**The Clauses not held by Council for further consideration were deemed to have been adopted by Council, without amendment, in accordance with the provisions of the Council Procedural By-law.**

**CONSIDERATION OF REPORTS  
CLAUSES WITH MOTIONS, VOTES, ETC.**

- 12.7 **Clause No. 16 of Report No. 13 of The Toronto Community Council, headed “Installation of Speed Humps - Kennedy Avenue, from Bloor Street West to Morningside Avenue (High Park)”.**

*Motion:*

Councillor Miller moved that the Clause be amended in accordance with the report dated October 25, 1999, from the Commissioner of Works and Emergency Services, embodying the following recommendations:

- “(1) That the Draft By-law contained in Clause No. 16 of Report No. 13 of The Toronto Community Council be amended to replace the reference under Column 6, Drawing No./Date with the following:

‘421F-5497, dated October, 1999’; and

- (2) That the Draft By-law, as amended, be approved.”

*Votes:*

The motion by Councillor Miller carried.

The Clause, as amended, carried.

12.8 **Clause No. 31 of Report No. 13 of The Toronto Community Council, headed “Maintenance of Fences - 348 Bartlett Avenue North (Davenport)”.**

*Motion:*

Councillor Disero moved that the Clause be amended by adding thereto the following:

“It is further recommended that the report dated October 22, 1999, from the Commissioner of Works and Emergency Services, embodying the following recommendation, be adopted:

‘It is recommended that City Council approve driveway widening fronting 344 Bartlett Avenue North, subject to the owner submitting an application for driveway widening and paying all applicable fees, in accordance with the requirements of Chapter 248 of the former City of Toronto Municipal Code.’ ”

*Votes:*

The motion by Councillor Disero carried.

The Clause, as amended, carried.

12.9 **Clause No. 8 of Report No. 10 of The York Community Council, headed “Other Items Considered by the Community Council”.**

*Motion:*

Councillor Nunziata moved that the Clause be received as information, subject to:

- (1) striking out and referring Item (r), entitled “Poll Results: Proposal to Change Direction of Traffic on the Municipal Lane Between Nickle Street and Mahoney Avenue from Two-Way to One-Way Southbound, Ward 27, York Humber”, embodied therein, back to the York Community Council for further consideration; and
- (2) adding thereto the following:

“Notwithstanding subsection 127(5) of the Council Procedural By-law, it is recommended that the action of the York Community Council embodied in Item (f), entitled ‘Application for Liquor Licence - Madeira Cafe, 1671 Keele Street, Ward 27, York Humber’, be rescinded, and that City Council adopt the following recommendations:

‘It is recommended that:

- (1) City Council advise the Alcohol and Gaming Commission that it does not object to the issuance of a liquor licence to the Madeira Cafe at 1671 Keele Street, Ward 27, York Humber, having regard that:
- (a) the School Trustee for the area has no objection to the issuance of the liquor licence;
  - (b) the Manager of Traffic, Building and Zoning, has confirmed that the site conforms to the former City of York Parking By-law; and
  - (c) the applicant has acknowledged that the following conditions shall apply to this licence and shall be binding on the current and future owners:
    - (i) no dance floor;
    - (ii) no video, arcade, gambling machines or game tables (foosball or air hockey) allowed on the premises;
    - (iii) no live music; and
    - (iv) no liquor sales after 11:00 p.m.; and
- (2) the departmental comments outlined in the report dated September 14, 1999, from the City Clerk, pertaining to this application, be forwarded to the Alcohol and Gaming Commission.”

*Votes:*

Part (1) of the motion by Councillor Nunziata carried.

Adoption of Part (2) of the motion by Councillor Nunziata, insofar as it pertains to waiving the provisions the Council Procedural By-law to consider Item (f):

Yes - 36

Councillors: Adams, Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Brown, Bussin, Chong, Chow, Duguid, Flint, Gardner, Holyday, Jakobek, Johnston, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay, Luby, Mahood, McConnell, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Shaw, Shiner, Silva, Sinclair, Soknacki, Tsekas, Walker

No - 4

Councillors: Berger, Giansante, Rae, Saundercook

Carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Part (2) of the motion by Councillor Nunziata carried.

The Clause, as amended, was received as information.

12.10 **Clause No. 4 of Report No. 10 of The York Community Council, headed “Change In Regulations on Scott Road at Cameron Avenue, Ward 27, York Humber”.**

*Motion:*

Councillor Saundercook moved that the Clause be amended by adding thereto the following

“It is further recommended that the report dated October 14, 1999, from the Commissioner of Works and Emergency Services, be received.”

*Votes:*

The motion by Councillor Saundercook carried.

The Clause, as amended, carried.

12.11 **Clause No. 2 of Report No. 11 of The East York Community Council, headed “Esandar Drive - Prohibition of Parking on the East Side from Industrial Street to a Point 36.6 Metres South”.**

*Motion:*

Councillor Pitfield moved that the Clause be amended by deleting the words “Esandar Drive” wherever they occur in the Clause and inserting in lieu thereof the words “Esandar Drive”.

*Votes:*

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

Deputy Mayor Ootes in the Chair.

12.12 **Clause No. 2 of Report No. 8 of The Policy and Finance Committee, headed “School Planning - City-Wide”.**

*Motions:*

- (a) Councillor McConnell moved that the Clause be amended by adding thereto the following:

“It is further recommended that the following motion be adopted:



**‘WHEREAS** the proposed school closures by the Toronto District School Board (TDSB) will cost the City 27 acres of open space, between 300 and 1,000 child care spaces, 4,000 hours of recreation programs serving 10,000 children, past capital investments of \$6,000,000.00 and \$2.4 million in future capital costs for day care; and

**WHEREAS** the TDSB is moving forward with the closing of schools; and

**WHEREAS** there are steps the City can take to protect our interests without committing funds;

**NOW THEREFORE BE IT RESOLVED THAT** the City work with the TDSB to review the implementation options developed by the Community Implementation Teams to ensure that the impacts on the City and the community from the closures are identified and that the affected Council Members receive full notification at all steps in the process;

**AND BE FURTHER IT RESOLVED THAT** the City enter into discussion to ensure that the TDSB immediately provides existing child care spaces with leases to remain in closed facilities until the 2000/2001 year;

**AND BE IT FURTHER RESOLVED THAT** the TDSB and the City, in consultation with local communities, develop protocols for the reuse of school sites, by exploring opportunities to meet mutual service objectives such as day care, giving existing service providers first option to lease the space, preserving access to the open space currently provided by school yards, and ensuring the ultimate use is compatible with the surrounding community and the users remaining on the site;

**AND BE IT FURTHER RESOLVED THAT** the City develop a response to the TDSB proposal call which identifies current City interests such as loss of programming and the resulting cost of alternate service provision, and that this response be forwarded to the appropriate Committee;

**AND BE IT FURTHER RESOLVED THAT** these principles and protocols be reviewed by both the City and the TDSB by the spring of 2000;

**AND BE IT FURTHER RESOLVED THAT** staff be directed and authorized to give effect to the foregoing, reporting to the appropriate Standing Committee where financial policy considerations arise.’ ”

- (b) Councillor Johnston moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the City Solicitor be requested to submit a report to Council for its meeting to be held on November 23, 1999, through the School Tax Sub-Committee and the Policy and Finance Committee, on the possibility of an injunction to prevent the School Boards from making final decisions, in view of the considerable sums of money invested by the City in schools in the City of Toronto; and
- (2) the Acting Commissioner of Corporate Services be requested to submit a report to Council, through the School Tax Sub-Committee and the Policy and Finance Committee, outlining a communications strategy in this regard.”
- (c) Councillor King moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the School Tax Sub-Committee be requested to identify those communities where school closings have been announced by both the public and separate School Boards and review the issue of such school closings in these areas.”

*Votes:*

Adoption of motion (a) by Councillor McConnell:

Yes - 43
Mayor: Lastman
Councillors: Adams, Altobello, Ashton, Augimeri, Balakisson, Berardinetti, Bossons, Brown, Chong, Chow, Davis, Disero, Duguid, Feldman, Flint, Gardner, Giansante, Holyday, Johnston, Jones, Kinahan, King, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Rae, Sinclair, Soknacki, Tzekas, Walker
No - 0

Carried, without dissent.

Motion (b) by Councillor Johnston carried.

Motion (c) by Councillor King carried.

The Clause, as amended, carried.

**12.13 Clause No. 8 of Report No. 8 of The Policy and Finance Committee, headed “Veterans’ Clubhouses and Legion Halls - Property Tax Rebates Under Section 442.1 of the Municipal Act”.**

*Motions:*

- (a) Councillor Jones moved that the Clause be amended by adding to Recommendation No. (4) of the Assessment and Tax Policy Task Force, embodied in the communication dated September 24, 1999, from the City Clerk, the words “and further that they provide a current copy of their Multi-Cultural Race Relations Policy”, so that such recommendation shall now read as follows:

“(4) each veterans’ organization receiving a property tax rebate provide annually to the City by September 1 each year, organizational, operational and financial information in a form satisfactory to the Chief Financial Officer and Treasurer and further that they provide a current copy of their Multi-Cultural Race Relations Policy;”.

- (b) Councillor Nunziata moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Chief Financial Officer and Treasurer be requested to submit a report to the Policy and Finance Committee on a grandfather clause for Veterans’ Clubhouses that have commercial signs on their buildings, exempting those Clubhouses that have filed applications for at least a year.”

- (c) Councillor Prue moved that the Clause be amended by:

- (1) deleting from the recommendation of the Policy and Finance Committee, all of the words after the words “City Clerk”, so that such recommendation shall now read as follows:

“The Policy and Finance Committee recommends the adoption of the recommendations of the Assessment and Tax Policy Task Force embodied in the following communication (September 24, 1999) from the City Clerk:”; and

- (2) adding to the recommendations of the Assessment and Tax Policy Task Force, embodied in the communication dated September 24, 1999, from the City Clerk, the following new Recommendation No. (8):

“(8) the Chief Financial Officer and Treasurer be requested to work with individual legion halls which have existing contractual agreements, with a view to phasing them out.”

*Votes:*

Motion (a) by Councillor Jones carried.

Part (1) of motion (c) by Councillor Prue carried.

Part (2) of motion (c) by Councillor Prue carried.

Having regard to the foregoing decisions of Council, motion (b) by Councillor Nunziata was declared redundant.

The Clause, as amended, carried.

**12.14 Clause No. 6 of Report No. 8 of The Policy and Finance Committee, headed “Water Harmonization and Universal Metering in the Former Cities of Toronto and Etobicoke”.**

*Motion:*

- (a) Councillor Bussin moved that the Clause be struck out and referred back to the Works Committee for further consideration.

*Vote on referral motion:*

Adoption of motion (a) by Councillor Bussin:

<p>Yes - 19 Councillors: Altobello, Augimeri, Bussin, Chong, Chow, Fotinos, Gardner, Holyday, Kinahan, Korwin-Kuczynski, Layton, McConnell, Miller, Nunziata, Pantalone, Pitfield, Prue, Silva, Walker</p>
<p>No - 25 Councillors: Ashton, Balkissoon, Berardinetti, Berger, Bossons, Brown, Disero, Duguid, Feldman, Flint, Giansante, Jones, Li Preti, Lindsay Luby, Mihevc, Minnan-Wong, Moeser, Moscoe, Ootes, Rae, Saundercook, Shaw, Sinclair, Soknacki, Tzekas</p>

Lost by a majority of 6.

*Motions:*

- (b) Councillor Ashton moved that the Clause be amended by adding to Recommendation No. (4) embodied in the joint report dated June 30, 1999, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, as amended by the Works Committee, the words “subject to the approval of the Capital Works Program”, so that such recommendation shall now read as follows:

“(4) Council redirect the provision of \$21.0 million contained in the 1999-2003 Capital Works Plan of the Water and Wastewater Program respecting Universal Metering to providing funding to the City’s water efficiency programs, and that the Commissioner of Works and Emergency Services report to the Works Committee in the fall of 1999 on a Water

Efficiency Plan for the new City and the use of these funds, subject to the approval of the Capital Works Program;”.

- (c) Councillor Miller moved that the Clause be amended by deleting Recommendation No. (2)(i) embodied in the joint report dated June 30, 1999, from the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, as amended by the Works Committee, viz.:

“(2) with respect to funding the Mandatory Meter Conversion Program:

- (i) the rate decrease that would be realized by former City of Toronto’s metered customers under the phased-in competitive rate structure be deferred for a period of three and one-half years, and effective April 1, 2003, the harmonized competitive rate structure be applied for metered customers in the former City of Toronto;”.

*Votes:*

Adoption of motion (c) by Councillor Miller:

Yes - 14 Councillors: Adams, Bossons, Bussin, Chow, Korwin-Kuczynski, McConnell, Mihevc, Miller, Pantalone, Prue, Rae, Silva, Tzekas, Walker
No - 35 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Brown, Chong, Davis, Disero, Feldman, Flint, Fotinos, Giansante, Holyday, Jakobek, Jones, Kinahan, King, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, Minnan-Wong, Moeser, Moscoe, Nunziata, O’Brien, Ootes, Saundercook, Shaw, Shiner, Sinclair, Soknacki

Lost by a majority of 21.

Motion (b) by Councillor Ashton carried.

Adoption of Clause, as amended:

Yes - 34

Councillors: Altobello, Ashton, Augimeri, Balakrishnan, Berardinetti, Berger, Brossons, Brown, Chong, Davis, Feldman, Flint, Giansante, Holyday, Jakobek, Jones, Kinahan, King, Li Preti, Lindsay Luby, Mahood, Mammoliti, Mihevc, Minnan-Wong, Moeser, Moscoe, O'Brien, Ootes, Saundercook, Shaw, Shiner, Sinclair, Soknacki, Tzekas

No - 15

Councillors: Adams, Bussin, Chow, Disero, Fotinos, Korwin-Kuczynski, Layton, McConnell, Miller, Nunziata, Pantalone, Prue, Rae, Silva, Walker

Carried by a majority of 19.

**12.15 Clause No. 10 of Report No. 8 of The Policy and Finance Committee, headed "Property Tax Relief for Low-Income Disabled Persons - Criteria and Program Enhancement".**

*Motion:*

Councillor Kinahan moved that the Clause be amended by amending Recommendation No. (2) of the Assessment and Tax Policy Task Force by:

- (a) inserting, after the words "deferral of", the words and figure "up to \$600.00 of"; and
- (b) adding thereto the words "which was to be retroactive to 1998",

so that such recommendation shall now read as follows:

- "(2) the Mayor be requested to write to the Premier of Ontario requesting the provincial government to expedite the special legislation requested by the City respecting deferral of up to \$600.00 of property tax for low income persons and seniors which was to be retroactive to 1998."

*Votes:*

The motion by Councillor Kinahan carried.

The Clause, as amended, carried.

**12.16 Clause No. 11 of Report No. 8 of The Policy and Finance Committee, headed "Association of Municipalities of Ontario - Gas Franchise Defence Fund".**

*Motion:*

Councillor Adams moved that the Clause be amended by adding thereto the following:

“It is further recommended that the recommendations of the Telecommunications Steering Committee embodied in the communication dated October 25, 1999, from the City Clerk, be adopted, subject to amending Recommendations Nos. (2) and (4) by inserting after the word ‘counsel’ the words ‘and technical consultants’, so that such recommendations shall now read as follows:

‘The Telecommunications Steering Committee recommended to City Council that:

- (1) the grant to the Association of Municipalities of Ontario (AMO) Gas Franchise Defence Fund be conditional on the City of Toronto having a representative on AMO’s Gas Franchise Committee;
- (2) the City Solicitor be granted the authority to engage outside legal counsel and technical consultants, if necessary, to supplement internal expertise in the areas of natural gas distribution, making submissions to the Ontario Energy Board and rights-of-way issues;
- (3) if necessary, the City Solicitor be authorized to go to court to ensure that the City of Toronto has a fair opportunity to participate in relevant Ontario Energy Board proceedings; and
- (4) any necessary funds for the purpose of the City Solicitor engaging external legal counsel or technical consultants for these activities be provided from the Corporate Contingency Account.’ ”

*Votes:*

The motion by Councillor Adams carried.

The Clause, as amended, carried.

**12.17 Clause No. 13 of Report No. 8 of The Policy and Finance Committee, headed “1999 Levy on Railway Roadways or Rights-of-Way and on Power Utility Transmission or Distribution Corridors”.**

*Motions:*

- (a) Councillor Moscoe moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the phrase ‘not including land leased by the railway company to a nother person for rent or other valuable consideration’, as embodied in the first paragraph of the draft Bill, be referred to the City Solicitor for report thereon to the Policy and Finance Committee, through the Telecommunications

Steering Committee, such report to include a review of the extent to which this policy applies to land leased by the Railways to telecommunications companies; and

- (2) the Chief Financial Officer and Treasurer be requested to undertake a review of all lands currently being severed by the Railways through Committees of Adjustment, to ensure that such lands are appropriately taxed in a timely manner.”

- (b) Councillor Miller moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Chief Planner be requested to submit a report to the Planning and Transportation Committee, in consultation with the Chief Financial Officer and Treasurer and the appropriate staff of GO Transit, with respect to the possibility of negotiating tax relief with the Railways in exchange for the transfer of rights-of-way that the Railways intend to abandon.”

*Votes:*

Motion (a) by Councillor Moscoe carried.

Motion (b) by Councillor Miller carried.

The Clause, as amended, carried.

**12.18 Clause No. 14 of Report No. 8 of The Policy and Finance Committee, headed “2000 Operating Budget - Proposed Process and Schedule and Revised 2000 Capital Budget Schedule”.**

*Motion:*

Councillor Miller moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Chief Financial Officer and Treasurer be directed to notify all Members of Council of any late items or reports which were presented to the Budget Advisory Committee and were not circulated as part of any agenda or supplementary agenda, and to ensure that any such late items or reports are circulated, even if after the meeting.”

*Votes:*

The motion by Councillor Miller carried.

The Clause, as amended, carried.



12.19 **Clause No. 16 of Report No. 8 of The Policy and Finance Committee, headed “Fees Charged for Police Reference Checks”.**

*Motions:*

- (a) Councillor Gardner moved that the Clause be received.
- (b) Councillor Davis moved that the Clause be amended by inserting in the recommendation of the Policy and Finance Committee, after the word “charged”, the words “to incorporated and non-incorporated non-profit groups”, so that such recommendation shall now read as follows:

“The Policy and Finance Committee recommends that the Toronto Police Services Board be advised that Council in the adoption of its 1999 Operating Budget, clearly requested the Board to waive the fees charged to incorporated and non-incorporated non-profit groups for Police Reference Checks; and that the Board be requested to carry out Council’s request.”

*Votes:*

Adoption of motion (a) by Councillor Gardner:

Yes - 5 Councillors: Altobello, Ashton, Flint, Gardner, Sinclair
No - 34 Councillors: Adams, Balkissoon, Berardinetti, Bossons, Brown, Bussin, Chong, Chow, Davis, Disero, Duguid, Feldman, Fotinos, Giansante, Holyday, Johnston, Jones, King, Layton, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Moscoe, Nunziata, O’Brien, Ootes, Pitfield, Prue, Rae, Shaw, Shiner, Soknacki

Lost by a majority of 29.

Adoption of motion (b) by Councillor Davis:

<p>Yes - 37 Councillors: Adams, Ashton, Balkissoon, Berardinetti, Bossons, Brown, Bussin, Chong, Chow, Davis, Disero, Dugid, Feldman, Flint, Fotinos, Giansante, Holyday, Johnston, Jones, King, Layton, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Moscoe, Nunziata, O'Brien, Ootes, Pitfield, Prue, Rae, Shaw, Shiner, Sinclair, Soknacki</p>
<p>No - 2 Councillors: Altobello, Gardner</p>

Carried by a majority of 35.

The Clause, as amended, carried.

12.20 **Clause No. 13 of Report No. 9 of The North York Community Council, headed “Final Report - Zoning By-law Amendment UDZ-99-08 and Site Plan Application UDSP-99-027 - Cassels Brock and Blackwell - 267 Finch Avenue East - North York Centre”.**

*Motion:*

Councillor Flint moved that the Clause be amended by adding thereto the following:

“It is further recommended that the confidential report dated October 14, 1999, from the City Solicitor, be adopted, such report to remain confidential in accordance with the provisions of the Municipal Act save and except the following recommendation embodied therein:

‘It is recommended that the condition respecting the purchase of the adjacent property at 276 Estelle Avenue be amended so as to request the developer to demonstrate that he has made a fair market value offer to purchase the property.’ ”

*Votes:*

The motion by Councillor Flint carried.

The Clause, as amended, carried.

12.21 **Clause No. 19 of Report No. 8 of The Policy and Finance Committee, headed “Other Items Considered by the Committee”.**

*Motions:*

- (a) Councillor Miller moved that the Clause be received as information, subject to:
- (1) striking out and referring Item (a), entitled “Cost Estimate for a Cost Benefit Analysis of Internal vs. External Legal Services”, embodied therein, back to the Policy and Finance Committee for further consideration; and
  - (2) striking out and referring Item (h), entitled “Area Specific Development Charges”, embodied therein, back to the Policy and Finance Committee for further consideration.
- (b) Councillor Adams moved that the Clause be received as information, subject to consideration of Item (b), entitled “Feasibility of Implementing a Parking Levy on Private/Public Parking to Support Public Transit and Application of Revenues from Parking”, being deferred until the next meeting in conjunction with Notice of Motion J(5). (See Minute No. 12.61)

*Votes:*

Motion (a) by Councillor Miller carried.

Motion (b) by Councillor Adams carried.

The Clause, as amended, was received as information.

**12.22 Clause No. 29 of Report No. 4 of The Works Committee, headed “Landfill Gas Control Excellence Gold Award for the Keele Valley Landfill Site”.**

*Motion:*

Councillor King moved that the Clause be amended by adding thereto the following:

“It is further recommended that City Council officially congratulate the staff of the Works and Emergency Services Department on this Landfill Gas Control Program.”

*Votes:*

The motion by Councillor King carried.

The Clause, as amended, carried.

**12.23 Clause No. 5 of Report No. 12 of The Etobicoke Community Council, headed “Moving Forward in South Etobicoke”.**

*Motion:*

Councillor Jones moved that the Clause be amended in accordance with the report dated October 27, 1999, from the Director of Community Planning, West District, embodying the following recommendation:

“That City Council endorse the amended Terms of Reference for the New Toronto Secondary Plan and the South Etobicoke Action Plan as contained in Appendices 1 and 2, respectively.”

*Votes:*

The motion by Councillor Jones carried.

The Clause, as amended, carried.

**12.24 Clause No. 12 of Report No. 4 of The Works Committee, headed “Sidewalk Snow Clearing”.**

*Motion:*

Councillor Pantalone moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to direct staff carrying out mechanical snow clearing not to clear or salt snow within the tree pit.”

*Votes:*

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

**12.25 Clause No. 1 of Report No. 8 of The Policy and Finance Committee, headed “December 31, 1998, Operating Budget Variance Report and June 30, 1999, Operating Budget Variance Report”.**

*Motions:*

(a) Councillor Pitfield moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

(1) the recommendations of the Audit Committee, embodied in the communication dated October 25, 1999, from the City Clerk, be adopted, viz.:

‘The Audit Committee recommends that the City Auditor be directed to review the reconciliation prepared by the Chief Financial Officer and Treasurer and report to the Audit Committee on the following items:

- (a) the reconciliation between the City’s audited statements for 1998 and the 1998 year-end variance report in relation to the reporting of the gross expenditures and revenues by each program, and the closing balances of all reserve accounts;
  - (b) an assessment of financial transactions recorded, if any, for the year of 1998, in the City of Toronto’s Financial Information System (TFIS) or any of the legacy systems, subsequent to the signing of the City’s audited statements for 1998; and
  - (c) a review of expenditures incurred in 1998 and recorded in any of the City of Toronto’s Financial Systems, but not assigned to any specific program listed in the December 1998 variance report (i.e. expenditures charged to “suspense accounts”); and
- (2) the recommendations of the Audit Committee, embodied in the further communication dated October 25, 1999, from the City Clerk, be adopted, viz.:

‘The Audit Committee recommends that the City Auditor be directed to report to the Audit Committee at its meeting to be held on December 13, 1999, on the following items:

- (a) the manner in which Funds Control was exercised in the City of Toronto during 1998;
  - (b) whether proper Council authorization was obtained in relation to the over spending incurred in 1998, and, if not, whether that resulted in an infraction of any City By-law or provincial legislation; and
  - (c) the manner and reliability of Funds Control exercised in the City during 1999 and whether programs are able to over spend in 1999 without prior Council authorization.’ ”
- (b) Councillor Chow moved that the Clause be amended by adding thereto the following:

“It is further recommended that the City Solicitor be requested to submit a report to the Mayor’s Committee on the Port Lands, for report thereon to the Policy and Finance Committee in December 1999, on the legality of terminating payment to the

Toronto Harbour Commission until such time as the Chief Financial Officer and Treasurer and City Auditor are able to obtain the necessary information in order to:

- (1) approve the 1999 Operating Budget of the Toronto Harbour Commission; and
  - (2) determine the over-expenditure of the Toronto Harbour Commission's Operating Budget."
- (c) Councillor Jakobek moved that the Clause be amended by adding thereto the following:

"It is further recommended that the Mayor's Committee on the Port Lands be requested to bring forward an updated report on disentanglement to the next meeting of the Policy and Finance Committee."

*Votes:*

Motion (a) by Councillor Pitfield carried.

Motion (b) by Councillor Chow carried.

Motion (c) by Councillor Jakobek carried.

The Clause, as amended, carried.

**12.26 Clause No. 2 of Report No. 5 of The Planning and Transportation Committee, headed "Staffing Resources, Urban Planning and Development Services, Municipal Licensing and Standards Division, Common Area Apartment Re-Inspection Program".**

*Motions:*

- (a) Councillor Shiner moved that the Clause be amended by striking out the recommendations of the Planning and Transportation Committee and inserting in lieu thereof the following:

"It is recommended that Recommendations Nos. (1) and (2) embodied in the report dated September 16, 1999, from the Acting Commissioner of Urban Planning and Development Services, be adopted."

- (b) Councillor Davis moved that the Clause be amended by adding thereto the following

"It is further recommended that:

- (1) any licencing program include a requirement that such licences be posted in a common area in all multi-residential buildings; and
- (2) the Acting Commissioner of Urban Planning and Development Services be requested to:
  - (a) submit a report to the Planning and Transportation Committee, on a quarterly basis, on the number of multi-residential properties that are licensed relative to the number of such properties that exist in the City of Toronto; and
  - (b) submit an annual report to the Planning and Transportation Committee on the issue of enforcement.”
- (c) Councillor Bossons moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Acting Commissioner of Urban Planning and Development Services be requested to submit a report to the Planning and Transportation Committee on sanctions that can now be imposed on non-compliant owners under the current Municipal Act; on the sanctions that would be desirable, but cannot now be imposed, due to the restrictions of the Municipal Act and on what amendments to the Municipal Act would, therefore, be desirable.”

*Ruling by Deputy Mayor:*

Councillor Minnan-Wong requested the Deputy Mayor to rule on whether the Clause was properly before Council.

Deputy Mayor Ootes, having regard to the nature of the recommendations of the Planning and Transportation Committee embodied therein, ruled that the Clause was properly before Council.

*Votes:*

Adoption of motion (a) by Councillor Shiner:

Yes - 12 Mayor: Lastman Councillors: Ashton, Berardinetti, Brown, Chong, Feldman, Giansante, Holyday, King, Minnan-Wong, Ootes, Shiner
No - 31 Councillors: Adams, Augimeri, Berger, Bossons, Chow, Davis, Duguid, Filion, Flint, Fotinos, Jakobek, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay, Luby, Mammoliti, McConnell, Miller, Moscone, Nunziata, O'Brien, Pantalone, Pitfield, Prue, Rae, Saundercook, Sinclair, Soknacki, Walker

Lost by a majority of 19.

Adoption of Part (1) of motion (b) by Councillor Davis:

<p>Yes - 38            Mayor: Lastman            Councillors: Adams, Ashton, Augimeri, Berardinetti, Berger, Chong, Chow, Davis, Duguid, Filion, Flint, Fotinos, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Sinclair, Soknacki, Walker</p>
<p>No - 6            Councillors: Bossons, Brown, Feldman, Giansante, Holyday, Shiner</p>

Carried by a majority of 32.

Adoption of Part (2) of motion (b) by Councillor Davis:

<p>Yes - 43            Mayor: Lastman            Councillors: Adams, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Chong, Chow, Davis, Duguid, Feldman, Filion, Fotinos, Giansante, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shiner, Sinclair, Soknacki, Walker</p>
<p>No - 2            Councillors: Flint, Holyday</p>

Carried by a majority of 41.

Motion (c) by Councillor Bossons carried.

Adoption of Clause, as amended:



Yes - 35

Councillors: Adams, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Chow, Davis, Filion, Flint, Fotinos, Jakobek, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihelcic, Miller, Minnan-Wong, Moscoe, Nunziata, O'Brien, Pantalone, Pitfield, Prue, Rae, Saundercook, Sinclair, Soknacki, Walker

No - 10

Mayor: Lastman

Councillors: Ashton, Chong, Duguid, Feldman, Giansante, Holyday, King, Ootes, Shiner

Carried by a majority of 25.

**12.27 Clause No. 1 of Report No. 4 of The Economic Development and Parks Committee, headed "Tree Advocacy Planting Program - All Wards".**

*Motion:*

Councillor Moscoe moved that the Clause be amended by adding thereto the following:

"It is further recommended that:

- (1) the tree advocacy planting program include a review of the species and varieties of trees that can be planted;
- (2) the City make provision for the introduction in some areas, particularly in suburban areas, of species of trees that will mature to full size in selected locations, particularly City parks, i.e. stately varieties; and
- (3) the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on the possibility of introducing or re-introducing such native species as oaks, chestnuts, elms and other similar varieties."

*Vote:*

Adoption of motion by Councillor Moscoe and Clause, as amended:

Yes - 34 Mayor: Lastman Councillors: Adams, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Chong, Duguid, Filion, Fotinos, Giansante, Holyday, Jakobek, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Miller, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shiner, Sinclair, Soknacki, Walker
No - 0

Carried, without dissent.

**12.28 Clause No. 1 of Report No. 4 of The Works Committee, headed "Approval Process for the Siting of Waterfront Windmills".**

*Motions:*

(a) Councillor Jones moved that the Clause be amended by:

(1) adding to Recommendation No. B(6) of the Works Committee, the words "such report to include parkland/open space", so that such recommendation shall now read as follows:

"(6) the question of not siting the windmills on lands zoned G, GR or GM, be referred to the Commissioner of Works and Emergency Services for a report back to the Committee when dealing with the specific siting, such report to include parkland/open space;" and

(2) adding thereto the following:

"It is further recommended that the City Solicitor be requested to submit a report to the Works Committee on any legal liability that the City of Toronto may have with respect to the joint venture between TREC, Toronto Hydro and the City."

(b) Councillor Bossons moved that the Clause be amended by deleting from Recommendation No. B(7) of the Works Committee, the words "Wychwood yards on Christie Street", so that such recommendation shall now read as follows:

“(7) notwithstanding Recommendation No. (6), TREC, in consultation with Works and Emergency Services Department staff, be requested to examine the following locations and report back to the Committee on these sites as part of the site selection process:

- 43 Junction Road;
- south embankment of Earls Court Park;
- 115 Wiltshire Boulevard and northern property;
- 640 Lansdowne Avenue; and
- Union Street north of Turnberry;”.

(c) Councillor Layton moved that the Clause be amended by amending Recommendation No. B(4) of the Works Committee to read as follows:

“(4) Toronto Hydro and TREC, in consultation with the Commissioner of Works and Emergency Services, be requested to report back to the Works Committee for its meeting of December 1, 1999, if possible, on at least one preferred site in the City of Toronto where windmills could be located, and report within three months, on other potential sites throughout the City of Toronto where windmills can be located, with specific attention to the former stockyards and rail corridors, brown field sites, Hydro corridors and other potentially suitable sites.”

(d) Mayor Lastman moved that the Clause be amended by adding thereto the following:

“It is further recommended that if the final recommendation is for the windmills to be located on land owned or leased by the City, such land be provided at market value.”

*Votes:*

Motion (c) by Councillor Layton carried.

Part (1) of motion (a) by Councillor Jones carried.

Motion (b) by Councillor Bossons carried.

Part (2) of motion (a) by Councillor Jones carried.

Motion (d) by Mayor Lastman carried.

Adoption of Clause, as amended:

<p>Yes - 32            Mayor: Lastman            Councillors: Adams, Altobello, Augimeri, Berger, Brown, Bussin, Chow, Duguid, Filion, Fotinos, Giansante, Holyday, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Nunziata, O'Brien, Pantalone, Pitfield, Prue, Rae, Saundercook, Shiner, Sinclair, Soknacki, Walker</p>
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<p>No - 2            Councillors: Bossons, Ootes</p>
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Carried by a majority of 30.

**12.29 Clause No. 6 of Report No. 4 of The Works Committee, headed “Request for Proposals for the Procurement of Program Integration and Co-ordination Services for Phase 2 of the Works Best Practices Program and Award of Contract”.**

*Motions:*

(a) Councillor Shiner moved that:

- (1) the Clause be struck out and referred back to the Works Committee for further consideration at its next meeting to be held on November 3, 1999; and
- (2) Council adopt the following recommendation:

“It is recommended that, in view of the significant contract cost of \$14.5 million for program integration and co-ordination services related to Phase 2 of the Works Best Practices Program, the Commissioner of Works and Emergency Services, in consultation with the Chief Financial Officer and Treasurer and the City Auditor, be requested to review the work plan, deliverables, person hours and hourly rates pertaining to these services, with a view to significantly reducing the total contract cost and increasing the level of City staff involvement, and submit a report to the next meeting of the Works Committee to be held on November 3, 1999, on a revised contract cost.”

*Vote on referral motion:*

Adoption of motion (a) by Councillor Shiner:

Yes - 17 Mayor: Lastman Councillors: Ashton, Augimeri, Brown, Chow, Filion, Flint, Layton, Mahood, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Pantalone, Shiner, Soknacki
No - 20 Councillors: Adams, Balkissoon, Berger, Bossons, Davis, Duguid, Giansante, Jakobek, Kinahan, King, Korwin-Kuczynski, Nunziata, O'Brien, Ootes, Pitfield, Rae, Saundercook, Shaw, Sinclair, Walker

Lost by a majority of 3.

*Motion:*

- (b) Councillor Jakobek moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the consultants be utilized in such a way that the City’s reliance on their services be reduced over time;
- (2) the primary objective, long term, be to train and develop a City management team in the Works and Emergency Services Department with practices needed for the new Millennium; and
- (3) the consultants be involved in the review of any senior management recruitment within the Works and Emergency Services Department for reassignments.”

*Votes:*

Adoption of motion (b) by Councillor Jakobek:

Yes - 36 Mayor: Lastman Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berger, Bossons, Brown, Chow, Davis, Duguid, Feldman, Flint, Giansante, Holyday, Jakobek, Johnston, Kinahan, King, Korwin-Kuczynski, Lindsay-Luby, Mahood, McConnell, Mihevc, Miller, Moscoe, O'Brien, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shaw, Sinclair, Soknacki, Walker
No - 1 Councillor: Shiner

Carried by a majority of 35.

Adoption of Clause, as amended:

<p>Yes - 32            Mayor: Lastman            Councillors: Altobello, Ashton, Balkissoon, Berger, Bossons, Brown, Chow, Davis, Duguid, Feldman, Flint, Giansante, Holyday, Jakobek, Johnston, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Mahood, Mihevc, O'Brien, Ootes, Pantalone, Pitfield, Rae, Saundercook, Shaw, Sinclair, Soknacki, Walker</p>
<p>No - 5            Councillors: Augimeri, McConnell, Miller, Moscoe, Shiner</p>

Carried by a majority of 27.

**12.30 Clause No. 9 of Report No. 4 of The Works Committee, headed "Prince Edward Viaduct - Measures to Deter Suicide Attempts".**

*Motion:*

Councillor King moved that the Clause be struck out and referred back to the Works Committee for further consideration at its next meeting to be held on November 3, 1999.

*Vote:*

The motion by Councillor King carried.

**12.31 Clause No. 10 of Report No. 4 of The Works Committee, headed "Review of Sub-Committees, Special Committees and Task Forces".**

*Motion:*

Councillor Miller moved that the Clause be struck out and referred back to the Works Committee for further consideration, insofar as it pertains to the Storm Water Group, and Council further direct that a meeting of the Storm Water Group be held to determine whether the Group needs to continue or can be disbanded.

*Vote:*

Adoption of motion by Councillor Miller:

Yes - 24 Councillors: Adams, Ashton, Augimeri, Berger, Brown, Chow, Flint, Fotinos, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Prue, Shiner, Walker
No - 18 Mayor: Lastman Councillors: Altobello, Balkissoon, Berardinetti, Bossons, Duguid, Feldman, Giansante, Holyday, Lindsay, Luby, Mahood, O'Brien, Ootes, Rae, Saundercook, Shaw, Sinclair, Soknacki

Carried by a majority of 6.

12.32 **Clause No. 16 of Report No. 9 of The North York Community Council, headed “Road Closing Publication - Wilson Heights Boulevard and Sheppard Avenue West - Northeast Corner - North York Spadina”.**

*Motion:*

Councillor Moscoe moved that the Clause be amended by striking out the Resolution by Councillor Moscoe embodied therein and inserting in lieu thereof the following new Resolution:

**Moved by: Councillor Moscoe**

**Seconded by: Councillor Feldman**

“**WHEREAS** the City has declared the lands located at the northeast corner of Wilson Heights Boulevard and Sheppard Avenue West as surplus; and

**WHEREAS** the City, therefore, agrees to proceed to close the road in accordance with Section 297 of the Municipal Act; and

**WHEREAS** pursuant to the Municipal Act Council directs the Legal department to immediately publish notice of the City’s intent at least once a week for four successive weeks in the appropriate publication; and

**WHEREAS** a settlement has been achieved between the residents of Cocksfield Avenue, Torbel Developments (126175 Ontario Limited), and the City for a seven and five-storey mixed-use building and five single family houses fronting onto Cocksfield Avenue at the Ontario Municipal Board on Friday, October 8, 1999;

**NOW THEREFORE BE IT RESOLVED THAT** Council direct the publication noted above be effected forthwith, and that Council authorize City officials to

prepare the appropriate by-laws and site plan agreements to implement the OMB settlement.”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

**12.33 Clause No. 7 of Report No. 13 of The Toronto Community Council, headed “Draft Zoning By-law - 720 to 724 Kingston Road and 35R Lyall Avenue (East Toronto)”.**

*Motion:*

Councillor Rae moved that the Clause be amended:

- (1) in accordance with the report dated October 26, 1999, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendation:

“It is recommended that, if City Council approves the Zoning By-law Amendment for the subject properties, such approval be conditional on Tree Preservation Plan A1C dated October 22, 1999, received by Forestry Services on October 25, 1999, being red-lined and approved by the City Forester.”; and

- (2) by adding thereto the following:

“It is further recommended that:

- (a) notwithstanding the requirements of Chapter 146-16, whereas the above properties are subject to Chapter 146-16-C of the Municipal Code, and demolition permits 99-104703, 99-104708 and 99-104715 have been applied for by Mr. William Moskalko of 11346343 Ontario Inc., and the applicant is not proposing to erect new buildings on the land the above properties occupy, and whereas the buildings present a community safety risk, be it resolved that, providing no objections are received by the end of the day November 5, 1999, the Acting Commissioner of Urban Planning and Development Services shall issue the demolition permit; and
- (b) the applicant be requested to make a financial contribution of \$1,500.00 for tree removal to the Maple Cottage restoration fund.”

*Votes:*



The motion by Councillor Rae carried.

The Clause, as amended, carried.

Councillors Bussin and Jakobek requested that their opposition to this Clause be noted in the Minutes of this meeting.

**12.34 Clause No. 9 of Report No. 8 of The Policy and Finance Committee, headed “Fair Tax Policy for Ethno-Cultural Centres and Similar Organizations”.**

*Motions:*

- (a) Councillor Adams moved that the Clause be amended by adding to the recommendation of the Policy and Finance Committee, the words “through the Assessment and Tax Policy Task Force”, so that such recommendation shall now read as follows:

“The Policy and Finance Committee recommends the adoption of the recommendation of the Assessment and Tax Policy Task Force embodied in the following communication (September 24, 1999) from the City Clerk; and, further, that the Chief Financial Officer and Treasurer be requested to submit an annual report in regard thereto to the Policy and Finance Committee, through the Assessment and Tax Policy Task Force.”

- (b) Councillor Moscoe moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Chief Financial Officer and Treasurer be requested to submit a report to the Assessment and Tax Policy Task Force on the feasibility of including settlement houses in this program, including the University Settlement House, St. Stephen’s House and the North York Community House, and further that these organizations be considered to have met the December 31, 1999 deadline.”

- (c) Councillor Mammoliti moved that motion (b) by Councillor Moscoe be amended to include the offices of elected officials, if possible, e.g. Councillors’ Constituency offices.

- (d) Councillor McConnell moved that the Clause be amended by adding thereto the following:

“It is further recommended that the following motion be referred to the Chief Financial Officer and Treasurer:

**‘WHEREAS** the Tamil Eelam Society had received the approval of Council for tax relief through the previously existing process for status; and

**WHEREAS** the current policy includes funding for accommodating Tax Rebate Status for the Tamil Eelam Society, with no effect on the cost of the program; and

**WHEREAS** the current criteria includes a clause that unnecessarily excludes the Tamil Eelam Society, despite their having met the criteria under the old process under which the City had supported them;

**NOW THEREFORE BE IT RESOLVED THAT** the Eligibility Criteria set out in Appendix “A” embodied in the report dated September 15, 1999, from the Chief Financial Officer and Treasurer, be amended by adding to the first criterion, the words “or has previously received the support of the Council of one or more of the former municipalities for Private Legislation to provide for property tax relief.”, so that it reads as follows:

“The organization must be a registered charity within the meaning of the Income Tax Act (Canada) or has previously received the support of the Council of one or more of the former municipalities for Private Legislation to provide for property tax relief.” ’ ’ ”

*Votes:*

Motion (a) by Councillor Adams carried.

Motion (d) by Councillor McConnell carried.

Adoption of motion (c) by Councillor Mammoliti:

<p>Yes - 12 Councillors: Berger, Chow, Flint, Fotinos, Li Preti, Mammoliti, Mihevc, Miller, Nunziata, Ootes, Pantalone, Silva</p>
<p>No - 26 Councillors: Adams, Altobello, Augimeri, Bialkissoon, Berardinetti, Bossons, Bussin, Chong, Disero, Duguid, Holyday, Jakobek, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mahood, Minnan-Wong, Moscoe, O’Brien, Pitfield, Prue, Rae, Saundercook, Shaw, Soknacki</p>

Lost by a majority of 14.

Motion (b) by Councillor Moscoe carried, without amendment.

The Clause, as amended, carried.

- 12.35 **Clause No. 48 of Report No. 13 of The Toronto Community Council, headed “Ontario Municipal Board Appeal - Committee of Adjustment Decision - 507 St. Clements Avenue (North Toronto)”.**

*Motion:*

Councillor Shiner moved that the Clause be amended by adding thereto the following:

“It is further recommended that funds for this purpose be drawn from the Legal Account - Contingency for Appeals.”

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

- 12.36 **Clause No. 4 of Report No. 6 of The Administration Committee, headed “1171 St. Clair Avenue West and 1345 St. Clair Avenue West, Appeal of Interim Control By-law No. 1997-0321, Ontario Municipal Board”.**

*Motion:*

Councillor Adams moved that the Clause be amended by adding thereto the following:

“It is further recommended that the City Solicitor be requested to submit a report to the Administration Committee, if and when a settlement is finalized.”

*Votes:*

The motion by Councillor Adams carried.

The Clause, as amended, carried.

- 12.37 **Clause No. 5 of Report No. 4 of The Community Services Committee, headed “Release of 1998 Community Services Grant - Friends of Shopping Bag Ladies”.**

*Vote:*

The Clause carried, without amendment.

Councillor McConnell requested that her opposition to this Clause be noted in the Minutes of this meeting.

- 12.38 **Clause No. 60 of Report No. 13 of The Toronto Community Council, headed “Implementation of a One-Hour Maximum Parking Limit - Davenport Road, from Uxbridge Avenue to the First Lane West (Davenport)”.**

*Motion:*

Councillor Giansante moved that the Clause be amended by deleting from Recommendation No. (1) embodied in the report dated October 7, 1999, from the Director of Transportation Services, District 1, the word "Friday" and inserting in lieu thereof the word "Saturday", so that such recommendation shall now read as follows:

- “(1) That parking be limited to a maximum duration of one hour from 9:00 a.m. to 6:00 p.m., Monday to Saturday, on both sides of Davenport Road, between Uxbridge Avenue and the first lane west thereof;”.

*Votes:*

The motion by Councillor Giansante carried.

The Clause, as amended, carried.

**12.39 Clause No. 2 of Report No. 4 of The Community Services Committee, headed “Request to Enact the Emergency By-Law to Assist Homeless People”.**

*Motions:*

- (a) Councillor Layton moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Mayor be requested to invoke the emergency by-law and thereby enact the emergency plan in order to develop an appropriate plan of action to immediately address the critical shortfall of emergency shelter.”

- (b) Mayor Lastman moved that the Clause be amended by deleting Recommendation No. (3) of the Community Services Committee, viz.:

“(3) if the shelter system is operating above 90 percent by December 1, 1999, the decision to close the Fort York Armoury be revisited by the Community Services Committee at its meeting on December 1, 1999.”

- (c) Councillor Moscoe moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Community and Neighbourhood Services be requested to submit a report to Council, through the Community Services Committee, on the feasibility of establishing a temporary homeless shelter by using heated portables to be located in Queen’s Park.”

- (d) Councillor Chow moved that the Clause be amended by adding thereto the following:
- “It is further recommended that, having regard that the City has a 97 per cent occupancy rate in shelters for single men and youth, the Commissioner of Community and Neighbourhood Services be requested to review all municipal buildings, including those occupied by agencies, boards and commissions, for locations for emergency shelters and report on the results of the negotiations related thereto to the next meeting of the Community Services Committee.”
- (e) Councillor Chong moved that motion (d) by Councillor Chow be amended by adding thereto the following words:
- “and further that the Commissioner of Community and Neighbourhood Services be requested to immediately negotiate with the Interim General Manager, Exhibition Place, on how to utilize existing empty buildings in Exhibition Place as emergency shelters and to include the results of such negotiations in the report requested”.
- (f) Councillor Jakobek moved that the Clause be amended by:
- (1) amending Recommendation No. (1) of the Community Services Committee to provide that Councillor Tom Jakobek also be a member of the team which will meet with the Hospital Boards; and
  - (2) adding thereto the following:

“It is further recommended that:

    - (a) City Council express its gratitude to the federal government for use of the Fort York Armoury as a shelter and appeal to the federal government to allow the City to continue using the Fort York Armoury shelter until January 15, 2000, in order to provide sufficient time to build temporary replacement shelter spaces immediately, and, in the event the federal government denies the City’s request, the City cease to use the Fort York Armoury as a shelter as of December 15, 1999; and
    - (b) the Commissioner of Community and Neighbourhood Services be requested to expedite her research and report on alternative forms of shelter services to the Community Services Committee as soon as possible.”
- (g) Councillor Pantalone moved that motion (d) by Councillor Chow be amended by adding thereto the following words:

“such negotiations and report to also address the feasibility of utilizing the Guild Inn and any of the Civic Centres as emergency shelters”.

*Votes:*

Adoption of motion (b) by Mayor Lastman:

Yes - 28 Mayor: Lastman Councillors: Altobello, Ashton, Berardinetti, Brown, Bussin, Chong, Chow, Duguid, Feldman, Flint, Gardner, Giansante, Holyday, Johnston, Kinahan, King, Korwin-Kuczynski, Mihevc, O'Brien, Ootes, Prue, Saunderson, Shaw, Shiner, Silva, Sinclair, Tzekas
No - 10 Councillors: Adams, Augimeri, Jakobek, Jones, Layton, McConnell, Moscoe, Pantalone, Rae, Walker

Carried by a majority of 18.

Part (1) of motion (f) by Councillor Jakobek carried.

Adoption of motion (a) by Councillor Layton:

Yes - 10 Councillors: Adams, Bussin, Jakobek, Kinahan, Layton, McConnell, Moscoe, Nunziata, O'Brien, Walker
No - 30 Mayor: Lastman Councillors: Altobello, Ashton, Augimeri, Berardinetti, Brown, Chong, Chow, Duguid, Feldman, Flint, Gardner, Giansante, Holyday, Johnston, Jones, King, Korwin-Kuczynski, Lindsay, Luby, Mihevc, Ootes, Pantalone, Prue, Rae, Saunderson, Shaw, Shiner, Silva, Sinclair, Tzekas

Lost by a majority of 20.

*Ruling by Deputy Mayor:*

Councillor Jakobek requested that the vote on the components of motion (c) by Councillor Moscoe pertaining to the “heated portables” and “Queens Park” be taken separately.

Deputy Mayor Ootes, having regard to the nature of motion (c) by Councillor Moscoe, ruled that the vote thereon would not be taken separately but would be taken on the motion in its entirety, having regard to the intent of such motion.

Councillor Jakobek challenged the ruling of the Deputy Mayor.

*Vote to uphold ruling of Deputy Mayor:*

Yes - 34 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Brown, Bussin, Chong, Chow, Duguid, Feldman, Flint, Gardner, Giansante, Holyday, Johnston, Jones, Kinahan, King, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Shiner, Silva, Sinclair
No - 6 Councillors: Jakobek, Korwin-Kuczynski, Layton, Shaw, Tzekas, Walker

Carried by a majority of 28.

*Vote:*

Adoption of motion (c) by Councillor Moscoe:

Yes - 18 Councillors: Altobello, Ashton, Augimeri, Bussin, Chow, Johnston, Jones, Kinahan, Layton, McConnell, Moscoe, Nunziata, Pantalone, Prue, Shaw, Shiner, Sinclair, Walker
No - 22 Mayor: Lastman Councillors: Adams, Berardinetti, Brown, Chong, Duguid, Feldman, Flint, Gardner, Giansante, Holyday, Jakobek, King, Korwin-Kuczynski, Lindsay Luby, Mihevc, O'Brien, Ootes, Rae, Saundercook, Silva, Tzekas

Lost by a majority of 4.

Adoption of motion (e) by Councillor Chong:

<p>Yes - 27 Councillors: Adams, Ashton, Augimeri, Brown, Chong, Chow, Duguid, Feldman, Flint, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, O'Brien, Prue, Rae, Shiner, Sinclair, Walker</p>
<p>No - 12 Mayor: Lastman Councillors: Altobello, Berardinetti, Bussin, Gardner, Giansante, Holyday, Ootes, Pantalone, Shaw, Silva, Tzekas</p>

Carried by a majority of 15.

Adoption of motion (g) by Councillor Pantalone:

<p>Yes - 20 Councillors: Augimeri, Brown, Bussin, Chow, Gardner, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, McConnell, Moscoe, O'Brien, Pantalone, Prue, Rae, Silva, Sinclair, Walker</p>
<p>No - 19 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Berardinetti, Chong, Duguid, Feldman, Flint, Giansante, Holyday, Jakobek, Lindsay Luby, Mihevc, Nunziata, Ootes, Shaw, Shiner, Tzekas</p>

Carried by a majority of 1.

Adoption of motion (d) by Councillor Chow, as amended:

<p>Yes - 27 Councillors: Adams, Ashton, Augimeri, Brown, Bussin, Chong, Chow, Duguid, Feldman, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, O'Brien, Pantalone, Rae, Shiner, Sinclair, Tzekas</p>
<p>No - 12 Mayor: Lastman Councillors: Altobello, Berardinetti, Flint, Gardner, Giansante, Holyday, Ootes, Prue, Shaw, Silva, Walker</p>



Carried by a majority of 15.

Part (2)(a) of motion (f) by Councillor Jakobek carried.

Part (2)(b) of motion (f) by Councillor Jakobek carried.

The Clause, as amended, carried.

In summary, Council amended this Clause by:

- (1) amending Recommendation No. (1) of the Community Services Committee to provide that Councillor Tom Jakobek also be a member of the team which will meet with the Hospital Boards;
- (2) deleting Recommendation No. (3) of the Community Services Committee, viz.:
  - “(3) if the shelter system is operating above 90 percent by December 1, 1999, the decision to close the Fort York Armoury be revisited by the Community Services Committee at its meeting on December 1, 1999.”; and
- (3) adding thereto the following:
  - “It is further recommended that:
    - (a) City Council express its gratitude to the federal government for use of the Fort York Armoury as a shelter and appeal to the federal government to allow the City to continue using the Fort York Armoury shelter until January 15, 2000, in order to provide sufficient time to build temporary replacement shelter spaces immediately, and, in the event the federal government denies the City’s request, the City cease to use the Fort York Armoury as a shelter as of December 15, 1999; and
    - (b) having regard that the City has a 97 percent occupancy rate in shelters for single men and youth, the Commissioner of Community and Neighbourhood Services be requested to:
      - (i) review all municipal buildings, including those occupied by agencies, boards and commissions, for locations for emergency shelters and report on the results of the negotiations related thereto to the next meeting of the Community Services Committee, such negotiations and report to also address the feasibility of utilizing the Guild Inn and any of the Civic Centres as emergency shelters;
      - (ii) immediately negotiate with the Interim General Manager, Exhibition Place, on how to utilize existing empty buildings in Exhibition Place as emergency shelters and include the results of such negotiations in the report requested in Recommendation No. (3)(b)(i); and

- (iii) expedite the research and report on alternative forms of shelter services to the Community Services Committee as soon as possible.”

**12.40 Clause No. 35 of Report No. 13 of The Toronto Community Council, headed “Renaming of Beltline Park - The Kay Gardner Beltline Park (North Toronto)”.**

*Motion:*

Councillor Mihevc moved that the Clause be amended to provide that the naming of the Beltline Park as “The Kay Gardner Beltline Park” apply to the parkland east of the Allen Expressway, and that the naming of the park west of the Allen Expressway, once the park is owned by the City of Toronto, be led by the York Community Council.

*Votes:*

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

**12.41 Clause No. 3 of Report No. 6 of The Audit Committee, headed “1998 Arena Deficits”.**

*Motion:*

Councillor Adams moved that the Clause be amended by striking out and referring Recommendation No. (2) of the Audit Committee to the City Auditor for consultation with the arenas and report thereon to the Audit Committee, viz.:

- “(2) the issue of arena operating budgets be forwarded to the Chief Administrative Officer for consideration as part of his report on Agencies, Boards and Commissions, in terms of eliminating duplication, reducing deficits and increasing revenue.”

*Votes:*

The motion by Councillor Adams carried.

The Clause, as amended, carried.

**12.42 Clause No. 6 of Report No. 13 of The Toronto Community Council, headed “Draft By-laws - Official Plan Amendments and Rezoning - 910 Logan Avenue (Don River)”.**

*Motion:*

Councillor Layton moved that the Clause be amended by:

- (1) adding to Recommendation No. (1) of the Toronto Community Council, the words “subject to amending section 1 of Draft By-law (2) by adding thereto the following new subsection (8):
  - (8) for greater certainty, nothing in this by-law or By-law No. 438-86, as amended, shall prevent the severance of the *lot* for the purpose of the individual sale of the *dwelling units* and for the establishment of certain portions of the *lot* as areas to be held in common.”; and
- (2) adding thereto the following:

“It is further recommended that:

  - (a) as recommended in the report dated October 22, 1999, from the Commissioner of Works and Emergency Services, approval of this Clause be subject to the applicant agreeing to install and maintain signage at the garage exit indicating ‘No Left Turn’;
  - (b) the communication dated October 26, 1999, from Mr. Keith J. Eboodhsingh, President, Mayfair Development Corporation, be received, and the City Clerk be requested to include such communication in Appendix ‘A’; and
  - (c) there be no further notice given of the public meeting requirement of Draft By-law (2), as amended.”

*Votes:*

The motion by Councillor Layton carried.

The Clause, as amended, carried.

**12.43 Clause No. 13 of Report No. 4 of The Works Committee, headed “Expansion of the Snow Emergency Route Network (All Wards)”.**

*Motion:*

Councillor Mihevc moved that the Clause be amended by adding thereto the following:

“It is further recommended that Schedule ‘A’ of By-law No. 528-1999, a by-law to regulate traffic on certain highways during periods of emergency occasioned by the fall of snow, be amended to include Rogers Road between Oakwood Avenue and Weston Road.”

*Votes:*

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

**12.44 Clause No. 4 of Report No. 4 of The Community Services Committee, headed “Proposed Framework for the Homelessness Report Card”.**

*Motion:*

Councillor Layton moved that the Clause be amended by adding thereto the following:

“It is further recommended that the City’s Homelessness Report Card be prepared in consultation with, and co-sponsored by, the Advisory Committee on Homeless and Socially-Isolated Persons.”

*Votes:*

The motion by Councillor Layton carried.

The Clause, as amended, carried.

**12.45 Clause No. 61 of Report No. 13 of The Toronto Community Council, headed “Establishment of a Student Pick-up/Drop-off Zone - Poplar Plains Road, East Side, From Lynwood Avenue to Clarendon Avenue (Midtown)”.**

*Motion:*

Councillor Bossons moved that the Clause be amended by amending Recommendation No. (1) of the Toronto Community Council to read as follows:

“(1) the following report (October 7, 1999) from the Director, Transportation Services, District 1, be adopted, subject to Recommendations Nos. (1), (2), (3) and (4) of said report being amended to exclude the section of Poplar Plains Road between Balmoral Avenue (East Branch) and Clarendon Avenue (West Branch) until the question of stop signs at these two intersections has been resolved for the greater safety of pedestrians on the east side of Poplar Plains Road;”.

*Votes:*

The motion by Councillor Bossons carried.

The Clause, as amended, carried.

**12.46 Clause No. 28 of Report No. 4 of The Works Committee, headed “Apartment Recycling Pilot Project and OMG Media Bin Launch Event”.**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Shiner moved that Council adopt the following recommendation:

“It is recommended that City of Toronto politicians and senior officials and  
OMG Media officials only, be invited to attend the media launch; and that CSR not  
be invited.”

*Votes:*

Adoption of motion by Councillor Shiner:

Yes - 4 Councillors: Flint, Moscoe, Shiner, Walker
No - 32 Mayor: Lastman Councillors: Adams, Altobello, Augimeri, Berardinetti, Berger, Bossons, Brown, Chow, Filion, Giansante, Holy day, Jakobek, King, Layton, Li Preti, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Sinclair, Soknacki

Lost by a majority of 28.

The Clause was received for information.

**12.47 Clause No. 1 of Report No. 11 of The Striking Committee, headed “Appointments to the Ethics Steering Committee”.**

*Motion:*

Councillor Berardinetti moved that the Clause be struck out and referred to the Administration Committee, with a request that the Committee establish Terms of Reference for the Ethics Steering Committee.

*Vote:*

The motion by Councillor Berardinetti carried.

**12.48 Clause No. 4 of Report No. 6 of The Audit Committee, headed “Toronto Atmospheric Fund”.**

*Motion to re-open:*

Councillor Layton, with the permission of Council, moved that, in accordance with Section 46 of the Council Procedural By-law, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Layton moved that the Clause be amended by adding thereto the following:

“It is further recommended that the joint report dated October 25, 1999, from the City Solicitor and the Chief Financial Officer and Treasurer, be referred to the Policy and Finance Committee, and the lawyer for the Toronto Atmospheric Fund and Councillors Rob Davis and Jack Layton be advised when this matter is to be considered by the Committee.”

*Votes:*

The motion by Councillor Layton carried.

The Clause, as amended, carried.

**12.49 Clause No. 13 of Report No. 13 of The Toronto Community Council, headed “Inclusion on the City of Toronto Inventory of Heritage Properties - 262 and 264 St. Clair Avenue West (Alexander Davidson House and Coach House) (Midtown)”.**

Having regard that the Clause was submitted without recommendation:

*Motions:*

(a) Councillor Adams moved that Council adopt the following recommendation:

“It is recommended that the report dated September 27, 1999, from the Acting Managing Director, Toronto Historical Board, be adopted.”

(b) Councillor Rae moved that the Clause be received.

*Votes:*

Adoption of motion (b) by Councillor Rae:

Yes - 15  
Councillors: Berardinetti, Berger, Brown, Chong, Chow, Disero, Gardner, Giansante, Holyday, Lindsay Luby, Minnan-Wong, Oates, Pantalone, Rae, Soknacki

No - 22 Mayor: Lastman Councillors: Adams, Augimeri, Balkissoon, Bossons, Bussin, Filion, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, O'Brien, Pitfield, Prue, Silva, Tzekas, Walker
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Lost by a majority of 7.

Adoption of motion (a) by Councillor Adams:

Yes - 22 Councillors: Adams, Augimeri, Balkissoon, Bossons, Filion, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Moscoe, Nunziata, O'Brien, Pitfield, Prue, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 15 Mayor: Lastman Councillors: Berardinetti, Berger, Brown, Chong, Chow, Disero, Gardner, Giansante, Holyday, Lindsay Luby, Minnan-Wong, Ootes, Pantalone, Rae

Carried by a majority of 7.

The Clause, as amended, carried.

**12.50 Clause No. 14 of Report No. 13 of The Toronto Community Council, headed "Tree Injury - 7 Gange Avenue (Midtown)".**

*Motion:*

Councillor Bossons moved that the Clause be amended by striking out the recommendation of the Toronto Community Council and inserting in lieu thereof the following:

"It is recommended that Recommendation No. (1) embodied in the report dated September 15, 1999, from the Commissioner of Economic Development, Culture and Tourism, be adopted, viz.:

- '(1) refuse to issue a permit for tree injury, requiring the applicant to redesign the proposed development to provide adequate protection for the trees;'

*Votes:*

Adoption of motion by Councillor Bossons:

<p>Yes - 6 Councillors: Bossons, Bussin, Kinahan, Prue, Shiner, Walker</p>
<p>No - 30 Mayor: Lastman Councillors: Augimeri, Berger, Brown, Chong, Chow, Disero, Giansante, Holyday, Jakobek, Johnston, Jones, King, Layton, Lindsay Luby, Mammoliti, Mc Connell, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Rae, Silva, Sinclair, Soknacki, Tzekas</p>

Lost by a majority of 24.

The Clause carried, without amendment.

**12.51 Clause No. 1 of Report No. 6 of The Administration Committee, headed “Development and Positioning of Nathan Phillips Square”.**

*Motion to re-open:*

Councillor Minnan-Wong, with the permission of Council, moved that, in accordance with Section 46 of the Council Procedural By-law, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

*Motions:*

- (a) Councillor Minnan-Wong moved that the Clause be amended by deleting Recommendation No. (2) of the Administration Committee and inserting in lieu thereof the following:

“(2) that Council approve, in principle, the inclusion of a tribute that recognizes public contributions.”

- (b) Councillor Bussin moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Acting Commissioner of Corporate Services be requested to submit a report to the Administration Committee on the feasibility of using the Request for Proposal process to determine what entities may use Nathan Phillips Square.”

- (c) Councillor Moscoe moved that the Clause be amended by:



- (1) deleting Recommendation No. (2) of the Administration Committee;
- (2) rescinding the action taken by the Administration Committee respecting Recommendations Nos. (2) and (3 ) embodied in the report dated September 20, 1999, from the Acting Commissioner of Corporate Services, and referring such recommendations to the Office Consolidation Sub-Committee; and the Acting Commissioner of Urban Planning and Development Services be requested to work with the Office Consolidation Sub-Committee on the development of City Hall and the City Hall Square complex; and
- (3) adding thereto the following:

“It is further recommended that a Public Art Policy Committee, comprised of Councillors Bussin, Chow, Johnston, Moscoe and Prue, and any other interested Members of Council, be established, and that such Committee report through the Economic Development and Parks Committee on its terms of reference.”

- (d) Councillor Pitfield moved that the Clause be struck out and referred to the Office Consolidation Sub-Committee for further consideration, together with all motions moved by Members of Council in this regard.
- (e) Councillor Lindsay Luby moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Office Consolidation Sub-Committee be requested to consider holding a public charrette as part of the design process for Nathan Phillips Square, in order to make the citizens of Toronto feel part of our newly-amalgamated City.”

*Vote on referral motion:*

Adoption of motion (d) by Councillor Pitfield:

Yes - 33

Councillors: Augimeri, Balkissoon, Berardinetti, Berger, Bossons, Brown, Bussin, Disero, Duguid, Feldman, Fotinos, Giansante, Johnston, Kinahan, King, Li Preti, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Ootes, Pitfield, Prue, Rae, Saundercook, Shiner, Silva, Soknacki, Walker

No - 4

Councillors: Holyday, Korwin-Kuczynski, Layton, O'Brien

Carried by a majority of 29.

12.52 **Clause No. 22 of Report No. 4 of The Works Committee, headed “Encroachment, Sanitary Discharge and Industrial Waste Surcharge Agreements with the Greater Toronto Airports Authority”.**

*Motion:*

Councillor Layton moved that the Clause be amended by adding thereto the following:

“It is further recommended that:

- (1) the Medical Officer of Health be requested to ensure that the appropriate monitoring equipment is in place, and monitor reporting procedures are in place, to ensure that any danger to public health from glycol is eliminated; and
- (2) the Greater Toronto Airports Authority (GTAA), and, in particular, the City representatives on the GTAA, be requested to pursue the possibilities of on-site capture and remediation of de-icing chemicals in the reconstruction of the airport facility.”

*Votes:*

The motion by Councillor Layton carried.

The Clause, as amended, carried.

12.53 **Clause No. 5 of Report No. 13 of The Toronto Community Council, headed “Draft Zoning By-law - 266 MacDonell Avenue (High Park)”.**

*Motion to re-open:*

Councillor Korwin-Kuczynski, with the permission of Council, moved that, in accordance with Section 46 of the Council Procedural By-law, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Korwin-Kuczynski moved that the Clause be amended by deleting Recommendation No. (3)(b) embodied in the report dated September 8, 1999, from the Acting Commissioner of Urban Planning and Development Services, viz.:

- “(3) the owner be required to:

- (b) secure the approval of CN/CP railways with respect to the proposed building setback from the railway right-of-way prior to the issuance of a building permit;”.

*Votes:*

The motion by Councillor Korwin-Kuczynski carried.

The Clause, as amended, carried.

12.54 **Clause No. 7 of Report No. 8 of The Policy and Finance Committee, headed “Redevelopment of Car Park 63 Located at 111 and 117 Richmond Street East (Ward 24 - Downtown)”.**

*Action taken by Council:*

Council, by its adoption of the following Notice of Motion J (17), and the report dated October 25, 1999, from the Acting Commissioner of Corporate Services, appended thereto, deferred consideration of this Clause to the next regular meeting of City Council to be held on November 23, 1999:

**Moved by: Councillor Rae**

**Seconded by: Councillor Li Preti**

“**WHEREAS** City Council at its meeting held on September 28 and 29, 1999, adopted Clause No. 14 of Report No. 5 of The Administration Committee headed ‘Declaration as Surplus – Nos. 111 and 117 Richmond Street East – Municipal No. 63’, thereby declaring surplus to the City’s requirements the properties known municipally as Nos. 111 and 117 Richmond Street East and authorizing that notice be given to the public of the intended manner of sale; and

**WHEREAS**, in accordance with By-law No. 551-1998, the notice of the proposed sale was given advising that the City proposes to enter into a joint venture with the developers of the abutting property respecting the sale of these lands to reflect the fact that, as part of the compensation for the lands, the City was to acquire strata title to a portion of the proposed development containing a 12-space parking facility; and

**WHEREAS** Clause No. 7 of Report No. 8 of The Policy and Finance Committee, headed ‘Redevelopment of Car Park 63 Located at 111 and 117 Richmond Street East, (Ward 24- Downtown)’ before Council at its meeting of October 26, 1999, recommends the adoption of the report (September 28, 1999) from the President, Toronto Parking Authority, entitled ‘Redevelopment of Car Park No. 63 Located at Nos. 111 and 117 Richmond Street East’, subject to amending Recommendation No. (1) and deleting Recommendation No. (2) thereby recommending that City Council approve

an agreement of purchase and sale with Intracorp Developments (French Quarter II) Ltd. the total value of the transaction being \$440,000.00 in cash and, accordingly, the City will not be acquiring strata title to a portion of the proposed development containing a 12-space parking facility; and

**WHEREAS** the Acting Commissioner of Corporate Services has submitted a report dated October 25, 1999, entitled 'Proposed Sale of Nos. 111 and 117 Richmond Street East', advising that, as the recommendation of the Policy and Finance Committee is inconsistent with the notice to the public of the proposed sale previously given pursuant to By-law No. 551-1998, it is necessary that approval be given, at this time, for a revision to the intended manner of sale; sufficient time allowed for the required notice to be given; and that Council defer consideration of the aforementioned sale report for one Council cycle;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 46 of the Council Procedural By-law, Clause No. 14 of Report No. 5 of The Administration Committee, headed 'Declaration as Surplus – Nos. 111 and 117 Richmond Street East – Municipal Car Park No. 63', be re-opened for further consideration, insofar as it pertains to the notice to the public of the proposed sale;

**AND BE IT FURTHER RESOLVED THAT** Council approve the report dated October 25, 1999, entitled 'Proposed Sale of Nos. 111 and 117 Richmond Street East', from the Acting Commissioner of Corporate Services."

Council re-opened consideration of Clause No. 14 of Report No. 5 of The Administration Committee, headed "Declaration as Surplus - Nos. 111 and 117 Richmond Street East – Municipal Car Park No. 63", for further consideration, only insofar as it pertains to the notice to the public of the proposed sale, adopted the balance of the Motion, without amendment, and, in so doing, adopted, without amendment, the report dated October 25, 1999, from the Acting Commissioner of Corporate Services, embodying the following recommendations:

"It is recommended that:

- (1) the approved manner of the sale of Nos. 111 and 117 Richmond Street East be a direct sale to Intracorp Developments (French Quarter II) Ltd.;
- (2) to allow for the required notice to the public of the proposed sale to be given, consideration of Clause No. 7 of Report No. 8 of The Policy and Finance Committee be deferred to the Council meeting scheduled for November 23, 24 and 25, 1999;

- (3) all steps necessary to comply with By-law No. 551-1998 be taken; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

**MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION**

12.55 Deputy Mayor Ootes called upon Notice of Motion F appearing on the Order Paper, as follows:

**Moved by: Councillor Moscoe**

**Seconded by: Councillor Shiner**

“**WHEREAS** the North York Harvest Food Bank has provided service to the Community for almost 13 years; and

**WHEREAS** the Food Bank is the second largest in Toronto, distributing food to a network of over 35 agencies in northern Toronto helping to feed 7,000 persons per month; and

**WHEREAS** the Food Bank collects, sorts and distributes close to one million pounds of food per year; and

**WHEREAS** a change in the situation of their Landlord, TriStone Properties, has forced them to raise the Food Bank’s rent to market value; and

**WHEREAS** the cost of moving and the disruption to the Food Bank services would be enormous;

**NOW THEREFORE BE IT RESOLVED THAT** Council provide a one-time grant from Contingency, to offset property taxes to the North York Harvest Food Bank, in the amount of \$20,000.00, which would enable them to continue to operate in their present location, until such time as another location can be found.”

*Motion:*

Councillor Moscoe moved that Motion F be referred to the Commissioner of Community and Neighbourhood Services for report thereon to the Community Services Committee, through the Grants Sub-Committee, such report to address other non-profit organizations who are experiencing similar circumstances.

*Vote:*

The motion by Councillor Moscoe carried.

12.56 Deputy Mayor Ootes called upon Notice of Motion I appearing on the Order Paper, as follows:

**Moved by: Councillor Altobello**

**Seconded by: Councillor Ashton**

“**WHEREAS** there is a proposal for a senior men’s hostel to be located at 1673 Kingston Road, Scarborough, Ontario; and

**WHEREAS** Hostel Services Staff are authorized to enter into negotiations for the establishment and development of emergency shelter sites; and

**WHEREAS** Hostel Services Staff do not have the authority to enter into negotiations for leases for permanent seniors’ housing; and

**WHEREAS** the use of an emergency shelter or a hostel is not a permitted use under the Zoning By-law for this property; and

**WHEREAS** our office has been inundated with calls from local residents against this proposal; and

**WHEREAS** the community and the Principal from the Birch Cliff Public School located across the street are concerned about the impact on the safety of the children; and

**WHEREAS** there is a Public Meeting scheduled for October 6, 1999, to discuss this proposal, and staff have advised that they are authorized to proceed with the lease of 1673 Kingston Road following this public meeting;

**NOW THEREFORE BE IT RESOLVED THAT** the appropriate staff be directed not to open the senior men’s hostel at 1673 Kingston Road.”

Council had before it, during consideration of Motion I, the following:

- (i) (October 4, 1999) from Councillor Altobello forwarding a petition signed by 1,367 concerned residents in opposition to the opening of a senior men’s hostel at 1673 Kingston Road;
- (ii) (September 27, 1999) from Ms. Lisa Birch forwarding a petition signed by 50 concerned residents in opposition to the opening of a senior men’s hostel at 1673 Kingston Road;

- (iii) (undated) from Ren ee Chaumast in oppo sition to the opening of a senior men’s hostel at 1673 Kingston Road;
- (iv) (undated) from Mr. Garry Sootheran in opposition to the opening of a senior men’s hostel at 1673 Kingston Road;
- (v) an excerpt of By-law No. 8786 pertaining to the Birchcliff Community; and
- (vi) a copy of Clause No. 1 of Report No. 1 of The Community Services Committee, headed “Update on Shelter Capacity a nd Search for New Sites”, adopte d, as amended, by City Council at its meeting held on July 6, 7 and 8, 1999.

*Motions:*

- (a) Councillor Duguid moved that, in the event Motion I does not carry, Council adopt the following Resolution:

“**BE IT RESOLVED THAT** Council support the direction given by staff to the Shelter Advisory Committee on October 14, 1999, as outlined below:

- (1) the Advisory Committee support interim approval for six ty rather than seventy spac es, to be phased in appr opriately over approximately a three-month period;
- (2) profiles of the clients be made available to the proposed Community Reference Board upon request;
- (3) the Commissioner of Commun ity and Neighbourhood Services be requested to ne gotiate a wr itten c ommunity c ontract with the community repres entatives and local Councillors, including City obligations and commitments;
- (4) the Commissioner of Commu nity and Neig hbourhood Services ensure that the Community Reference Board has access to program information, financial informati on, service statistics and phy sical premises;
- (5) the Commissioner of Comm unity and Neig hbourhood Services review the a sssessment pr ocess to ide ntify pote ntial c lients f or 1673 Kingston Road with the Com munity Reference Board, at the earliest possible opportunity;
- (6) that Council, once again, reiterate its support and insistence that there be a broader distribution of all shelter services throughout the City; and

- (7) the Commissioner of Community Services be requested to report back to the Community Services Committee, prior to the end of 1999, on the overall conditions on Kingston Road with respect to hotel use, refugees, social housing and other social services uses which combined are causing difficulties for the community;

**AND BE IT FURTHER RESOLVED THAT** Council further direct the Commissioner of Community and Neighbourhood Services to review the operations of the 1673 Kingston Road facility at the end of April 2000, and, after a public meeting, report back to the Community Services Committee and Council outlining the impact, if any, that the facility has had on the local community, along with any recommendations to address those impacts, or revisit the appropriateness of this site.”

- (b) Councillor Shiner, seconded by Mayor Lastman, moved that, in the event Motion I does not carry, Council adopt the following Resolution:

“**BE IT RESOLVED THAT** a Reference Board be established to work with the staff of the facility, in order to ensure accountability to the Community and the City;

**AND BE IT FURTHER RESOLVED THAT** the responsibilities of the Reference Board be as follows:

- (1) to review all program and financial information;
- (2) to review security arrangements for the facility;
- (3) to review physical requirements and upgrades for the premises;
- (4) to review profiles of individuals as they come to the building;
- (5) to establish evaluation criteria to be used to evaluate the program and to participate in a six-month review of the program;
- (6) to provide a forum to address any neighbourhood concerns/issues on an ongoing basis; and
- (7) to establish a ‘Community contract’, in consultation with hostel staff and members of the community that will enshrine all agreements;

**AND BE IT FURTHER RESOLVED THAT** the membership of the Reference Board be comprised of local residents, local businesses, police, community organizations where appropriate, Members of City Council and the Principal of Birch Cliff Public School, or his/her designate;



**AND BE IT FURTHER RESOLVED THAT** the Reference Board be co-chaired by a member of staff and a community representative, selected by the Board.”

- (c) Councillor Miller moved that motion (b) by Councillor Shiner, seconded by Mayor Lastman, be amended by adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the Commissioner of Community and Neighbourhood Services, in conjunction with the Chief Planner, be requested to develop a model for community mediation based on a simplified and expedited Parkdale Conflict Resolution process to assist in the future location of hostels and report thereon to the Community Services Committee;”.

- (d) Councillor Layton moved that Part (2) of motion (a) by Councillor Duguid, and Part (4) of motion (b) by Councillor Shiner, seconded by Mayor Lastman, be referred to the City Solicitor for report thereon to the Shelter Advisory Committee.

- (e) Councillor Balkissoon moved that Part (6) of motion (a) by Councillor Duguid be amended by adding thereto the words “provided the services needed either are or will be provided and also in conjunction with due consideration of existing social housing units within each community”.

- (f) Councillor Gardner moved that motion (a) by Councillor Duguid be amended by adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** residents to be selected for 1673 Kingston Road meet the following requirements:

- (1) are well known to staff;
- (2) have resided at Seaton House for a considerable period of time; and
- (3) have achieved stability and are able to carry out the basic standard of living.”

- (g) Councillor Chong moved that Part (2) of motion (a) by Councillor Duguid and Part (4) of motion (b) by Councillor Shiner, seconded by Mayor Lastman, be amended by adding thereto the words “such profiles to meet the requirements of the Municipal Freedom of Information and Protection of Privacy legislation”.

*Votes:*

Adoption of Motion I:

<p>Yes - 15 Councillors: Altobello, Ashton, Balkissoon, Berardinetti, Flint, Gardner, Giansante, Holyday, Jakobek, Minnan-Wong, Saundercook, Shaw, Soknacki, Tzekas, Walker</p>
<p>No - 32 Mayor: Lastman Councillors: Adams, Augimeri, Berger, Brown, Bussin, Chong, Chow, Davis, Disero, Duguid, Feldman, Fotinos, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Shiner, Silva</p>

Lost by a majority of 17.

Adoption of motion (d) by Councillor Layton:

<p>Yes - 31 Councillors: Adams, Augimeri, Berardinetti, Berger, Brown, Bussin, Chong, Chow, Disero, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Miller, O'Brien, Pantalone, Prue, Saundercook, Silva, Soknacki</p>
<p>No - 15 Mayor: Lastman Councillors: Altobello, Ashton, Balkissoon, Davis, Duguid, Jakobek, Li Preti, Nunziata, Ootes, Pitfield, Shaw, Shiner, Tzekas, Walker</p>

Carried by a majority of 16.

Having regard to the foregoing decision of Council, motion (g) by Councillor Chong was declared redundant.

Adoption of Part (2) of motion (f) by Councillor Gardner:

<p>Yes - 18 Mayor: Lastman Councillors: Altobello, Ashton, Balkissoon, Berardinetti, Berger, Davis, Duguid, Flint, Gardner, Holyday, Jones, Nunziata, Pitfield, Saundercook, Shaw, Tzekas, Walker</p>
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No - 29

Councillors: Adams, Augimeri, Brown, Bussin, Chong, Chow, Disero, Feldman, Fotinos, Giansante, Jakobek, Johnston, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, O'Brien, Ootes, Pantalone, Prue, Shiner, Silva, Soknacki

Lost by a majority of 11.

Adoption of Part (1) of motion (f) by Councillor Gardner:

Yes - 20

Mayor: Lastman

Councillors: Altobello, Ashton, Berardinetti, Berger, Davis, Duguid, Flint, Gardner, Holyday, Jakobek, King, Minnan-Wong, Nunziata, Ootes, Pitfield, Saundercook, Shaw, Tzekas, Walker

No - 27

Councillors: Adams, Augimeri, Balkissoon, Brown, Bussin, Chong, Chow, Disero, Feldman, Fotinos, Giansante, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, O'Brien, Pantalone, Prue, Shiner, Silva, Soknacki

Lost by a majority of 7.

Adoption of Part (3) of motion (f) by Councillor Gardner:

Yes - 18

Mayor: Lastman

Councillors: Altobello, Ashton, Berardinetti, Berger, Davis, Duguid, Flint, Gardner, Holyday, Miller, Nunziata, Ootes, Pitfield, Saundercook, Shaw, Tzekas, Walker

No - 29

Councillors: Adams, Augimeri, Balkissoon, Brown, Bussin, Chong, Chow, Disero, Feldman, Fotinos, Giansante, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, O'Brien, Pantalone, Prue, Shiner, Silva, Soknacki

Lost by a majority of 11.

Adoption of motion (e) by Councillor Balkissoon:

<p>Yes - 37            Mayor: Lastman            Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Chong, Chow, Davis, Disero, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, King, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Nunziata, O'Brien, Ootes, Pitfield, Saundercook, Shaw, Shiner, Soknacki, Tzekas, Walker</p>
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<p>No - 10            Councillors: Adams, Brown, Bussin, Kinahan, Layton, Li Preti, Miller, Pantalone, Prue, Silva</p>
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Carried by a majority of 27.

Motion (a) by Councillor Duguid, as amended, carried.

Motion (c) by Councillor Miller carried.

Motion (b) by Councillor Shiner, seconded by Mayor Lastman, as amended, carried.

Adoption of Resolution, as amended:

<p>Yes - 41            Mayor: Lastman            Councillors: Adams, Augimeri, Berardinetti, Berger, Brown, Bussin, Chong, Chow, Davis, Disero, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Saundercook, Shiner, Silva, Soknacki, Tzekas</p>
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<p>No - 6            Councillors: Altobello, Ashton, Balkissoon, Holyday, Shaw, Walker</p>
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Carried by a majority of 35.

In summary, Council did not adopt Motion I. Council adopted the following Resolution:

**“BE IT RESOLVED THAT** Council support the direction given by staff to the Shelter Advisory Committee on October 14, 1999, as outlined below:

- (1) the Advisory Committee support interim approval for sixty rather than seventy spaces, to be phased in appropriately over approximately a three-month period;
- (2) the Commissioner of Community and Neighbourhood Services be requested to negotiate a written community contract with the community representatives and local Councillors, including City obligations and commitments;
- (3) the Commissioner of Community and Neighbourhood Services ensure that the Community Reference Board has access to program information, financial information, service statistics and physical premises;
- (4) the Commissioner of Community and Neighbourhood Services review the assessment process to identify potential clients for 1673 Kingston Road with the Community Reference Board, at the earliest possible opportunity;
- (5) that Council, once again, reiterate its support and insistence that there be a broader distribution of all shelter services throughout the City, provided the services needed either are or will be provided and also in conjunction with due consideration of existing social housing units within each community; and
- (6) the Commissioner of Community Services be requested to report back to the Community Services Committee, prior to the end of 1999, on the overall conditions on Kingston Road with respect to hotel use, refugees, social housing and other social services uses which combined are causing difficulties for the community;

**AND BE IT FURTHER RESOLVED THAT** Council further direct the Commissioner of Community and Neighbourhood Services to review the operations of the 1673 Kingston Road facility at the end of April 2000, and, after a public meeting, report back to the Community Services Committee and Council outlining the impact, if any, that the facility has had on the local community, along with any recommendations to address those impacts, or revisit the appropriateness of this site;

**AND BE IT FURTHER RESOLVED THAT** a Reference Board be established to work with the staff of the facility, in order to ensure accountability to the Community and the City;

**AND BE IT FURTHER RESOLVED THAT** the responsibilities of the Reference Board be as follows:

- (1) to review all program and financial information;
- (2) to review security arrangements for the facility;
- (3) to review physical requirements and upgrades for the premises;
- (4) to establish evaluation criteria to be used to evaluate the program and to participate in a six-month review of the program;
- (5) to provide a forum to address any neighbourhood concerns/issues on an ongoing basis; and
- (6) to establish a 'Community contract', in consultation with hostel staff and members of the community that will enshrine all agreements;

**AND BE IT FURTHER RESOLVED THAT** the membership of the Reference Board be comprised of local residents, local businesses, police, community organizations where appropriate, Members of City Council and the Principal of Birch Cliff Public School, or his/her designate;

**AND BE IT FURTHER RESOLVED THAT** the Reference Board be co-chaired by a member of staff and a community representative, selected by the Board;

**AND BE IT FURTHER RESOLVED THAT** the Commissioner of Community and Neighbourhood Services, in conjunction with the Chief Planner, be requested to develop a model for community mediation based on a simplified and expedited Parkdale Conflict Resolution process to assist in the future location of hostels and report thereon to the Community Services Committee;

**AND BE IT FURTHER RESOLVED THAT** the following motions be referred to the City Solicitor for report thereon to the Shelter Advisory Committee:

Moved by Councillor Duguid:

'AND BE IT FURTHER RESOLVED THAT profiles of the clients be made available to the proposed Community Reference Board upon request.'

Moved by Councillor Shiner:

'AND BE IT FURTHER RESOLVED THAT responsibilities of the Reference Board include the review of profiles of individuals as they come to the building;''

- 12.57 Councillor Ootes moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(1), moved by Councillor Chong, seconded by Councillor Ootes, and, in the absence of Councillor Chong, moved by Councillor Minnan-Wong:

**Moved By: Councillor Minnan-Wong**

**Seconded By: Councillor Ootes**

“**WHEREAS** Toronto Transit Commission (TTC) ridership has dropped by 90 million trips annually over the past decade; and

**WHEREAS** this drop in ridership on the TTC is leading to severe road congestion; and

**WHEREAS** the level of transit service overall, and the Wheel-Trans service in particular, needs to be improved to bring back the riders and to increase the number of Wheel-Trans trips available; and

**WHEREAS** in other cities, transit productivity has been substantially improved by contracting out some or all of these services;

**NOW THEREFORE BE IT RESOLVED THAT** the Chief Administrative Officer be requested to carry out a review of the experience in other cities with contracting out of transit services, specifically special services such as Wheel-Trans, and determine the improvement in productivity that might result from such initiatives at the TTC;

**AND BE IT FURTHER RESOLVED THAT** the Chief Administrative Officer present this report to the Policy and Finance Committee at his earliest convenience but no later than January 30, 2000.”

Council also had before it, during consideration of Motion J (1), a communication (October 27, 1999) from the Chief General Manager, Toronto Transit Commission, recommending that a review of contracting out/privatization of any Toronto Transit Commission services not be held at this time.

*Vote to waive provisions of Council Procedural By-law to introduce Motion J(1):*

Yes - 19

Councillors: Altobello, Balakrishnan, Berger, Brown, Disero, Giansante, Holyday, Johnston, King, Li Preti, Lindsay Luby, Minnan-Wong, Moeser, O'Brien, Ootes, Pitfield, Saunderson, Shiner, Soknacki

No - 20

Councillors: Ashton, Augimeri, Berardinetti, Bussin, Chow, Duguid, Filion, Gardner, Jones, Kinahan, Korwin-Kuczynski, Layton, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Prue, Rae, Walker

Lost, less than two-thirds of Members present having voted in the affirmative.

Having regard that the motion to waive notice did not carry, Notice of this Motion was given to permit consideration at the next regular meeting of City Council to be held on November 23, 1999.

- 12.58 Councillor Walker moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(2), moved by Councillor Walker, seconded by Councillor Adams, and, in the absence of Councillor Adams, seconded by Councillor Johnston, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Walker**

**Seconded by: Councillor Johnston**

“**WHEREAS** City Council at its meeting held on July 27, 28, 29 and 30, 1999, adopted, without amendment, Clause No. 11 of Report No. 11 of The Toronto Community Council, headed ‘Driveway Widening - 26 Duncannon Drive (North Toronto)’; and

**WHEREAS** Council, in adopting this Clause, permitted the application for driveway widening for two vehicles, subject to the applicant complying with the criteria set out in Chapter 248, Parking Licences, of the former City of Toronto Municipal Code; and

**WHEREAS** the applicant cannot fulfil the criteria of Chapter 248 of the former City of Toronto Municipal Code, and, as a result, will be denied his application; and

**WHEREAS** it was the intent of the Toronto Community Council, in making its recommendations to Council, that the application be permitted for driveway widening for two vehicles;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 46 of the Council Procedural By-law, Clause No. 11 of Report No. 11 of The Toronto Community Council, headed, ‘Driveway Widening - 26 Duncannon Drive (North Toronto)’, be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** Council approve the application for driveway widening for two vehicles at 26 Duncannon Drive, without the necessity of the applicant complying with the provisions of Chapter 248 of the former City of



Toronto Municipal Code, with respect to the paving requirements, and subject to the applicant paying the appropriate fees.”

*Votes:*

The first Operative Paragraph embodied in Motion J(2) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(2) was adopted, without amendment.

12.59 Councillor Jakobek moved that subsections 26(4) 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(3):

**Moved by: Councillor Jakobek**

**Seconded by: Councillor Fotinos**

“**WHEREAS** there is space available in most former municipal offices that could be rented; and

**WHEREAS** Members of the federal and provincial governments serve the public in the same way as City Councillors; and

**WHEREAS** it is easier for the public to visit all three representatives in the same place; and

**WHEREAS** the re a re a numbe r of M.P.P.s c urrently r e-negotiating the ir constituency office leases at this time;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk and the Director of Property be requested to offer suitable office space to M.P.s and M.P.P.s, where available and at market rent.”,

the vote upon which was taken as follows:

Yes - 31

Mayor: Lastman

Councillors: Adams, Altobello, Aug imeri, B alkissoon, B erardinetti, Bossons, Chong , Chow, Disero, Dug uid, F eldman, F ilion, Fotinos, Giansante, Holy day, J akobek, J ohnston, Kinahan, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Moeser, Nunz iata, O’B rien, Oo tes, Pantalone , Sinclair, Walker

<p>No - 13 Councillors: Berger, Brown, Bussin, Jones, Mahood, Mihevc, Miller, Minnan-Wong, Pitfield, Prue, Rae, Saundercook, Shiner</p>
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Carried, more than two-thirds of Members present having voted in the affirmative.

*Motions:*

- (a) Mayor Lastman moved that Motion J (3) be referred to the Chief Administrative Officer for report thereon to the Administration Committee.
- (b) Councillor Moeser moved that motion (a) by Mayor Lastman be amended to provide that the Chief Administrative Officer submit the report to the Office Consolidation Sub-Committee.

*Votes:*

Adoption of motion (b) by Councillor Moeser:

<p>Yes - 27 Councillors: Adams, Altobello, Augimeri, Bossons, Bussin, Chong, Davis, Disero, Duguid, Feldman, Johnston, Jones, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moeser, Moscoe, O'Brien, Pantalone, Prue, Rae, Saundercook, Shaw, Shiner, Sinclair</p>
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<p>No - 13 Mayor: Lastman Councillors: Ashton, Giansante, Holyday, Jakobek, Kinahan, Li Preti, Miller, Nunziata, Ootes, Pitfield, Silva, Soknacki</p>
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Carried by a majority of 14.

Adoption of motion (a) by Mayor Lastman, as amended:

<p>Yes - 37 Mayor: Lastman Councillors: Adams, Altobello, Ashton, Augimeri, Bossons, Bussin, Chong, Davis, Disero, Duguid, Feldman, Holyday, Johnston, Jones, Kinahan, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki</p>
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No - 4 Councillors: Brown, Giansante, Jakobek, Nunziata
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Carried by a majority of 33.

- 12.60 Councillor Miller moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(4), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Miller**

**Seconded by: Councillor King**

“**WHEREAS** the goal of protecting and enhancing Toronto’s rivers was given further support by the federal government’s designation of the Humber River as a Canadian Heritage River on September 24, 1999; and

**WHEREAS** the City of Toronto’s quality of life and the health of its rivers is bound up with the ecological health of the Oak Ridges Moraine headwaters areas of our rivers; and

**WHEREAS** suburban sprawl, including that caused by large infrastructure projects, on the Oak Ridges Moraine presents a real threat to the quality and quantity of water entering the Humber River, the Don River and the Rouge River; and

**WHEREAS** discussions regarding the development of a long-term strategy to protect the Oak Ridges Moraine are about to commence and the City of Toronto must act quickly if it is to participate in these discussions;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto ask the Regional Municipalities of York, Durham and Peel to include the City in their discussions regarding the development of a long-term strategy to protect the Oak Ridges Moraine;

**AND BE IT FURTHER RESOLVED THAT** the City of Toronto, together with the other Greater Toronto Area municipalities, oppose development anywhere within the watersheds which does not protect or enhance the health of our river systems and of the Oak Ridges Moraine, in particular;

**AND BE IT FURTHER RESOLVED THAT** the City recognize and support the work of the Toronto and Region Conservation Authority and its various programs which are directed at protecting the natural resources of the watersheds, including the headwater areas within the Oak Ridges Moraine, and recommend that the

Toronto and Region Conservation Authority must have a role to play in the development and implementation of any strategy for the Oak Ridges Moraine.”

*Motions:*

- (a) Councillor O'Brien moved that Motion J (4) be amended by adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the City of Toronto request the Province of Ontario to provide leadership in a long-term strategy for the entire Oak Ridges Moraine and the necessary planning mechanism or other legislative tools, such as a Provincial Policy Statement, to ensure the implementation of the strategy.”

- (b) Councillor Mahood moved that Motion J (4) be amended by adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** City Council adopt a minimum 30-metre setback requirement from stable top of bank, as it applies to the Rouge Valley Watershed.”

*Ruling by Deputy Mayor:*

Deputy Mayor Ootes, having regard to the nature of motion (b) by Councillor Mahood, ruled such motion out of order.

- (c) Councillor Balkissoon moved that Motion J (4) be referred to the Acting Commissioner of Urban Planning and Development Services for report thereon to the Planning and Transportation Committee.

*Withdrawal of motion:*

Councillor Balkissoon, with the permission of Council, withdrew his motion (c).

*Motions:*

- (d) Councillor Miller moved that Motion J (4) be amended by adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the City of Toronto is not taking a position that any specific setbacks from tops of banks are sufficient protection for the watersheds, until such time that City staff is satisfied that our rivers and valleys are not negatively impacted.”

- (e) Councillor Adams moved that Motion J (4) be amended by adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the Chief Planner and the City Solicitor be requested to submit a joint report to the Planning and Transportation Committee on the steps the City and City Council can take to advance the City’s interest in preserving the Oak Ridges Moraine as a natural resource.”

*Votes:*

Motion (d) by Councillor Miller carried.

Motion (e) by Councillor Adams carried.

Motion (a) by Councillor O’Brien carried.

Adoption of Motion J(4), as amended:

Yes - 37 Councillors: Adams, Augimeri, Balkissoon, Berardinetti, Berger, Brown, Chong, Chow, Davis, Duguid, Flint, Gardner, Holyday, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Miller, Minnan-Wong, O’Brien, Ootes, Pantalone, Pitfield, Prue, Saundercook, Shaw, Shiner, Silva, Soknacki, Tækas, Walker
No - 0

Carried, without dissent.

In summary, Council adopted Motion J (4), subject to adding thereto the following new Operative Paragraphs:

**“AND BE IT FURTHER RESOLVED THAT** the City of Toronto request the Province of Ontario to provide leadership in a long-term strategy for the entire Oak Ridges Moraine and the necessary planning mechanism or other legislative tools, such as a Provincial Policy Statement, to ensure the implementation of the strategy;

**AND BE IT FURTHER RESOLVED THAT** the City of Toronto is not taking a position that any specific set backs from tops of banks are sufficient protection for the watersheds, until such time that City staff is satisfied that our rivers and valleys are not negatively impacted;

**AND BE IT FURTHER RESOLVED THAT** the Chief Planner and the City Solicitor be requested to submit a joint report to the Planning and Transportation

Committee on the steps the City and City Council can take to advance the City's interest in preserving the Oak Ridges Moraine as a natural resource."

- 12.61 Councillor Korwin-Kuczynski moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(5) and that the first Operative Paragraph embodied therein be adopted:

**Moved by:** Councillor Korwin-Kuczynski

**Seconded by:** Councillor Adams

"**WHEREAS** the Chief Financial Officer and Treasurer was requested by City Council at its meeting of April 26, 1999, to report on the feasibility of generating additional revenues or allocating revenues from parking-related programs and facilities to support public transit in the City; and

**WHEREAS** a report dated September 30, 1999, from the Chief Financial Officer and Treasurer, entitled 'Feasibility of Implementing a Parking Levy on Private/Public Parking to Support Public Transit and Application of Revenues from Parking', was submitted to the Policy and Finance Committee for its meeting of October 14, 1999; and

**WHEREAS** the Policy and Finance Committee received the report and voted not to forward this important report and issue to City Council for consideration, notwithstanding the request of visiting Councillors, and a motion by a Member of the Policy and Finance Committee; and

**WHEREAS** the aforementioned report is referenced in Item (b) contained in Clause No. 19 of Report No. 8 of The Policy and Finance Committee; and

**WHEREAS** there is a need to establish a long-term strategy to sustain public transit in the City of Toronto, including the feasibility of dedicating a portion of revenues from motor vehicle-related activities such as permit parking, front yard parking, parking meters, municipal parking lots, to public transit; and

**WHEREAS** all motorists benefit from a sustainable and efficient public transit system and, therefore, revenues generated by automobiles, or portion thereof, should be allocated towards public transit; and

**WHEREAS** City Council approved, this year, a Toronto Transit Commission (TTC) fare increase, or risked having to increase property taxes, in order to pay for increases sustained under the collective bargaining settlement reached between TTC and its workers;

**NOW THEREFORE BE IT RESOLVED THAT**, notwithstanding subsection 127(5) of the Council Procedural By-law, Council give consideration to the attached report dated September 30, 1999, from the Chief Financial Officer and Treasurer, entitled ‘Feasibility of Implementing a Parking Levy on Private/Public Parking to Support Public Transit and Application of Revenues from Parking’;

**AND BE IT FURTHER RESOLVED THAT** City staff review and report to City Council at the earliest possible date on the feasibility of dedicating portions of City revenues generated by automobiles towards maintaining long-term efficient and sustainable public transportation in this City;

**AND BE IT FURTHER RESOLVED THAT** City Council request the Province of Ontario to enact the necessary legislation to allow municipalities, if necessary, to levy a parking surcharge on public parking spaces, and on commercial, industrial, and institutional parking spaces, and that any such revenues generated by a parking surcharge be allocated solely for the purpose of supporting public transportation as a way of easing its burden on the local property taxpayer, and offsetting possible future public transportation fare increases.”

the vote upon which was taken as follows:

Yes - 31 Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Bussin, Chow, Feldman, Filion, Giansante, Holyday, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Miller, O'Brien, Pantalone, Pitfield, Prue, Rae, Saundercook, Shiner, Sinclair, Soknacki, Walker
No - 11 Mayor: Lastman Councillors: Berger, Brown, Disero, Fotinos, Jakobek, Li Preti, Mahood, Minnan-Wong, Nunziata, Ootes

Carried, more than two-thirds of Members present having voted in the affirmative.

Council had before it, during consideration of Motion J(5), a report (September 30, 1999) from the Chief Financial Officer and Treasurer, entitled “Feasibility of Implementing a Parking Levy on Private /Public Parking to Support Public Transit and Application of Revenues from Parking”. (See Attachment No. 1, Page 119)

*Motion:*

Councillor Adams moved that consideration of the balance of Motion J(5) be deferred to the next regular meeting of City Council to be held on November 23, 1999.

*Vote:*

The motion by Councillor Adams carried.

- 12.62 Councillor Layton moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(6), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Layton

**Seconded by:** Councillor Adams

“**WHEREAS** the Medical Officer of Health has determined that over 400 residents in Toronto die prematurely because of smog each year, while at least 300 others are hospitalized annually; and

**WHEREAS** smog episodes in Toronto are linked to the high levels of ozone in southern Ontario; and

**WHEREAS** over half of the ozone which affects southern Ontario comes from the United States; and

**WHEREAS** most of the ozone that originates in the United States is the result of nitrogen oxide emissions from coal-fired plants in the U.S. mid-west; and

**WHEREAS** the levels of ozone in Toronto’s air commonly exceed the levels at which serious health effects and hospitalizations have been demonstrated; and

**WHEREAS** a U.S. Environmental Protection Agency Ruling which would have reduced nitrogen oxide emissions from coal-fired plants in 23 jurisdictions by about 64 percent, was recently stayed (killed) by the Court of Appeals; and

**WHEREAS** New York’s Attorney General announced on September 15, 1999, that he intends to sue 17 coal-fired plants in five mid-western states, for failing to upgrade their pollution controls when they expanded their plants, as is required of them under the U.S. Clean Air Act; and

**WHEREAS** the New York State’s Attorney General has indicated that his legal intervention would benefit from support from the City of Toronto as an impacted community downwind of American coal-fired power stations; and

**WHEREAS** the 60-day notice period expires on November 15, 1999, and there is a legal time frame within which it would be desirable for Council to initiate its consideration of participation; and



**WHEREAS** the Medical Officer of Health will be submitting a report on this matter to the Environmental Task Force on Wednesday, October 20, 1999;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council:

- (1) commend New York's Attorney General for pursuing legal action against 17 coal-fired power plants in the mid-western United States that contribute to smog;
- (2) provide approval, in principle, for the City to support New York's legal action as a 'Friend of the Court', and direct the City Solicitor, in consultation with the Medical Officer of Health and the Commissioner of Works and Emergency Services, to investigate the legal and resource implications required for this action, and report back to the November Council meeting, through the Policy and Finance Committee (with a report being sent to the Board of Health, Works Committee and Environmental Task Force for information);
- (3) ask the Association of Municipalities of Ontario (AMO) if they and/or their members will endorse Toronto's intervention as a 'Friend of the Court';
- (4) request Toronto Hydro to report to Council's December meeting on whether its supplier, Ontario Power Generation, is buying electricity from any of the 17 coal-fired power plants that have been identified in the lawsuit;
- (5) request Toronto Hydro to investigate the feasibility of adopting a purchasing policy which encourages a shift to natural gas and renewable energies by stipulating that air emission rates for nitrogen oxides, sulphur dioxide, carbon dioxide and mercury be considered along with price when awarding contracts for power;
- (6) investigate the feasibility of adopting a purchasing policy for the City as a corporation which encourages a shift to natural gas and renewable energies; and
- (7) indicate to the Premier of Ontario that it is essential to the health of Ontario residents that the Province establish aggressive air emission standards for electricity generated for Ontario consumers before the market opens to full competition in 2000."

Council had before it, during consideration of Motion J(6), the following communications:

- (i) (October 21, 1999) from the City Clerk, forwarding the recommendation of the Environmental Task Force pertaining to the report dated October 20, 1999, from the

Medical Officer of Health, respecting the New York State lawsuit against Mid-Western Coal-Fired Power Plants. (See Attachment No. 2, Page 131); and

- (ii) (October 26, 1999) from the Attorney General, State of New York, expressing appreciation to the Mayor and Members of Council for the warm welcome extended to staff of the Office of the Attorney General who participated in the recent public hearing on acid rain and smog in Toronto; and indicating full support and co-operation to City Council in its efforts to encourage pollution reduction.

*Motion:*

Councillor Layton moved that Motion J (6) be adopted, subject to deleting the Operative Paragraph and inserting in lieu thereof the following new Operative Paragraph:

**“NOW THEREFORE BE IT RESOLVED THAT** the recommendation of Environmental Task Force embodied in the communication dated October 21, 1999, from the City Clerk, be adopted, viz.:

‘The Environmental Task Force recommends that City Council adopt the recommendations contained in the report dated October 20, 1999, from the Medical Officer of Health, viz.:

“It is recommended that Toronto City Council:

- (1) commend New York State’s Attorney General for pursuing legal action against 17 coal-fired power plants in the mid-western United States that contribute to smog;
- (2) provide approval in principle for the City to support New York’s legal action as a ‘Friend of the Court’, and direct the City Solicitor, in consultation with the Medical Officer of Health and the Commissioner of Works and Emergency Services, to investigate the legal and resource implications required for this action, and report back to the November Council meeting through the Policy and Finance Committee (with copies sent to the Board of Health, Works Committee, Environmental Task Force and the Toronto Inter-Departmental Environment Team for information);
- (3) request that the Association of Municipalities of Ontario (AMO) and the Federation of Canadian Municipalities (FCM) endorse Toronto’s intervention as a ‘Friend of the Court’ in New York State’s legal action;

- (4) request that Toronto Hydro report to the December Council meeting indicating whether its supplier, Ontario Power Generation, is buying electricity from any of the 17 coal-fired power plants identified in the law suit;
- (5) request that Toronto Hydro report to Council on the feasibility of adopting a purchasing policy which encourages a shift to natural gas and renewable energies by stipulating that air emission rates for nitrogen oxides, sulphur dioxide, carbon dioxide and mercury, be considered along with price when purchasing electrical power;
- (6) request that the Chief Financial Officer and Treasurer report to Council on the feasibility of adopting a similar purchasing policy for the City as a purchaser of electricity; and
- (7) indicate to the Premier of Ontario that it is essential to the health of Ontario residents that the Province establish aggressive air emission standards for electricity generated in Ontario and for Ontario consumers, before the market opens to full competition in the year 2000.” ’ ”

*Votes:*

The motion by Councillor Layton carried.

Motion J(6), as amended, carried.

- 12.63 Councillor Fotinos moved that subsections 26(4), 27(1) and 28(l) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(7), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Mayor Lastman

**Seconded by:** Councillor Fotinos

“**WHEREAS** the Toronto District Heating Corporation (TDHC) is in transition to a share capital corporation where the City and OMERS are equal shareholders; and

**WHEREAS** Council on September 28 and 29, 1999, appointed four of the six Directors to the Board of Directors of TDHC and directed that the Selection Committee bring forward the City citizen nominees to Council for approval as soon as possible; and

**WHEREAS** the closing date for the transition is before the next meeting of Council; and

**WHEREAS** the Mayor and the Chief Administrative Officer have submitted confidential reports dated October 26, 1999, and October 25, 1999, respectively, pertaining to this matter;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the aforementioned confidential reports dated October 26, 1999, and October 25, 1999, from the Mayor and the Chief Administrative Officer, respectively, and that such reports be adopted.”

Council had before it, during consideration of Motion J (7), the following confidential reports:

- (i) (October 26, 1999) from Mayor Mel Lastman; and
- (ii) (October 25, 1999) from the Chief Administrative Officer.

*Motion:*

Councillor Jakobek moved that Motion J (7) be amended to provide that the Mayor's appointment to this body be referred to the Striking Committee as per the procedure of City Council.

*Withdrawal of motion:*

Councillor Jakobek, with the permission of Council, withdrew his foregoing motion, and requested that it be noted in the Minutes of this meeting that he had requested permission to withdraw his motion based on the understanding that the Mayor's appointment to this body will go through the Striking Committee.

*Vote:*

Motion J(7) was adopted, without amendment.

Council, by its adoption of Motion J(7), without amendment:

- (a) adopted, without amendment, the confidential report dated October 26, 1999, from Mayor Mel Lastman, such report to remain confidential in accordance with the provisions of the Municipal Act, save and except the following recommendations embodied therein:

“It is recommended that:

- (1) as recommended by the Selection Committee appointed by Council, Rochelle C. Stenzler and Harriet F. Reisman be elected as directors of the Board of Directors of TDHC, to be effective as soon as the TDHC Act is proclaimed;
  - (2) Rochelle Stenzler be named Chair; and
  - (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.”; and
- (b) adopted, without amendment, the confidential report dated October 25, 1999, from the Chief Administrative Officer, such report to remain confidential in accordance with the provisions of the Municipal Act \_\_\_\_\_, save and except the following recommendations and Appendix 1 embodied therein:

“It is recommended that:

- (1) the Articles of Amendment attached as Appendix 1 to this report be approved to reflect the conversion rights of TDHC Class A shares as approved by Council in the Shareholders’ Agreement;
- (2) Appendix 1 be made public along with the recommendations of this report, once approved by Council; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.”

(A copy of Appendix 1 is on file in the office of the City Clerk.)

12.64 Councillor Moscoe moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(8), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Moscoe**

**Seconded by: Councillor Davis**

“**WHEREAS** Application No. UDOZ-97-41 (Block H in the Downsview Secondary Plan) area adopted by Council on September 28, 1999, by its adoption, as amended, of Clause No.16 of Report No. 8 of The North York Community Council, headed ‘Zoning Amendment Application UDOZ-97-41 - Costco Canada Limited - South Side of Wilson Avenue, West of Allen Road - North York Spadina’, calls for an Ontario Municipal Board (OMB) mediation hearing with regard to Toronto Transit Commission (TTC) requirements; and

**WHEREAS** the TTC is a party to that mediation hearing; and

**WHEREAS** in order to offset the negative effects of this development on public transit, the TTC will be forced to incur significant capital costs and ongoing additional operating costs which will result in a waste of taxpayers' dollars; and

**WHEREAS** these additional costs should be offset by the proponent of the development through a one-time investment in mitigating measures;

**NOW THEREFORE BE IT RESOLVED THAT** Council support the TTC at the OMB mediation and all subsequent OMB proceedings and that the City Solicitor be directed to attend the mediation and any OMB hearings in that regard."

*Vote:*

Motion J(8) was adopted, without amendment.

- 12.65 Councillor Jakobek moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(9), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Jakobek

**Seconded by:** Councillor Disero

"**WHEREAS** City Council at its meeting held on July 27, 28, 29 and 30, 1999, adopted, without amendment, Clause No. 19 of Report No. 11 of The Toronto Community Council headed, 'Removal of City-owned Tree - 41 Wayland Avenue (East Toronto)'; and

**WHEREAS** the owner wishes to appeal the decisions of the Toronto Community Council and Toronto City Council;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 46 of the Council Procedural By-law, Clause No. 19 of Report No. 11 of The Toronto Community Council headed, 'Removal of City-owned Tree - 41 Wayland Avenue (East Toronto)', be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** Clause No. 19 of Report No. 11 of The Toronto Community Council headed, 'Removal of City-owned Tree - 41 Wayland Avenue (East Toronto)', be referred back to the Toronto Community for deputations."

*Votes:*

The first Operative Paragraph embodied in Motion J(9) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(9) was adopted, without amendment.

- 12.66 Councillor Jakobek moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(10), moved by Councillor Jakobek, seconded by Councillor Disero, and with the permission of Council, at the request of Councillor Bussin, seconded by Councillor Bussin, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Jakobek**

**Seconded by: Councillor Bussin**

“**WHEREAS** City Council at its meeting held on July 27, 28, 29 and 30, 1999, adopted, without amendment, Clause No. 52 of Report No. 11 of The Toronto Community Council, headed ‘Front Yard Parking - 130 Glen Manor Drive (East Toronto)’; and

**WHEREAS** staff of the Works and Emergency Services Department need clarification on the intentions of adopting the recommendations embodied therein;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 46 of the Council Procedural By-law, Clause No. 52 of Report No. 11 of The Toronto Community Council, headed ‘Front Yard Parking - 130 Glen Manor Drive (East Toronto)’, be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** Clause No. 52 of Report No. 11 of The Toronto Community Council, headed ‘Front Yard Parking - 130 Glen Manor Drive (East Toronto)’, be referred back to the Toronto Community for clarification required by staff.”

*Votes:*

The first Operative Paragraph embodied in Motion J(10) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(10) was adopted, without amendment.

- 12.67 Councillor Korwin-Kuczynski moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(11), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved By: Councillor Korwin-Kuczynski**

**Seconded By: Councillor Miller**

**“WHEREAS** City Council on September 28 and 29, 1999, adopted, as amended, Clause No. 63 of Report 12 of The Toronto Community Council, headed ‘Tree Removal - 256 MacDonell Avenue (High Park)’; and

**WHEREAS** the owner of 256 MacDonell Avenue requests permission to remove an oak tree from the subject property; and

**WHEREAS** the tree in question is a thirty-two centimetre diameter multiple-stem red oak in fair condition, and is located at the front of the property; and

**WHEREAS** the Committee of Adjustment has granted variances required for the construction of a two-storey addition at the front of the property; and

**WHEREAS** the owner agrees to plant on the City of Toronto road allowance, a mature replacement tree at full cost to him, in consultation with and to the satisfaction of the Commissioner of Economic Development, Culture and Tourism;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 46 of the Council Procedural By-law, Clause No. 63 of Report 12 of The Toronto Community Council, headed ‘Tree Removal - 256 MacDonell Avenue (High Park)’, be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** City Council grant permission for the removal of the subject tree.”

*Vote:*

The first Operative Paragraph embodied in Motion J(11) carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Miller moved that the balance of Motion J(11) be adopted, subject to adding to the second Operative Paragraph the words “subject to the owner agreeing to plant on the City of Toronto road allowance, a mature replacement tree at full cost to him, in consultation with and to the satisfaction of the Commissioner of Economic Development, Culture and Tourism”, so that such Operative Paragraph shall now read as follows:

**“AND BE IT FURTHER RESOLVED THAT** City Council grant permission for the removal of the subject tree, subject to the owner agreeing to plant on the City of Toronto road allowance, a mature replacement tree at full cost to him, in consultation with and to the satisfaction of the Commissioner of Economic Development, Culture and Tourism.”

*Votes:*

The motion by Councillor Miller carried.



Motion J(11), as amended, carried.

- 12.68 Councillor McConnell moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(12), moved by Councillor Flint, seconded by Councillor McConnell, and, in the absence of Councillor Flint, moved by Councillor Lindsay Luby, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Lindsay Luby**

**Seconded by: Councillor McConnell**

“**WHEREAS** City Council, at its meeting held on September 28 and 29, 1999, by its adoption, as amended, of Clause No.4 of Report No. 4 of The Planning and Transportation Committee, headed ‘Year 2000 Licence Fees’, adopted the report (August 27, 1999) from the Acting Commissioner, Urban Planning and Development Services, subject to amending the schedule entitled ‘Taxicab Owners - for Original Licence’, appended thereto, by deleting the words ‘When issued to a cab driver on the waiting list’ under Column 1 of the Schedule and by deleting the corresponding amount of \$5,965.00, under Column 2; and

**WHEREAS** the recommendation of the Planning and Transportation Committee which was forwarded to Council for consideration was incorrect and should have read:

‘The Planning and Transportation Committee recommends that the report (August 27, 1999) from the Acting Commissioner, Urban Planning and Development Services, be adopted, subject to amending the schedule titled “Taxicab Owners - for Original Licence” in Appendix 1 attached thereto, by deleting the words “When issued to a cab owner on the waiting listing” under Column 1, and deleting the corresponding amount of \$5,965.00 under Column 2’; and

**WHEREAS** the reason for making the original recommendation to Council to amend the schedule to delete the reference to the owners list was of a technical nature, in order to be consistent with Council’s previous action taken on July 27, 28, 29 and 30, 1999, (Clause No. 3 of Report No.2 of The Planning and Transportation Committee) whereby it amended the Licensing By-law to repeal provisions relating to the owners;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 46 of the Council Procedural By-law, Clause No. 4 of Report No. 4 of The Planning and Transportation Committee, headed ‘Year 2000 Licence Fees’, be re-opened for further consideration, only insofar as it pertains to that portion of the

Recommendation of the Planning and Transportation Committee to amend the fee schedule attached to the staff report to delete reference to the taxicab drivers list;

**AND BE IT FURTHER RESOLVED THAT** Council's action in adopting the following portion of the Recommendation of the Planning and Transportation Committee which reads:

‘.....subject to amending the schedule titled “Taxicab Owners - for Original Licence”, appended thereto, by deleting the words “When issued to a cab driver on the waiting list”, under Column 1 of the Schedule and by deleting the corresponding amount of \$5,965.00 under Column 2;’,

be rescinded, and the following be adopted in lieu thereof:

‘.....subject to amending the schedule titled “Taxicab Owners - for Original Licence”, appended thereto, by deleting the words “When issued to a cab owner on the waiting list” under Column 1 of the Schedule and by deleting the corresponding amount of \$5,965.00, under Column 2;’

so that the recommendation of the Planning and Transportation Committee will now read:

‘The Planning and Transportation Committee recommends that the report (August 27, 1999) from the Acting Commissioner, Urban Planning and Development Services be adopted, subject to amending the schedule titled “Taxicab Owners - for Original Licence” in Appendix 1 attached thereto, by deleting the words “When issued to a cab owner on the waiting list”, under Column 1, and deleting the corresponding amount of \$5,965.00 under Column 2.’”

*Votes:*

The first Operative Paragraph embodied in Motion J(12) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(12) was adopted, without amendment.

- 12.69 Councillor Shiner moved that, in accordance with subsection 28(2) of the Council Procedural By-law, leave be granted to introduce the following Notice of Motion J(13), which carried:

**Moved by:**                      **Councillor Shiner**

**Seconded by:**                **Councillor King**

“**WHEREAS** area residents have recently expressed concerns regarding the intersection of Shaughnessy Boulevard and Nymark Avenue, and the location of the existing pedestrian crosswalk to the north of this intersection; and

**WHEREAS** a report dated October 18, 1999, from the Commissioner of Works and Emergency Services, indicates that pedestrian patterns have shifted and children walking to three nearby schools are now crossing Shaughnessy Boulevard at an unprotected point south of the current pedestrian crosswalk; and

**WHEREAS** subway construction in the vicinity of Don Mills Road and Sheppard Avenue East has resulted in a much higher volume of traffic on Shaughnessy Boulevard; and

**WHEREAS** these factors have combined to create an unsafe and potentially hazardous situation for area residents including many school-age children;

**NOW THEREFORE BE IT RESOLVED THAT** the recommendations from the Commissioner of Works and Emergency Services contained in the attached report dated October 18, 1999 be adopted by Council.”

Council had before it, during consideration of Motion J(13), a report dated October 13, 1999, from the Commissioner of Works and Emergency Services, entitled “Traffic Operations: Shaughnessy Boulevard, Nymark Avenue to Traillside Drive, Seneca Heights. (See Attachment No. 3, Page 136)

*Vote:*

Motion J(13) was adopted, without amendment.

Council, by its adoption, without amendment, of Motion J(13), adopted, without amendment, the report dated October 18, 1999, from the Commissioner of Works and Emergency Services, embodying the following recommendations:

“It is recommended that:

- (1) Schedules XVIII and XIX of By-law No. 31001, of the former City of North York, be amended to require traffic to stop on all approaches to the intersection of Shaughnessy Boulevard and Nymark Avenue;
- (2) improvements to the intersection of Shaughnessy Boulevard, estimated at a cost of \$42,600.00, be included within the 2000 Capital Budget; and
- (3) By-law No. 30518, of the former City of North York, be amended to relocate the PXO located at the intersection of Shaughnessy Boulevard and Nymark Avenue, to a point approximately 70 metres south of Nymark Avenue.”

- 12.70 Councillor Walker moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(14), moved by Councillor Walker, seconded by Councillor Adams, and, in the absence of Councillor Adams, seconded by Councillor Mihevc, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Walker**

**Seconded by: Councillor Mihevc**

“**WHEREAS** half of the households in Toronto are tenant households; and

**WHEREAS** there are currently more than 40,000 children on the waiting list for public housing in the City of Toronto<sup>1</sup>; and

**WHEREAS** the population of homeless in the City is at its highest level ever and continues to escalate; and

**WHEREAS** the policies set out in the provincial government’s Tenant Protection Act legislation have created an environment in which affordable rental housing is being depleted at an alarming rate through above-guideline rent increases, vacancy decontrol and demolitions/conversions to condominiums; and

**WHEREAS** the recent striking down of the City of Toronto Official Plan Amendment II by the Ontario Municipal Board has removed the only remaining mechanism the City of Toronto had to manage and protect its supply of affordable rental housing; and

**WHEREAS** contrary to assumptions that ‘vacancy decontrol’ and the other policies of the Tenant Protection Act would cause an increase in the construction of new rental apartments, production of such units is down 97 percent from average annual production between 1989 - 1993 and continues to decline<sup>2</sup>; and

**WHEREAS** St. Paul’s M.P.P., Michael Bryant, with the strong support of M.P.P. David Caplan, is seeking to sponsor a Private Bill in the Ontario Legislature to restore the municipality’s jurisdiction over final approval of all demolitions of rental housing within its boundaries; and

**WHEREAS** protecting Toronto’s existing stock of affordable rental housing is one of the utmost importance to Toronto City Council and the citizens it represents;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council initiate a Private Bill, through the sponsorship of M.P.P. Michael Bryant, that would restore to the municipality, final approval over all applications for demolition of rental

housing in the City of Toronto, in order to give the City of Toronto the ability to protect and manage its existing rental housing stock;

**AND BE IT FURTHER RESOLVED THAT** the Mayor send a letter to every member of the Ontario Legislature on behalf of Toronto City Council urging them to support the Private Bill.”

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<sup>1</sup> DeMara, Bruce. “Child poverty: How kids are faring”. Toronto Star, October 15, 1999.

<sup>2</sup> “Where’s Home?: A Picture of Housing Needs In Ontario”. Municipal Profile: Toronto. April 1999.

*Vote:*

Motion J(14) was adopted, without amendment.

- 12.71 Councillor Moscoe moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(15), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Moscoe**

**Seconded by: Councillor Feldman**

“**WHEREAS** ‘Coffee Tea or Me’, located at 3280 Dufferin Street has applied for a liquor licence; and

**WHEREAS** the application will be dealt with on November 13, 1999; and

**WHEREAS** this is family coffee shop in residential zone; and

**WHEREAS** when this operation was originally approved by the City of Toronto, representation was made by the applicant that no liquor would be available on the premises; and

**WHEREAS** this is an extremely popular coffee shop patronized extensively by adolescents;

**NOW THEREFORE BE IT RESOLVED THAT** the liquor licence applied for by the operator of ‘Coffee Tea or Me’ be opposed by the City of Toronto and the Alcohol and Gaming Commission be so advised.”

*Vote:*

Motion J(15) was adopted, without amendment.

- 12.72 Councillor Moscoe moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(16), moved by Councillor Moscoe, seconded by Councillor Davis, and, in the absence of Councillor Davis, seconded by Councillor Shiner, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Moscoe**

**Seconded by: Councillor Shiner**

**“WHEREAS** the Toronto Transit Commission (TTC) has constructed a rail drop shaft in the vicinity of Sheppard Avenue and Welbeck Road; and

**WHEREAS** the rail drop shaft will be utilized to deliver and install rail, concrete double ties and other systems equipment into the Sheppard Subway Yonge Tailtrack; and

**WHEREAS** the use of the drop shaft from November 1, 1999, to December 31, 2000, requires the temporary closure of Welbeck Road to through traffic from the north limit of Sheppard Avenue West to a point approximately 25 metres north of Sheppard Avenue West; and

**WHEREAS** Welbeck Road will be re-opened during this period when not required for TTC use; and

**WHEREAS** at the request of a local Councillor, the staff report on the proposed closure of Welbeck Road was not considered at the North York Community Council meeting of October 13 and 14, 1999, pending the organization of a public meeting; and

**WHEREAS** a public meeting was held on October 21, 1999, to discuss the proposed closure and no concerns were identified; and

**WHEREAS** in addition to the public meeting, the property owners most directly affected by the closure of Welbeck Road and the location of the drop shaft have been consulted and alternative traffic access has been agreed upon; and

**WHEREAS** roads in this area were previously closed to construct the Tailtrack and the closures were without incident; and

**WHEREAS** staff in the Transportation Division of the Works and Emergency Services Department support the proposed closure;

**NOW THEREFORE BE IT RESOLVED THAT** City of Toronto Council authorize the temporary closure of Welbeck Road to through traffic from the north

limit of Sheppard Avenue West to a point approximately 25 metres north of Sheppard Avenue West, from November 1, 1999, to December 31, 2000;

**AND BE IT FURTHER RESOLVED THAT** authority be granted for the introduction of the necessary Bills in Council to give effect thereto, if required.”

*Vote:*

Motion J(16) was adopted, without amendment.

- 12.73 Councillor Rae moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(17), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Rae**

**Seconded by: Councillor Li Preti**

“**WHEREAS** City Council at its meeting held on September 28 and 29, 1999, adopted Clause No. 14 of Report No. 5 of The Administration Committee headed ‘Declaration as Surplus – Nos. 111 and 117 Richmond Street East – Municipal No. 63’, thereby declaring surplus to the City’s requirements the properties known municipally as Nos. 111 and 117 Richmond Street East and authorizing that notice be given to the public of the intended manner of sale; and

**WHEREAS**, in accordance with By-law No. 551-1998, the notice of the proposed sale was given advising that the City proposes to enter into a joint venture with the developers of the abutting property respecting the sale of these lands to reflect the fact that, as part of the compensation for the lands, the City was to acquire strata title to a portion of the proposed development containing a 12-space parking facility; and

**WHEREAS** Clause No. 7 of Report No. 8 of The Policy and Finance Committee, headed ‘Redevelopment of Car Park 63 Located at 111 and 117 Richmond Street East, (Ward 24- Downtown)’ before Council at its meeting of October 26, 1999, recommends the adoption of the report (September 28, 1999) from the President, Toronto Parking Authority, entitled ‘Redevelopment of Car Park No. 63 Located at Nos. 111 and 117 Richmond Street East’, subject to amending Recommendation No. (1) and deleting Recommendation No. (2) thereby recommending that City Council approve an agreement of purchase and sale with Intracorp Developments (French Quarter II) Ltd. the total value of the transaction being \$440,000.00 in cash and, accordingly, the City will not be acquiring strata title to a portion of the proposed development containing a 12-space parking facility; and

**WHEREAS** the Acting Commissioner of Corporate Services has submitted a report dated October 25, 1999, entitled ‘Proposed Sale of Nos. 111 and 117 Richmond

Street East', advising that, as the recommendation of the Policy and Finance Committee is inconsistent with the notice to the public of the proposed sale previously given pursuant to By-law No. 551-1998, it is necessary that approval be given, at this time, for a revision to the intended manner of sale; sufficient time allowed for the required notice to be given; and that Council defer consideration of the aforementioned sale report for one Council cycle;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 46 of the Council Procedural By-law, Clause No. 14 of Report No. 5 of The Administration Committee, headed 'Declaration as Surplus – Nos. 111 and 117 Richmond Street East – Municipal Car Park No. 63', be re-opened for further consideration, insofar as it pertains to the notice to the public of the proposed sale;

**AND BE IT FURTHER RESOLVED THAT** Council approve the report dated October 25, 1999, entitled 'Proposed Sale of Nos. 111 and 117 Richmond Street East', from the Acting Commissioner of Corporate Services."

Council had before it, during consideration of Motion J(17), a report (October 25, 1999) from the Acting Commissioner of Corporate Services, entitled "Proposed Sale of Nos. 111 and 117 Richmond Street East". (See Attachment No. 4, Page 139)

*Votes:*

The first Operative Paragraph embodied in Motion J(17) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(17) was adopted, without amendment.

Council, by its adoption of the balance of Motion J(17), without amendment, adopted, without amendment, the report dated October 25, 1999, from the Acting Commissioner of Corporate Services, embodying the following recommendations:

"It is recommended that:

- (1) the approved manner of the sale of Nos. 111 and 117 Richmond Street East be a direct sale to Intracorp Developments (French Quarter II) Ltd.;
- (2) to allow for the required notice to the public of the proposed sale to be given, consideration of Clause No. 7 of Report No. 8 of The Policy and Finance Committee be deferred to the Council meeting scheduled for November 23, 24 and 25, 1999;
- (3) all steps necessary to comply with By-law No. 551-1998 be taken; and



- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

12.74 Councillor Ashton moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(18), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Ashton**

**Seconded by: Councillor Giansante**

“**WHEREAS** Council at its meeting held on December 16 and 17, 1998, in adopting Clause No. 4 of Report No. 15 of The Special Committee to Review the Final Report of the Toronto Transition Team, headed ‘Administrative Structure for Arts Grants’, approved the Toronto Arts Council as the arms-length administrative body of the City in relation to the funding of arts and cultural organizations and artists in the City of Toronto and directed that the terms of a new grant agreement with the Toronto Arts Council be established; and

**WHEREAS** Council has approved the extension of the Grant Agreement between the former City of Toronto and the Toronto Arts Council to October 30, 1999, to enable the draft of a new grant agreement to be finalized; and

**WHEREAS** staff of Economic Development, Culture and Tourism, Finance, Corporate Policy and Legal have been meeting with the Toronto Arts Council to negotiate the terms of a new grant agreement; and

**WHEREAS** it is necessary to further extend the term of the existing Grant Agreement to July 31, 2000, to enable the finalization of negotiations with respect to the new agreement;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 46 of the Council Procedural By-law, Clause No. 15 of Report No. 6 of the Economic Development Committee, headed ‘Extension of City’s Agreement with the Toronto Arts Council’, as amended by Notice of Motion J(5), adopted by Council at its meeting held on July 6, 7 and 8, 1999, be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** the Clause be amended by deleting the words ‘seven months’ and the date ‘October 30, 1999’ and inserting in lieu thereof the words ‘sixteen months’ and the date ‘July 31, 2000’ to enable the draft of the new agreement with the Toronto Arts Council to be finalized.”

*Votes:*

The first Operative Paragraph embodied in Motion J(18) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(18) was adopted, without amendment.

- 12.75 Councillor Chow moved that, in accordance with subsection 27(3) of the Council Procedural By-law, leave be granted to introduce the following Notice of Motion J(19), which carried:

**Moved by: Mayor Lastman**

**Seconded by: Councillor Chow**

“**WHEREAS** City Council at its meeting held on September 28 and 29, 1999, adopted without amendment, a Motion respecting the proposed closure and sale to the University of Toronto of the public lane located north of College Street, extending easterly from Huron Street and, in doing so, adopted the report dated September 27, 1999, from the Commissioner of Works and Emergency Services recommending that the public lane be stopped up and closed, and also adopted the report dated September 27, 1999, from the Acting Commissioner of Corporate Services, recommending that the lane be declared surplus and be sold to the University of Toronto at a price to be determined by Council; and

**WHEREAS** City Council directed the Acting Commissioner of Corporate Services to report to City Council at its meetings scheduled to be held on October 26, 1999, on the amount of compensation the City should receive from the University of Toronto for the fee in the subject lane; and

**WHEREAS** the Acting Commissioner of Corporate Services has prepared a report dated October 26, 1999, recommending the amount of compensation the City should receive for the subject lane and setting out an alternative method of payment proposed by the University of Toronto;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider and adopt the report dated October 26, 1999, from the Acting Commissioner of Corporate Services, respecting the amount of compensation the City should receive for the subject lane and approve the proposal set forth by the University of Toronto for the establishment of the ‘Dan Leckie City of Toronto Bursaries’ fund.”

Council had before it, during consideration of Motion J(19), a report (October 26, 1999) from the Acting Commissioner of Corporate Services, entitled “Proposed Closing of City-owned Public Lane North of College Street, Extending Easterly from Huron Street and Conveyance to the University of Toronto (Ward 24 - Downtown”. (See Attachment No. 5, Page 141)

*Motion:*

Councillor Chow moved that Motion J(19) be adopted, subject to deleting the Operative Paragraph and inserting in lieu thereof the following new Operative Paragraph:

**“NOW THEREFORE BE IT RESOLVED THAT** City Council consider and adopt the report dated October 26, 1999, from the Acting Commissioner of Corporate Services, respecting the amount of compensation the City should receive for the subject lane and approve the proposal set forth by the University of Toronto for the establishment of the ‘Dan L eckie City of Toronto B urses’ fund, in that the arrangement between the City and the University of Toronto is in the interest of the City of Toronto.”

*Votes:*

The motion by Councillor Chow carried.

Motion J(19), as amended, carried.

Council, by its adoption of Motion J(19), as amended, adopted, without amendment, the report dated October 26, 1999 , from the Acting Commissioner of Corporate Services, embodying the following recommendations:

“It is recommended that:

- (1) Council set the sale price for the fee in the public lane located north of College Street, extending easterly from Huron Street at \$460,000.00;
- (2) subject to Council concurrence, in lieu of direct payment to the City of \$460,000.00, the proposal set forth by the University of Toronto for the establishment of the ‘Dan L eckie City of Toronto B urses’ fund be approved;
- (3) the details respecting the establishment and ongoing administration of the Burses be subject to the approval of the Chief Administrative Officer;
- (4) authority be granted for the City to execute any documents necessary to give effect to the foregoing; and
- (5) the appropriate City Officials be authorized and directed to take the necessary action to give effect to the foregoing.”

12.76 Mayor Lastman moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(20), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Mayor Lastman**

**Seconded by: Councillor Ootes**

**WHEREAS** City Council at its meeting held on December 16, and 17, 1998, by its adoption, as amended, of Clause No. 1 of Report No. 9 of The Striking Committee, headed 'Appointment of Members of Council to the Greater Toronto Services Board', approved the appointment of 10 Members of Council and their respective alternates, plus the appointment of Councillor Case Ootes as the alternate for Mayor Mel Lastman on the Greater Toronto Services Board (GTSB); and

**WHEREAS** appointments to the GTSB are to expire on November 30, 1999, and there have only been seven GTSB meetings and momentum and continuity are vital in these early stages;

**NOW THEREFORE BE IT RESOLVED THAT**, notwithstanding the provisions of subsection 103(1) of the Council Procedural By-law, the current members and their alternates remain on the GTSB for a term expiring November 30, 2000, and until their successors are appointed;

**AND BE IT FURTHER RESOLVED THAT** leave be granted for the introduction of any necessary bills in Council to give effect thereto."

*Motion:*

Councillor Layton moved that Motion J(20) be adopted, subject to:

- (1) deleting from the Operative Paragraph the date "November 30, 2000", and inserting in lieu thereof the date "January 1, 2000"; and
- (2) adding thereto the following new Operative Paragraph:

**"AND BE IT FURTHER RESOLVED THAT** the Striking Committee be requested to report back to Council with respect to the appointments to the Greater Toronto Services Board for the balance of the term."

*Votes:*

Adoption of motion by Councillor Layton:

Yes - 24

Councillors: Adams, Altobello, Ashton, Berardinetti, Bussin, Chow, Fillion, Holyday, Jakobek, Johnston, Jones, Kinahan, Layton, Li Preti, Miller, Minnan-Wong, Moscoe, Nunziata, Pantalone, Prue, Rae, Saundercook, Silva, Sinclair

No - 13 Mayor: Lastman Councillors: Balkissoon, B ossons, Brown, Davis, Disero, F eldman, Giansante, Korwin-Kuczynski, Lindsay Luby, Moeser, Ootes, Shiner
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Carried by a majority of 11.

Motion J(20) carried, as amended.

*Advice of the City Clerk:*

The City Clerk, during the afternoon session of the meeting on October 27, 1999, advised the Council that, based on a further review of the Greater Toronto Services Board Act, 1998, and having regard for subsection 7.(3) of the Act which stipulates that “Each member of the Board shall be appointed for a term of one, two or three years, as each appointing council shall determine.”, and subsection 7.(4) of the Act which stipulates that “The term of a member of the Board ends on November 30 of the last year of his or her term.”, the decision of Council in regard to Motion J(20) would not be in order.

*Motion to re-open:*

Councillor Layton, with the permission of Council, moved that, in accordance with Section 46 of the Council Procedural By-law, Motion J(20) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Layton moved that Motion J(20) be referred to the Striking Committee, with a request that the Committee report to the next regular meeting of City Council to be held on November 23, 1999, on any proposed changes to the membership of the Greater Toronto Services Board.

*Vote:*

The motion by Councillor Layton carried.

- 12.77 Councillor Moeser moved that, in accordance with subsection 27(3) of the Council Procedural By-law, leave be granted to introduce the following Notice of Motion J (21), which carried:

**Moved by: Councillor Moeser**

**Seconded by:                    Councillor King**

“**WHEREAS** City Council at its meeting held on July 6, 7 and 8, 1999, had before it a Notice of Motion by Councillor Moeser, seconded by Councillor King, respecting a Site Plan Control application for the establishment of a self storage unit facility at 34 Morrish Road, which recommended, inter alia, that the Commissioner of Urban Planning and Development Services be directed to undertake a planning study pertaining to the area within the Highland Creek Community, from approximately the Military Trail to east of the Highland Creek overpass; and that Council impose, for a period of one year from passage, interim control restrictions through passage of an interim control by-law; and

**WHEREAS** Council referred the aforementioned Notice of Motion to the Acting Commissioner of Urban Planning and Development Services for report thereon to Council; and

**WHEREAS** the Acting Commissioner of Urban Planning and Development Services has submitted the attached report dated October 26, 1999, in response to Council’s direction;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with subsection 27(3) of the Council Procedural By-law, Council give consideration to the report dated October 26, 1999, from the Acting Commissioner of Urban Planning and Development Services.”

Council had before it, during consideration of Motion J(21), a report (October 26, 1999) from the Acting Commissioner of Urban Planning and Development Services, entitled “Proposed Interim Control By-law, Highland Creek Village, Scarborough Highland Creek”. (See Attachment No. 6, Page 143)

*Motion:*

Councillor Moeser moved that Motion (21) be adopted, subject to adding the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT:**

- (a) the report dated October 26, 1999, from the Acting Commissioner of Urban Planning and Development Services, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) City Council not approve the request for an Interim Control By-law for several locations in the Highland Creek Village; and
- (2) Urban Design criteria to maintain or enhance a village character within the Highland Creek Village core be established through the

2000 Work Program for Urban Design, City Planning, East District.’;  
and

- (b) the development of urban design criteria be given a high priority by Urban Design staff within the Urban Planning and Development Services Department, and the Acting Commissioner of Urban Planning and Development Services be requested to submit a workplan in regard thereto to the December meeting of the Scarborough Community Council.”

*Votes:*

The motion by Councillor Moeser carried.

Motion J(21), as amended, carried.

- 12.78 Councillor Jakobek moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(22), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Mayor Lastman**

**Seconded by: Councillor Jakobek**

“**WHEREAS** City Council, at its meeting held on February 4, 1999, adopted By-law No. 67-1999, being a by-law to authorize temporary advances pending the issue and sale of debentures and raising money by way of loan on the debentures; and

**WHEREAS** some lenders have indicated to the City that subsection 188(1) of the Municipal Act requires City Council to identify specific undertakings which may be the subject of temporary borrowing by the Treasurer, pursuant to subsection 1(a) of By-law No. 67-1999; and

**WHEREAS** it is necessary to expeditiously amend By-law No. 67-1999 to identify such specific undertakings and to satisfy the concerns of such lenders to permit timely temporary borrowing; and

**WHEREAS** the Chief Financial Officer and Treasurer has indicated that such an amendment to By-law No. 67-1999 is suitable and appropriate and will assist with the process of temporary borrowing further to the By-law;

**NOW THEREFORE BE IT RESOLVED THAT** authority be granted for the introduction of a Bill in Council in the form attached as Appendix ‘A’, to amend By-law No. 67-1999.”

*Vote:*

Adoption of Motion J(22), without amendment:

<p>Yes - 43  Mayor: Lastman  Councillors: Altobello, Ashton, Augimeri, Bialkissoon, Berardinetti, Berger, Brossons, Brown, Bussin, Chong, Chow, Disero, Duguid, Feldman, Filion, Holyday, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Sinclair, Soknacki, Walker</p>
<p>No - 1  Councillor: Giansante</p>

Carried by a majority of 42.

(A copy of Appendix "A" to Motion J(22) is on file in the office of the City Clerk.)

- 12.79 Councillor Rae gave notice of the following Motion to permit consideration at the next regular meeting of City Council to be held on November 23, 1999:

**Moved by: Councillor Rae**

**Seconded by: Councillor Jakobek**

“**WHEREAS** City Council, at its meeting held on September 28 and 29, 1999, adopted, as amended, Clause No. 1 of Report No. 12 of The Toronto Community Council, headed ‘Ontario Municipal Board Appeal - Committee of Adjustment Decision - 7 Gange Avenue’; and

**WHEREAS** in adopting this Clause, as amended, Council authorized the City Solicitor to retain outside planning consultants, as needed;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 46 of the Council Procedural By-law, Clause No. 1 of Report No. 12 of The Toronto Community Council, headed ‘Ontario Municipal Board Appeal - Committee of Adjustment Decision - 7 Gange Avenue’, be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** City Council not retain outside planning consultants for the appeal and that the Clause be referred back to the Toronto Community Council for further consideration.”

- 12.80 Councillor Bussin moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(24), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Bussin**



**Seconded by: Councillor Jakobek**

“**WHEREAS** the development plans for 1307-09 Queen Street East have been approved; and

**WHEREAS** the Notice for demolition is currently posted; and

**WHEREAS** the process for the demolition could take another 30 days; and

**WHEREAS** the owner is having difficulty securing the buildings; and

**WHEREAS** the applicant is not proposing to erect new buildings on the land the above properties occupy at this time; and

**WHEREAS** the buildings present a community safety risk; and

**WHEREAS** the above properties are subject to Chapter 146-16-C of the Municipal Code and Demolition Permit No. 101954 has been applied for by Nancy Hawley, Eastend Developments Ltd.;

**NOW THEREFORE BE IT RESOLVED THAT**, notwithstanding the requirements of Chapter 146-16, and provided that no objections are received by the end of the day on November 2, 1999, the Acting Commissioner of Urban Planning and Development Services be directed to issue the demolition permit.”

*Vote:*

Motion J(24) was adopted, without amendment.

- 12.81 Councillor Rae moved that subsections 26(4), 27(1) and 28(1) of the Council Procedural By-law be waived to permit consideration of the following Notice of Motion J(25), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Rae**

**Seconded by: Councillor King**

“**BE IT RESOLVED THAT** City Council extend its appreciation to the Toronto Symphony Orchestra for the joy they bring to the City.”

*Vote:*

Motion J(25) was adopted unanimously, without amendment.

### BILLS AND BY-LAWS

- 12.82 On October 26, 1999, at 7:48 p.m., Councillor Shaw, seconded by Councillor Gardner, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 748	By-law No. 669-1999	To confirm the proceedings of the Council at its meeting held on the 26th day of October, 1999,
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the vote upon which was as follows:

Yes - 37 Mayor: Lastman Councillors: Adams, Ashton, Augimeri, Berardinetti, Brown, Bussin, Chong, Chow, Duguid, Feldman, Flint, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker
No - 1 Councillor: Altobello

Carried by a majority of 36.

- 12.83 On October 27, 1999, at 7:54 p.m., Councillor Minna n-Wong, seconded by Councillor Berger, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws, which carried, more than two-thirds of Members present having voted in the affirmative:

Bill No. 726	By-law No. 670-1999	To amend further By-law No. 15-92 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits.
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Bill No. 727	By-law No. 671-1999	To amend further By-law No. 15-92 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits.
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Bill No. 728	By-law No. 672-1999	To amend further By-law No. 181-81 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits.
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Bill No. 729	By-law No. 673-1999	To amend further By-law No. 181-81 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits.
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12.84 On October 27, 1999, at 7:55 p.m., Councillor Minnan-Wong, seconded by Councillor Berger, moved that, having regard that no one has expressed an interest in addressing City Council in respect of the following Bill, leave be granted to introduce such Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, which carried:

Bill No. 731	By-law No. 674-1999	To stop up and close the public lane 45.73 metres north of College Street, extending easterly from Huron Street and to authorize the sale thereof.
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12.85 On October 27, 1999, at 7:56 p.m., Councillor Minnan-Wong, seconded by Councillor Berger, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws, which carried:

Bill No. 673	By-law No. 675-1999	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
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Bill No. 674	By-law No. 676-1999	To amend Chapter 400, Traffic and Parking, of the Municipal Code of the former City of Toronto, to amend the rates, duration times and hours of operations of parking meters on streets under the jurisdiction of the City of Toronto.
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Bill No. 675	By-law No. 677-1999	To amend former City of North York By-law No. 7625 in respect of lands municipally known as 1857 Leslie Street.
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Bill No. 676	By-law No. 678-1999	To amend former City of North York By-law No. 7625 in respect of lands
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		municipally known as 50 and 60 Oak Street.
Bill No. 677	By-law No. 679-1999	To amend Zoning By-law No. 438-86 of the former City of Toronto respecting lands known as No. 1 Silver Avenue.
Bill No. 678	By-law No. 680-1999	To repeal By-law No. 494-95 of the former City of Toronto being "A By law to designate the property at 123 Eglinton Avenue East as being of architectural value or interest".
Bill No. 679	By-law No. 681-1999	To amend former City of North York By-law No. 7625 in respect of lands municipally known as 760 Lawrence Avenue West.
Bill No. 680	By-law No. 682-1999	To amend former City of North York By-law No. 7625 in respect of lands municipally known as 1 Upwood Avenue.
Bill No. 681	By-law No. 683-1999	To enact a by-law pursuant to Chapter 134 of the Etobicoke Municipal Code, a by-law providing for the designation of fire routes in the geographic area of Etobicoke, a by-law of the former City of Etobicoke.
Bill No. 682	By-law No. 684-1999	To appoint Dr. Lori Kiefer Associate Medical Officer of Health for the City of Toronto Health Unit.
Bill No. 683	By-law No. 685-1999	To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as 866 Avenue Road.
Bill No. 684	By-law No. 686-1999	To amend By-law No. 438-86 of the former City of Toronto, as amended, respecting 866 Avenue Road.

Bill No. 685	By-law No. 687-1999	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 686	By-law No. 688-1999	To amend further By-law No. 23506 of the former City of Scarborough, respecting pedestrian crossovers.
Bill No. 687	By-law No. 689-1999	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 688	By-law No. 690-1999	To amend further By-law No. 23504 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 689	By-law No. 691-1999	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 690	By-law No. 692-1999	To amend further Metropolitan Toronto By-law No. 109-86 respecting maximum rates of speed on certain former Metropolitan Roads.
Bill No. 691	By-law No. 693-1999	To amend further Metropolitan Toronto By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 692	By-law No. 694-1999	To amend further By-law No. 92-93, a by-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York.
Bill No. 693	By-law No. 695-1999	To amend By-law No. 17-94, entitled "To prohibit the discharge of guns or firearms", being a by-law of the former Borough of East York.

Bill No. 694	By-law No. 696-1999	To further amend former City of Toronto By-law No. 602-89, being "A By-law to authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations", respecting the alteration of Morningside Avenue by the installation of speed humps from R a m b e r t C r e s c e n t to Windermere Avenue.
Bill No. 695	By-law No. 697-1999	To further amend former City of Toronto By-law No. 602-89, being " A B y-law to authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations", respecting the alteration of Kennedy Avenue by the installation of speed humps from Bloor Street West to Morningside Avenue.
Bill No. 696	By-law No. 698-1999	To further amend former City of Toronto By-law No. 602-89, being "A By-law to authorize the construction, widening, narrowing, alteration and repair of sidewalks, pavements and curbs at various locations", respecting the alteration consisting of the widening of the pavement by the construction of a lay-way on the south side of Eglinton Avenue East near Redpath Avenue.
Bill No. 697	By-law No. 699-1999	To stop up and close the remnant portion of the public lane crossing Harris Road and to authorize the sale thereof.
Bill No. 698	By-law No. 700-1999	To amend By-law No. 31001 of the former City of North York, as amended.

Bill No. 699	By-law No. 701-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 700	By-law No. 702-1999	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 701	By-law No. 703-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 702	By-law No. 704-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 703	By-law No. 705-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 704	By-law No. 706-1999	To establish certain lands as a municipal highway.
Bill No. 705	By-law No. 707-1999	To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 706	By-law No. 708-1999	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate Traffic on City of York Roads".
Bill No. 707	By-law No. 709-1999	To amend By-law No. 10327, the West Hill Community Zoning By-law of the former City of Scarborough.
Bill No. 708	By-law No. 710-1999	To amend Scarborough Zoning By-Law No. 9511 with respect to the Wexford Community.
Bill No. 709	By-law No. 711-1999	To amend the Scarborough Employment Districts Zoning By-law No. 24982 with respect to the Milliken Employment District.

Bill No. 710	By-law No. 712-1999	To amend By-law No. 10327, the West Hill Community Zoning By-law of the former City of Scarborough.
Bill No. 711	By-law No. 713-1999	To designate the property at 832 Bay Street (McLaughlin Motor Car Showroom) as being of architectural and historical value or interest.
Bill No. 712	By-law No. 714-1999	To Levy and Collect Taxes for 1999 on Certain Railway Company and Power Utility Lands.
Bill No. 713	By-law No. 715-1999	To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as 910 Logan Avenue, as amended.
Bill No. 714	By-law No. 716-1999	To amend By-law No. 438-86 of the former City of Toronto, as amended, respecting 910 Logan Avenue, as amended.
Bill No. 715	By-law No. 717-1999	To adopt an amendment to the Official Plan for the former City of Toronto with respect to lands known as 700 and 730 Mount Pleasant Road, including lands formerly known as 226 Soudan Avenue.
Bill No. 716	By-law No. 718-1999	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 700 and 730 Mount Pleasant Road, including lands formerly known as 226 Soudan Avenue.
Bill No. 717	By-law No. 719-1999	To amend By-law No. 31001 of the former City of North York, as amended.



Bill No. 718	By-law No. 720-1999	To amend By-law No. 30518 of the former City of North York, as amended.
Bill No. 719	By-law No. 721-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 720	By-law No. 722-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Amadale Avenue, Balfour Avenue, Clendenan Avenue, Coxwell Avenue, Dovercourt Road, Glenlake Avenue, Oakcrest Avenue, and Sultan Street.
Bill No. 721	By-law No. 723-1999	To amend the former City of Toronto Municipal Code Chapter 194, Footpaths, Bicycle Lanes and Pedestrian Ways, re: Bicycle lanes on Poplar Plains Road, as amended.
Bill No. 722	By-law No. 724-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Briar Hill Avenue, Coxwell Avenue, Davenport Road, Ellerbeck Street, Elm Street, Grenville Street, Grosvenor Street, Hagar Avenue, Poplar Plains Road, Shaftesbury Avenue, Sultan Street, Walker Avenue and the lane first east of Pape Avenue between Dundas Street East and Audley Avenue, as amended.
Bill No. 723	By-law No. 725-1999	To amend By-law No. 603-1998, being a By-law "To Establish a Property Tax Assistance Program for Eligible Low Income Disabled Persons and Low Income Seniors who are Owners of Residential Real Property in the City of Toronto", as amended.

Bill No. 724	By-law No. 726-1999	To Create a Tax Rebate Program for Veteran's Clubhouses and Legion Halls, as amended.
Bill No. 725	By-law No. 727-1999	To Provide for the Levy and Collection of Special Charges for the Year 1999 in Respect of the Village of Islington Business Improvement Area.
Bill No. 730	By-law No. 728-1999	To amend City of Toronto By-law No. 528-1999 respecting the regulation of traffic on certain highways during periods of emergency occasioned by the fall of snow, as amended.
Bill No. 732	By-law No. 729-1999	To amend Restricted Area Zoning By-law No. 1916, as amended, of the former Town of Leaside, respecting lands known as 206 Laird Drive and 186 Parkhurst Boulevard.
Bill No. 733	By-law No. 730-1999	A By-law to Establish a Scale of Costs for Proceedings under the Municipal Tax Sales Act.
Bill No. 734	By-law No. 731-1999	To amend the former City of Toronto Municipal Code Chapter 20, Business Improvement Areas, to make changes to the size and quorum for certain Boards of Management and to make changes to ward names.
Bill No. 736	By-law No. 732-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Front Yard Parking.
Bill No. 737	By-law No. 733-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Front Yard Parking.
Bill No. 738	By-law No. 734-1999	To amend City of Toronto By-law No. 67-1999.

Bill No. 739	By-law No. 735-1999	To amend Chapters 340 and 342 of the Etobicoke Zoning Code with respect to certain lands located on the west side of Royal York Road, north of Vanevery Street and municipally known as 200 Royal York Road.
Bill No. 740	By-law No. 736-1999	To amend Chapter 330 of the Etobicoke Zoning Code with respect to certain lands located on the north side of Fairfield Avenue west of Twenty Fourth Street.
Bill No. 741	By-law No. 737-1999	To amend further Metropolitan Toronto By-law No. 20-85, a by-law "Respecting the licensing, regulating and governing of trades, callings, businesses and occupations in the Metropolitan Area", a by-law of the former Municipality of Metropolitan Toronto, respecting licence fees.
Bill No. 742	By-law No. 738-1999	To amend By-law No. 81-89, entitled "A By-law to regulate the height and description of lawful fences", being a by-law of the former Borough of East York.
Bill No. 743	By-law No. 739-1999	To amend Chapter 324 of the Etobicoke Zoning Code and to lift the Holding 'H' provision on a portion of the lands municipally known as 112 Evans Avenue.
Bill No. 744	By-law No. 740-1999	To amend By-law No. 81-89, entitled "A By-law to regulate the height and description of lawful fences", being a by-law of the former Borough of East York.
Bill No. 745	By-law No. 741-1999	To amend the General Zoning By-law No. 438-86 of the Former City of Toronto with respect to the lands municipally known in 1988 as 266 MacDonell Avenue.

Bill No. 746	By-law No. 742-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking respecting Popular Plains Road.
Bill No. 747	By-law No. 743-1999	To amend By-law No. 438-86 of the former City of Toronto, with respect to the lands municipally known in 1998 as 720-724 Kingston Road and 35R Lyall Avenue.

12.86 On October 27, 1999, at 7:57 p.m., Councillor Pitfield, seconded by Councillor Johnston, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 749	By-law No. 744-1999	To confirm the proceedings of the Council at its meeting held on the 26th and 27th days of October, 1999,
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the vote upon which was as follows:

Yes - 43 Mayor: Lastman Councillors: Adams, Ashton, Augimeri, Berardinetti, Berger, Brown, Bussin, Chong, Chow, Davis, Disero, Duguid, Feldman, Flint, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihovc, Miller, Minnan-Wong, O'Brien, Ootes, Partalone, Pitfield, Prue, Saundercook, Shaw, Shiner, Silva, Soknacki, Tzekas, Walker
No - 1 Councillor: Altobello

Carried by a majority of 42.

The following Bill was withdrawn:

Bill No. 735 Respecting extending the term of appointments of Members of Council to the Greater Toronto Services Board (GTSB).

The authority for this Bill, Notice of Motion J (20), was referred to the Striking Committee for further consideration and report thereon to the next regular meeting of City Council.

**OFFICIAL RECOGNITIONS:**

**12.87 Condolence Motions**

Councillor Pantalone, seconded by Mayor Lastman, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Miss Margaret Jackson, on Thursday, October 14, 1999; and

**WHEREAS** Miss Jackson, an accountant by profession, derived her greatest satisfaction from a lifetime of volunteering, including the Red Cross as a nursing assistant, 25 years with the Women’s College Hospital, as president of the Young Women’s Canadian Club, and as president of the Toronto Business and Professional Women’s Club; and

**WHEREAS** Margaret Jackson was a member of the Toronto Mayor’s Committee on Aging from 1991-1995, including Vice-Chair in 1995 and editor of the Communications Committee and editor of FAST, the newsletter of the Toronto Mayor’s Committee on Aging; and

**WHEREAS** Margaret Jackson became a member and Vice-Chair of the City of Toronto’s Committee on the Status of Women in 1997; and

**WHEREAS** Miss Jackson performed dedicated service both as Associate Director and Director of the Canadian National Exhibition Association throughout the 1990s, in addition to being an active participant in the Association’s committees, such as the Archives and Foundation Committee, Education and Learning Cluster and the 2000 Task Force; and

**WHEREAS** Miss Jackson’s achievements also included assisting in the preparation and presentation of several briefs to the Ontario government on the family, pay equity and the appointment of more women to provincial boards and commissions, her Chairing of committees that offered major contributions to the report on the status of women in Canada, and her appointment to the UNESCO (United Nations cultural organization) Status of Women organization; and

**WHEREAS** upon her retirement in 1982, Miss Jackson became even more active in committees concerned with the status of women in Canada, and through these many accomplishments Miss Jackson became known as a rights advocate who helped break new ground for women, and as a leader and source of strength and wisdom, who will be sorely missed by her community, friends and family;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to the family of Miss Margaret Jackson.”

Leave to introduce the Motion was granted and the Motion carried unanimously.

Council rose and observed a moment of silence in memory of Miss Jackson.

12.88 **Presentations/Introductions/Announcements:**

**October 26, 1999:**

Councillor Silva, during the morning session of the meeting, introduced Dr. Antonio Camilo, Mayor of Odemira, Dr. Jose Ernesto, President of the Commission of Co-ordination for the Region of Alentejo, Dr. Taveira Pinto, Mayor of Ponte De Sor, and the singing group, Contos D'Aurora, present at the meeting.

Mayor Lastman, during the morning session of the meeting, introduced Princess Sharifa Zein bint Nasser of Jordan, cousin of the King of Jordan, present at the meeting, and advised the Council that the Princess is visiting Toronto to promote a Jordanian exhibition which will be held in the year 2000 at the Royal Ontario Museum.

Councillor Shaw, during the morning session of the meeting, introduced the Senior's Group from Yee Hong Centre for Geriatric Care Seniors Club, present at the meeting.

Councillor Saundercook, during the afternoon session, advised the Council that Mayor Lastman had proclaimed October 11-19, 1999, as "Dystonia Awareness Week" in the City of Toronto, and, with the permission of Council, read the proclamation regarding Dystonia.

Councillor Li Preti, during the afternoon session of the meeting, introduced the following delegation from the City of Cebu, Philippines, present at the meeting:

- Alvin Garcia, Mayor, City of Cebu;
- Rogelio G. Villanobos, Chief Cebu City Protocol Office;
- Procopio E. Fernandez, Cebu City Councillor;
- Dr. Fe Mantua-Ruiz, Cebu City Councillor;
- Ronald V. Cuenco, Cebu City Councillor;
- Atty. Cornelius M. Gonzales, Consultant, Committee on Local and International Affairs;
- Ma. Theresa L. Padriga, Executive Secretary, Mayor's Office;
- Artemio C. Tudtud, Barangay Councillor;
- Benito B. Suico, Barangay Councillor;
- Ana C. Tabal, Barangay Captain;
- Florian J. Doctor, Businessman; and
- John M. Ruiz, Businessman.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced a group of Grade 5 students from Chester Public School, present at the meeting.

**October 27, 1999:**

Deputy Mayor Ootes, during the morning session of the meeting, introduced the Adult ESL Class from the LINC Centre, present at the meeting.

Deputy Mayor Ootes, during the afternoon session of the meeting invited Ms. Anne Golden, President of the United Way, to the podium; Ms. Golden addressed the Council in regard to the 1999 United Way Campaign and invited Members of Council to view a video presentation respecting the campaign.

Councillor Anne Johnston, with the permission of Council, addressed the Council as the United Way Canvasser for Council; encouraged all Members of Council to generously donate to this year's United Way Campaign; and advised the Council that the following Members of Council, representing all areas of the City, had volunteered their time to assist in the canvassing of Members of Council:

- Councillor Irene Jones, Lakeshore-Queensway;
- Councillor David Miller, High Park-Parkdale;
- Councillor Jane Pitfield, East York;
- Councillor Joe Mihevc, York Eglinton;
- Councillor Michael Feldman, North York Spadina;
- Councillor Joan King, Seneca Heights; and
- Councillor David Soknacki, Scarborough Highland Creek.

Councillor Layton, during the afternoon session of the meeting, introduced the representatives of the Cycling Ambassador Program present at the meeting; advised the Council that the City of Toronto had been the recipient of the Bicycling Magazine Award, designating the City as one of the ten best cities in Ontario for cycling; and presented to Mayor Lastman, on behalf of the Ambassador Program, the official Bicycling Magazine Award and a cycling helmet.

Mayor Lastman advised the Council that on Saturday, October 30, 1999, Canadian Tire Stores in the City of Toronto will be accepting broken bicycles that have been donated by the citizens of the City of Toronto. The Mayor further advised the Council that these donated bicycles will be fixed and given to children in the City of Toronto who do not own a bicycle, and encouraged all of the citizens of the City of Toronto to participate in this important initiative.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced a group of Grades 7 and 8 students from St. Thomas Aquinas School, present at the meeting.

Councillor Korwin-Kuczynski, during the afternoon session of the meeting, introduced Mr. Jan Golba, Mayor of the City of Krynica, Poland, present at the meeting.

## 12.89 MOTIONS TO VARY PROCEDURE

*Waive the provisions of the Procedural By-law related to meeting times:*

### **October 26, 1999:**

Councillor Gardner, at 12:30 p.m., moved that, in accordance with subsection 11(8) of the Council Procedural By-law, Council waive the requirement of the 12:30 p.m. recess, in order to conclude consideration of Clause No. 16 of Report No. 8 of The Policy and Finance Committee, headed "Fees Charged for Police Reference Checks", which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Saundercook, at 7:30 p.m., moved that, in accordance with subsection 11(8) of the Council Procedural By-law, Council waive the requirement of the 7:30 p.m. recess, in order to conclude consideration of Clause No. 2 of Report No. 4 of The Community Services Committee, headed "Request to Enact the Emergency By-law to Assist Homeless People", which carried, more than two-thirds of Members present having voted in the affirmative.

### **October 27, 1999:**

Deputy Mayor Ootes, at 12:25 p.m., proposed that Council recess and reconvene at 2:00 p.m.

Council concurred in the proposal by Deputy Mayor Ootes.



Councillor Chong, at 7:30 p.m., moved that, in accordance with subsection 11(8) of the Council Procedural By-law, Council waive the requirement of the 7:30 p.m. recess, in order to conclude consideration of all matters remaining on the Order Paper for this meeting of Council, which carried, more than a two-thirds of Members present having voted in the affirmative.

## 12.90 ATTENDANCE

Councillor Mihevc, seconded by Councillor Chow, moved that the absence of Councillors Cho, Kelly and Sgro from this meeting of Council be excused, which carried.

October 26, 1999	9:45 a.m. to 12:35 p.m.*	Roll Call 2:15 p.m.	2:15 p.m. to 7:49 p.m.*
Lastman	x	-	x
Adams	x	-	x
Altobello	x	x	x
Ashton	x	-	x
Augimeri	x	x	x
Balkissoon	x	-	x
Berardinetti	x	x	x
Berger	x	x	x
Bossons	x	-	x
Brown	x	x	x
Bussin	x	-	x
Cho	-	-	-
Chong	x	-	x
Chow	x	-	x
Davis	x	x	x
Disero	x	x	x
Duguid	x	x	x
Feldman	x	x	x
Filion	x	-	x
Flint	x	x	x
Fotinos	x	x	x
Gardner	x	-	x
Giansante	x	x	x

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October 26, 1999	9:45 a.m. to 12:35 p.m.*	Roll Call 2:15 p.m.	2:15 p.m. to 7:49 p.m.*
Holyday	x	x	x
Jakobek	x	x	x
Johnston	x	x	x
Jones	x	x	x
Kelly	-	-	-
Kinahan	x	x	x
King	x	x	x
Korwin-Kuczynski	x	-	x
Layton	x	x	x
Lindsay Luby	x	x	x
Li Preti	x	x	x
Mahood	x	-	x
Mammoliti	x	x	x
McConnell	x	x	x
Mihevc	x	-	x
Miller	x	x	x
Minnan-Wong	x	-	x
Moeser	x	-	-
Moscoe	x	-	x
Nunziata	x	-	x
O'Brien	x	x	x
Ootes	x	x	x
Pantalone	x	x	x
Pitfield	x	x	x
Prue	x	-	x
Rae	x	x	x
Saundercook	x	x	x
Sgro	-	-	-
Shaw	x	x	x
Shiner	x	-	x
Silva	x	-	x

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October 26, 1999	9:45 a.m. to 12:35 p.m.*	Roll Call 2:15 p.m.	2:15 p.m. to 7:49 p.m.*
Sinclair	x	-	x
Soknacki	x	x	x
Tzekas	x	-	x
Walker	x	x	x
Total	55	33	54

\* Members were present for some or all of the time period indicated.

October 27, 1999	Roll Call 9:45 a.m.	9:45 a.m. to 12:25 p.m.*	Roll Call 2:15 p.m.	2:15 p.m to 7:58 p.m.*
Lastman	-	x	-	x
Adams	x	x	-	x
Altobello	x	x	x	x
Ashton	-	x	x	x
Augimeri	-	x	x	x
Balkissoon	x	x	x	x
Berardinetti	x	x	-	x
Berger	x	x	x	x
Bossons	x	x	-	x
Brown	-	x	x	x
Bussin	x	x	-	x
Cho	-	-	-	-
Chong	x	x	-	x
Chow	x	x	x	x
Davis	-	-	-	x
Disero	x	x	x	x
Duguid	x	x	x	x
Feldman	-	x	-	x
Filion	-	x	-	x
Flint	x	x	-	x
Fotinos	x	x	-	x
Gardner	-	x	x	x

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October 27, 1999	Roll Call 9:45 a.m.	9:45 a.m. to 12:25 p.m.*	Roll Call 2:15 p.m.	2:15 p.m to 7:58 p.m.*
Giansante	-	x	x	x
Holyday	x	x	x	x
Jakobek	x	x	-	x
Johnston	-	x	x	x
Jones	-	x	-	x
Kelly	-	-	-	-
Kinahan	-	x	x	x
King	x	x	x	x
Korwin-Kuczynski	x	x	x	x
Layton	-	x	x	x
Lindsay Luby	x	x	x	x
Li reti P	x	x	x	x
Mahood	-	x	-	x
Mammoliti	x	x	-	-
McConnell	x	x	-	x
Mihevc	x	x	x	x
Miller	x	x	x	x
Minnan-Wong	x	x	x	x
Moeser	-	x	x	x
Moscoe	x	x	x	x
Nunziata	x	x	x	x
O'Brien	x	x	x	x
Ootes	x	x	x	x
Pantalone	x	x	-	x
Pitfield	x	x	x	x
Prue	x	x	x	x
Rae	x	x	x	x
Saundercook	x	x	x	x
Sgro	-	-	-	-
Shaw	x	x	-	x
Shiner	-	x	-	x

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October 27, 1999	Roll Call 9:45 a.m.	9:45 a.m. to 12:25 p.m.*	Roll Call 2:15 p.m.	2:15 p.m to 7:58 p.m.*
Silva	x	x	x	x
Sinclair	-	x	-	x
Soknacki	x	x	x	x
Tzekas	-	x	-	x
Walker	x	x	x	x
Total	37	54	34	54

\* Members were present for some or all of the time period indicated.

**MEL LASTMAN,**  
Mayor

**NOVINA WONG,**  
City Clerk

**ATTACHMENT NO. 1**

Report dated September 30, 1999, from the Chief Financial Officer and Treasurer, entitled "Feasibility of Implementing a Parking Levy on Private/Public Parking to Support Public Transit and Application of Revenues from Parking" (See Minute No. 12.61, Page 70):

Purpose:

This report examines the feasibility of implementing a parking levy on private and public parking in support of public transit in the City of Toronto. This report also provides an overview of the application of revenues from the City's parking-related programs/services and examines the feasibility of allocating a portion of existing or future revenues to support the Toronto Transit Commission (TTC).

Funding Sources:

There are no financial implications for the current year with respect to this report.

Recommendation:

It is recommended that this report be received for information.

Council Reference:

At its meeting of April 26, 27 and 28, 1999, City Council adopted Clause No. 1 of Report No. 8 of the Strategic Policies and Priorities Committee, headed "1999 Operating Budget". In adopting the TTC's 1999 Operating Budget, Council requested a number of reports aimed at generating additional revenues or allocating revenues from parking-related programs/services to support public transit in the City viz.:

- (a) on the feasibility of implementing a \$1.00 levy that could be charged on private and public parking in the City of Toronto, to offset future TTC fare increases;
- (b) a recommended comprehensive parking levy, as part of a long-term strategy to sustain public transit in the City of Toronto, including the feasibility of dedicating a portion of revenue generated from permit parking, front yard parking, parking meters and municipal parking lots, such report to assess the anticipated economic impact of such a parking levy on businesses in the City of Toronto, as well as any correlation which might be expected based on past experience with the Commercial Concentration Tax; and
- (c) a review of the revenue generated by automobiles (e.g., parking fees, parking tags, etc.) and that the Planning and Transportation Committee be directed

to recommend to Council what portion of the revenue should be allocated to the TTC.

Comments:

(1) Feasibility of Implementing a \$1.00 Parking Levy on Private/Public Parking

In order to assess the feasibility of implementing a \$1.00 levy that could be charged on private and public parking in the City of Toronto to offset future TTC fare increases, it is necessary to know whether the proposed levy is to be based on, (a) the number of parking spaces or, (b) on a per vehicle parked basis. In the case of the latter, it is necessary to determine whether the charge of \$1.00 per vehicle constitutes a sales tax and, therefore, renders the City ineligible to collect it. The City's Legal Services Division was requested to provide advice respecting the City's authority to implement the proposed levy.

Legal Services conducted a comprehensive review of the relevant sections of the Municipal Act and applicable court decisions. Section 220.1 of the Municipal Act, which permits a municipality to pass by-laws for imposing fees and charges, provides as follows:

“220.1(2) Despite any Act, a municipality and a local board may pass by-laws imposing fees or charges on any class of persons,

(a) for services or activities provided or done by or on behalf of it;

...

(c) for the use of its property including property under its control.

...

(4) No by-law under this section shall impose a fee or charge that is based on, is in respect of, or is computed by reference to,

...

(b) the use, purchase or consumption by a person of property other than property belonging to or under the control of the municipality or local board that passes the by-law;

(c) the use, consumption or purchase by a person of a service other than a service provided or performed by or on behalf of or paid for by the municipality or local board that passes the by-law;

(6) A by-law under this section may provide for,

(a) fees and charges that are in the nature of a direct tax for the purpose of raising revenue;

...”

The above provisions of the Municipal Act were ruled on by the Ontario Court (General Division) in the case of *Re Carson's Camp Ltd.* and a by-law passed by the Township of Amabel that imposed a fee or charge for each seasonal, tent and trailer

site on campground owners. Based on the decision of the court, it is the view of Legal Services staff that City has no authority to pass a by-law under section 220.1 to levy a \$1.00 levy on private parking in the City of Toronto on either the number of parking spaces or on a per vehicle parked basis. Such a levy would not relate to the use of City property and the City would not be providing any service, therefore, any such levy would constitute indirect taxation, as the levy would in all likelihood be passed on to the users of the parking facility for the purpose of raising revenue for the TTC. Such a levy would also be prohibited by clauses 220.1(4)(b) and (c) which prohibit Council from passing a by-law in respect of the use, purchase or consumption of property or a service provided by a private parking lot operator.

With regard to imposing a levy on public parking spaces operated by the Toronto Parking Authority, it should be noted that the Toronto Parking Authority is a local board of the City which has been given jurisdiction over the construction, maintenance, operation and management of municipal parking facilities. As a local board, it could pass a by-law under section 220.1 to levy a \$1.00 fee on users of the parking facilities it operates on behalf of the City, however, based on the Ontario Court ruling in the above-noted case, it is also Legal staff's view that such a fee could only be used for the purposes of the Toronto Parking Authority and not for the purpose of offsetting TTC costs.

In the event that a parking tax or levy was imposed only on public parking facilities operated by the Toronto Parking Authority, such a levy could potentially create an unfair pricing situation. If such were the case, the Authority might be required to absorb the tax in its existing rates in order to remain competitive and thereby such a levy would not result in the generation of additional revenue. This action could negatively impact the City's share of Authority revenues that are applied as a corporate funding source in the Operating Budget.

(2) Feasibility of Implementing a Parking Levy on Residential/Non-Residential Properties:

In respect to Council's second report request concerning a comprehensive parking levy to sustain public transit in the City of Toronto, Legal staff was also asked to advise on whether the City has authority to impose a parking levy on residential/non-residential properties and, if not, what authority would be required to enable it to do so. Legal has responded that the City does not have authority to impose a parking levy on residential/non-residential properties. In order to get that authority, special legislation would be required. If an application for special legislation were made, it would be circulated to various provincial ministries for comment.

At this point in time Legal staff indicate that it is difficult to predict how the Province or the private sector would view any such application. In addition, it should be noted that the Metropolitan Council on September 24 and 25, 1997, adopted Clause No. 5 of Report No. 19 of The Planning and Transportation



Committee which recommended that the Province of Ontario be requested to amend the applicable legislation to provide authority for the new City of Toronto to implement a municipal parking surcharge and other road user fees, if it so desires. To date, the Province has not acted upon that request.

It is further noted that in April of 1999, Hemson Consulting Ltd., in association with C.N. Watson & Associates, prepared a report, entitled "Funding Transportation in the Greater Toronto Area and Hamilton-Wentworth", that speaks to the problem of inadequate funding for transportation infrastructure. The report reviews and discusses additional revenue sources to fund transportation infrastructure, one of which is a parking tax. The report concluded that a parking tax would not be effective for the following reasons:

- it would be difficult to implement since it would not reflect system use;
- large employment centres would pay a disproportionate share of the tax;
- the tax would have to be very large to recover any significant amount of revenue;
- it would act as a disincentive to providing adequate parking; and
- the vast majority of spaces are provided free of charge resulting in no effective way of passing the costs on to consumers.

(3) Parking Tax (Levy) Experience in Other Jurisdictions:

In preparing this report, Finance staff consulted with other jurisdictions that have considered or have the ability to impose a parking tax. City and/or transit representatives of the cities of Chicago, Cleveland, San Francisco and Vancouver were contacted to obtain information and input on a parking tax.

Chicago

Staff in the City of Chicago advised that they had considered imposing a parking tax to generate additional revenue, however, the proposal was dismissed by elected officials, prior to conducting any research, due to the lack of information on the number of parking spaces and the notion that, since there was no paid parking in the suburbs, the tax would be perceived as a "downtown tax".

Cleveland

The City of Cleveland does have a parking tax, but it is used to fund the new football stadium rather than to fund public transit. The City also charges a 1 percent sales tax, in order to fund public transit. In discussions with City of Cleveland staff, there did not appear to be any significant research done on the issue since the idea came about in response to the public outcry at the loss of its football team. City of Cleveland staff indicated that implementing the tax was not that difficult, since the City Planning Department keeps updated inventory numbers on public and private parking spaces and their respective turnover rates.

San Francisco

The City of San Francisco has a "capital charge" (equivalent to the City of Toronto's development charge) to fund the City of San Francisco's capital transit stock. The charge is \$5.00 per square foot of development. The charge applies to all space, not just parking spaces. The charge was a very contentious issue with the development community during its implementation.

Vancouver

On July 29, 1998, the Province of British Columbia, passed Bill 136, Greater Vancouver Transportation Authority Act. The Act permits the authority to assess a parking tax on one or both of:

- (a) the taxable parking area of parking sites located in the transportation service region; and/or
- (b) the taxable parking spaces of parking sites located in the transportation service region.

In 1992, the Province of British Columbia introduced Bill 51 (B.C. Transit Amendment Act) which permitted a municipality or regional transit commission to impose a tax on either the parking area or parking spaces of parking sites within the transit service area or within portions of the transit service area.

Although the City of Vancouver does have the ability to impose a parking tax on space, it has yet to be implemented. The concept of Vancouver's parking tax is similar to the abolished GTA Commercial Concentration Tax (CCT) in Ontario that was based on property assessment information. The proposed tax rate of \$1.00/square foot is the same as the former CCT, but there are some differences in the properties to be exempted as well as the threshold footages above which the tax would be triggered (200,000 square feet in the GTA versus 50,000 square feet in BC). It is worthy to note that, in 1992, when Vancouver Transit considered the introduction of the parking levy, the Ontario Legislature was already debating whether to abolish the CCT.

The report (July 7, 1999) to the Policy and Finance Committee from the Chief Administrative Officer and the Chief Financial Officer and Treasurer, entitled "Toronto Transit Commission – Provincial Municipal Funding Trends and Longer

Term Funding Strategies”, discussed how other jurisdictions’ transit operating and capital costs are funded and proposed alternate long-term and sustainable sources of revenue in order to maintain the TTC’s economic viability. At its meeting of July 27, 1999, City Council referred this report back to the TTC for further consideration.

(4) Economic Impact Resulting from a Parking Levy and CCT Experience:

An assessment of the economic impact of imposing a parking levy on businesses in the City of Toronto has not been conducted, due to the lack of clarity regarding the nature and amount of any proposed levy. However, based on the past experience with the CCT, it is likely that a new levy could also act as a hindrance and disincentive to growth and development of business. For example, at the onset of the recession during the early 1990s, hotel charges were increased by \$4.00 to \$6.00 a night to cover the additional costs for the CCT. Businesses, including restaurants, saw significant drops in their sales and commercial and office buildings experienced increased vacancy rates. A more in-depth review of the CCT is provided in Appendix 1.

(5) Current Application of Parking Revenues:

In conjunction with assessing the potential for implementing a parking levy, Council also directed that staff review the feasibility of dedicating a portion of the revenue generated from permit parking, front yard parking, parking meters and municipal parking lots to support public transit costs.

City Council at its meeting on April 26, 27 and 28, 1999, approved the 1999 Operating Budget. Contained within the 1999 net expenditure budgets for various programs are net revenues totaling \$56.6 million which are derived from “parking-related services” including parking tags, parking fines, residential/boulevard parking permits, on-street metered parking and off-street parking facilities. The table below shows the source of revenue, associated expenditures and application of net revenues in the 1999 Operating Budget.

Application of Parking Related Net Revenues (000's)						
Revenue Source	Revenue	Expenses	Net Revenue	Net Revenue Applied To		
				Programs		General
Parking Tags and Fines	51,600	26,300	25,300	-		25,300
Residential/Commercial Permits	4,500	2,800	1,700	1,700	(1)	-
On Street Metered Parking	15,777	2,343	13,434	4,708	(1)	8,726
Off Street Parking Facilities	44,542	28,383	16,159	9,338	(2)	6,822
<b>Total</b>	<b>116,419</b>	<b>59,826</b>	<b>56,593</b>	<b>15,746</b>		<b>40,848</b>

- (1) Transportation Program
- (2) Toronto Parking Authority

Over \$40.8 million (72.1 percent) of total net revenues from parking were applied to general City revenues in the 1999 Operating Budget. This treatment supports overall operations and directly reduces the amount of revenue that has to be raised from taxation to balance the City's taxation budget. \$6.4 million (11.3 percent) was applied as a program revenue to partially fund the operations of the Transportation Program which directly manages the City's residential and commercial parking permits. The Transportation Program receives this revenue as it is responsible for maintaining the City's streets which allow the use of on-street parking. The balance of \$9.3 million (16.5 percent) is retained by the Toronto Parking Authority (TPA) to self-finance its capital program. The purpose of the TPA is to provide affordable parking to enhance the viability of the City's commercial and residential areas, in keeping with the City's overall objectives.

The redirection of existing parking-related revenues from how these are currently applied to support the TTC could create budget pressures for the program(s) involved and potentially impact the City's operating budget. In addition, the ability of the Toronto Parking Authority to self-finance its capital works program could be affected.

Council could consider the allocation of increases in parking related revenues (future revenue increases not currently budgeted) to fund the TTC's operating or capital budget. Council's recent approval of new on-street metered parking rates; revisions to the voluntary payment and set fine amounts for parking meter violations, as well as some changes in the tagging policy for certain areas of the City, should result in an increase in revenues upon full implementation. In addition, a review of the City's revenue sharing arrangement with the Toronto Parking Authority is underway which could result in some adjustment in the current allocation of net revenues. Increases in revenues from the foregoing have not been specifically earmarked at this time, however, it should be noted that directly subsidizing one program's expenditures with another program's revenues could distort expenditure decisions and corporate priorities. Accordingly, given the City's financial constraints, it is deemed appropriate to allocate any increase in the above-noted revenues to the City's general revenues, thereby offsetting overall corporate funding pressures.

Notwithstanding the foregoing, if Council wishes to consider allocating a portion of future parking revenue increases to the TTC, it should request the Budget Advisory Committee to report during the 2000 Operating Budget Process on the amount of revenue that could be allocated for TTC purposes. It is noted that the implementation of revised parking meter rates are anticipated to generate a net revenue increase of about \$2.2 million in 2000. Pending the submission of 2000 revenue estimates by the related programs, it is difficult to assess the projected increase in revenues that could be considered for allocation without impacting other City programs. It is also worth noting that Finance staff are reviewing the general issue of allocating revenues and I will be reporting on a corporate allocation policy in the near future.

Conclusions:

The City has no authority to pass a by-law under the Municipal Act to impose a \$1.00 levy on private parking in the City of Toronto on either a the number of parking spaces or on a per vehicle parked basis. The City could pass a by-law under section 220.1 to levy a \$1.00 fee on users of parking facilities operated by the Toronto Parking Authority on behalf of the City, however, such a fee could only be used for the purposes of the Toronto Parking Authority and not for the purpose of offsetting TTC costs. The implementation of a new parking levy on residential/non-residential properties would require special legislation. It is difficult to predict how the Province would view an application for such a change in legislation as, to date, it has not acted upon a request from the former Metropolitan Toronto to provide authority for the new City of Toronto to implement a municipal parking surcharge and other road user fees, if it desired.

Staff research of four cities in Canada and the United States found that currently only the City of Cleveland has a parking tax and it is used to fund a new football stadium as opposed to funding public transit. Although the Province of British Columbia passed Bill 51, in 1992, providing authority for the City of Vancouver to impose a parking tax on space (similar to the former Commercial Concentration Tax which in Ontario which was abolished in 1993) to support the transit system, it has yet to be implemented.

The redirection of existing parking-related revenues from how these are currently applied to support the TTC could create budget pressures for the program(s) involved, could skew expenditure decisions and potentially impact the City's Operating Budget. In addition, the ability of the Toronto Parking Authority to self-finance its capital works program could be affected.

If Council wishes to consider allocating a portion of future parking revenue increases as a result of changes in parking rates, fines and tagging policies to the TTC, it should request the Budget Advisory Committee to report during the 2000 Operating Budget on the amount of increased revenues that could be allocated for TTC operating or capital purposes without impacting other City programs.

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## Appendix 1

## Background Information

Overview of Funding for Transit Services' Operating and Capital Costs in Other Jurisdictions:

Generally, in Canada, only the provinces of Alberta, British Columbia, Manitoba and Quebec provide some funding to municipalities that can be applied towards transit. Funding sources include per-capita operating and capital grants, special project grants, operating and capital cost-sharing arrangements, contributions from gas taxes, parking taxes, hydro levies, other levies and other license fees. In contrast, in the United States, the Federal Government provides about 50 percent of all transit capital funding and 3 percent of all operating funding. In addition, average States funding represents 13 percent of local transit capital costs, and 22 percent of local transit operating costs. (Reference: Report (June 16, 1999) to Toronto Transit Commission from Vincent Rodo, Interim Chief General Manager).

The report (July 7, 1999) to the Policy and Finance Committee from the Chief Administrative Officer and the Chief Financial Officer and Treasurer, entitled "Toronto Transit Commission – Provincial Municipal Funding Trends and Longer-Term Funding Strategies", discussed how other jurisdictions' transit operating and capital costs are funded and proposed alternate long-term and sustainable sources of revenue in order to maintain the TTC's economic viability. At its meeting of July 27, 1999, City Council referred this report back to the TTC for further consideration.

The above-noted report cites how British Columbia's Translink, the regional transportation system for the Vancouver region and Montreal's Agence Metropolitaine de Transport (AMT) for the Greater Montreal Region are funded through a wide range of revenue sources, including: fuel taxes, hydro levy, provincial sales tax on parking non-residential parking tax, dedicated vehicle licence surcharge, property levies on municipalities that receive commuter train service, property levies for capital asset funding and provincial subsidy for commuter rail infrastructure.

A. Commercial Concentration Tax

The Commercial Concentration Tax (CCT) was introduced by the provincial government in its 1989 Ontario Budget, for implementation on January 1, 1990. The CCT was one of a few initiatives to fund a \$2-billion provincial Transportation Capital Program (TCP) over a period of five years (1989 - 1994) aimed at reducing congestion and improving access to growing markets throughout Ontario. Of the \$2 billion, \$1.24 billion (62 percent) was committed to projects within the GTA. These included road and highway expansion (Highways 401, 403 and 407),

municipal road links in Metro and surrounding areas and transit improvements. The CCT was imposed on properties in the Greater Toronto Area only. The rationale was that the people who receive the direct benefit, i.e. improved transportation services, should pay for the project costs.

A.1 Principal Provisions of the CCT:

- an annual tax of \$10.75/m<sup>2</sup> (\$1/ft<sup>2</sup>) to be imposed on all commercial properties exceeding 18,600 m<sup>2</sup> (approx. 200,000 ft<sup>2</sup>) and all commercial parking lots in the GTA;
- the first 200,000 ft<sup>2</sup> of commercial properties (not including parking lots) to be exempt;
- total area of parking lot to be subject to CCT;
- the tax to be levied against the land, and, therefore the landlord of the property to be responsible for the payment of the tax;
- race tracks, pipelines, trucking depots, warehouses, research and development facilities, residential and industrial properties to be exempt;
- land that is exempt for taxes for municipal or school purposes by any Act to be exempt except commercial parking lots operated by a municipality or local board; and
- commercial parking lots operated on a seasonal basis to be exempt.

A.2 Economic Impacts of the CCT

The CCT was estimated to generate \$625 million over five years, or an average of \$125 million annually, from both commercial properties and parking lots in the GTA. (In 1992, the CCT brought in \$111 million for the Province.) For the former Metro Toronto, the greatest impact of the CCT was experienced by the parking operations of four of the Special Purpose Bodies, namely, Exhibition Place, the Metropolitan Toronto Zoo, the TTC and the Metropolitan Toronto and Region Conservation Authority. The TTC experienced the largest single impact of all the Special Purpose Bodies. It was liable for an annual CCT of \$3.58 million on its parking lots. The total combined taxes levied on parking lots, together with taxes on commercial buildings through office leases, were just over \$5 million every year. As well, the Parking Authority of Toronto (PAT), the public parking operator of the former City of Toronto, paid about another \$5 million a year on its parking operations.

At the time, many parking lots were losing money but still had to pay the CCT, which was viewed as punitive. For example, Whitby's municipal lots generated \$105,000.00 a year in revenue but were liable for \$165,000.00 in CCT, and they subsequently made all town parking lots free to fight the tax. Toronto's TTC also removed all parking charges on its commuter lots until the CCT was abolished. During the period the CCT was in effect, the PAT temporarily closed sections of its parking facilities to avoid payment of the tax on under-utilized parking spaces.

The CCT was introduced during the economic boom in the late 1980s. At the onset of the recession during the early 1990s, it was obvious that the CCT had become a hindrance and disincentive to growth and development of businesses in the GTA. For example, during this time, hotel charges were increased \$4.00 to \$6.00 a night to cover the additional costs. Businesses, including restaurants, experienced a significant drop in their sales. Commercial buildings and office spaces experienced increased vacancy rates.

Furthermore, the CCT was perceived as an unfair and discriminatory burden based on size only (for commercial properties) --the large landowners and developers were the hardest hit.

From the municipalities' perspectives, they viewed the tax as biased against the GTA, since the tax was imposed in the GTA only. In addition, the revenues generated from the CCT were applied to the Province's general revenues and not designated to fulfil the purpose the tax was first intended. At the time, Metro was trying to maintain existing aging infrastructure and attempting to find solutions to its own internal pressing transportation issues. Given that 64 percent of the estimated revenues to finance the Transportation Capital Program originated in Metro, it was expected that the Province would develop transportation initiatives in collaboration with Metro. Such was not the case.

The fact the CCT was opposed by businesses, as well as GTA municipalities, especially Metro, contributed to the increased pressure in the Ontario Legislature to abolish the tax in 1993 and the legislation was finally repealed in 1997.

**B. Municipal Parking Surcharge (Metropolitan Toronto – Request to Amend Legislation):**

The former Metropolitan Council considered the subject of a municipal parking surcharge, as a form of transportation user fee, in September 1997. Based on information contained in a report (July 31, 1997) from the Acting Commissioner of Planning, Council directed that the Province of Ontario be requested to amend the applicable legislation to provide authority for the new City of Toronto to implement a municipal parking surcharge and other road user fees, if it so desires. The municipal parking surcharge idea was put forward as a possible form of user fee in a proposed "Short-Term Pro-Transit Strategy".

The report cited the following benefits:

- (i) it would act as a visible expense for drivers, requiring payment of parking for each trip, thereby have a greater chance of influencing the decision to drive versus an alternative mode of travel;



- (ii) it could be structured to apply to all-day parking users (driving to work or school), thereby not affecting short-stay parkers conducting business, shopping or other purposes; and
- (iii) conceptually, the surcharge represents an extension of an existing charge.

The following key disadvantages of a parking surcharge were also noted:

- (i) provincial legislation would need to be enacted to allow municipalities to levy such a surcharge; and
- (ii) it would require a new administrative structure for collection and enforcement; in addition, start-up costs to undertake an inventory of parking spaces affected, establish a business plan and conduct a public information program would be significant.

The report (July 31, 1997) from the Acting Commissioner of Planning estimated the net annual revenue that could be generated from implementing a \$1.40 per day surcharge on all non-residential, off-street parking spaces used for all day parking at \$100 million (net) annually across the City (formerly Metropolitan Toronto). A rate of \$3.45 per day would be required to generate the same net income level, if only parking spaces in areas well-served by rapid transit were included.

The estimated net revenue from a municipal parking surcharge could be substantial, however, the City would need to consider exemptions from any proposed levy in order to ensure that other corporate policies are not adversely impacted, for example, business improvement initiatives and TTC commuter parking lots. Accordingly, the level of net revenues that could be realized would be lower.

Requirements to Proceed:

In the event that Council decides to proceed with the implementation of a municipal parking surcharge, it would first need to obtain provincial enabling legislation that included provisions for inspection and auditing of privately-operated parking facilities.

Secondly, the City would need to conduct a lot-by-lot inventory of all parking facilities that are potentially affected. Although, the current CVA assessment database contains information for stand-alone parking facilities (assessment amounts, not number of spaces), it is still necessary to determine the number of parking spaces and obtain other information respecting parking usage. In addition, properties with parking operations forming part of commercial buildings and other types of developments would need to be captured separately.

A business plan would need to be developed that identified all parking spaces, times affected, surcharge rates and administrative requirements, including collection, inspection and auditing.

Next, the City would have to approve bylaws to give effect to the parking surcharge, rates, conditions and other provisions. The administrative structure necessary to implement the surcharge, including staffing and support, would have to be established. Also, a public information program to explain the surcharge and its use would be appropriate. Finally, the City would initiate collection, inspection and auditing procedures.

## **ATTACHMENT NO. 2**

Communication dated October 21, 1999, from the City Clerk, entitled "New York State Law Suit Against Mid-Western Coal-Fired Power Plants". (See Minute No. 12.62, Page 72)

### Recommendation:

The Environmental Task Force recommends that City Council adopt the recommendations contained in the report dated October 20, 1999 from the Medical Officer of Health.

### Background:

The Environmental Task Force at its meeting held on October 20, 1999, had before it a report dated October 20, 1999, from the Medical Officer of Health respecting the New York State law suit against Mid-Western Coal-Fired Power Plants and advising how the City of Toronto can support the impending legal action aimed at curbing air pollution from coal-fired power plants in the mid-western United States.

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(Report dated October 20, 1999, addressed to the  
Environmental Task Force, from the  
Medical Officer of Health.)

### Purpose:

This report responds to a request from the Environmental Task Force (ETF) for advice respecting the ways in which the City of Toronto can support the impending legal action by New York State aimed at curbing air pollution from coal-fired power plants in the mid-western United States.

### Source of Funds/Financial Implications:

Verbal discussions with representatives from New York State's Attorney General's Office suggest that minimal financial resources and a manageable level of staff resources would be required to support New York State's legal action with a "Friend of the Court" brief.

Recommendations:

It is recommended that Toronto City Council:

- (1) commend New York State's Attorney General for pursuing legal action against 17 coal-fired power plants in the mid-western United States that contribute to smog;
- (2) provide approval in principle for the City to support New York's legal action as a "Friend of the Court" and direct the City Solicitor, in consultation with the Medical Officer of Health and the Commissioner of Works and Emergency Services, to investigate the legal and resource implications required for this action, and report back to the November Council meeting, through the Policy and Finance Committee (with copies sent to the Board of Health, Works Committee, Environmental Task Force and the Toronto Inter-Departmental Environment Team for information);
- (3) request that the Association of Municipalities of Ontario (AMO) and the Federation of Canadian Municipalities (FCM) endorse Toronto's intervention as a "Friend of the Court" in New York State's legal action;
- (4) request that Toronto Hydro report to the December Council meeting indicating whether its supplier, Ontario Power Generation, is buying electricity from any of the 17 coal-fired power plants identified in the lawsuit;
- (5) request that Toronto Hydro report to Council on the feasibility of adopting a purchasing policy which encourages a shift to natural gas and renewable energies by stipulating that air emission rates for nitrogen oxides, sulphur dioxide, carbon dioxide and mercury, be considered along with price when purchasing electrical power;
- (6) request that the Chief Financial Officer and Treasurer report to Council on the feasibility of adopting a similar purchasing policy for the City as a purchaser of electricity; and
- (7) indicate to the Premier of Ontario that it is essential to the health of Ontario residents that the Province establish aggressive air emission standards for electricity generated in Ontario and for Ontario consumers, before the market opens to full competition in the year 2000.

Background:

In April 1999, the Toronto Board of Health adopted a Toronto Public Health report, entitled "Changes in Ontario's Electrical Sector and Air Quality", which recommended that the provincial government establish health protective air emissions caps to limit air pollution from coal-fired power plants providing electricity to Ontario consumers. These air emissions caps were endorsed by Toronto City Council, in July 1999, when it adopted a Works and Emergency Services report, entitled "Ontario Clean Air Alliance: Recommended Caps for Ontario's Electrical Sector to Improve Air Quality".

In June 1999, when City Council adopted the "Smog Prevention and Reduction: Status Report and Work Plan" prepared by the Chief Administrative Officer (CAO), it recommended that the CAO explore the federal and provincial ways and means available to address transboundary air pollution issues that affect the City.

On September 27, 1999, the Environmental Task Force (ETF) recommended that the Medical Officer of Health and the City Solicitor comment to the ETF by October 18, 1999, on the ways in which the City can support the legal action initiated by New York State's Attorney General against 17 coal-fired power plants situated in the mid-western United States. This report has been prepared in consultation with staff in Legal, Works and Emergency Services, Treasury and Financial Services, and the Corporate Policy and Planning Division of the office of the Chief Administrative Officer. In informal discussions, Toronto Hydro representatives have indicated concurrence with the recommendations contained in this report.

Comments:

## (1) Smog and U.S. Coal-Fired Power Plants

Smog is a significant health hazard for the residents of Toronto. The levels of ozone and particulates (the two major components of smog) in Toronto's air commonly exceed the levels at which serious health effects, hospitalizations and premature deaths have been demonstrated. The Ontario Ministry of Environment has estimated that, each year, 1,800 people die prematurely in Ontario and 1,400 people are admitted to hospitals, because of the particulates in Ontario's air. Since Toronto residents comprise 22 per cent of Ontario's population, we estimate that Toronto itself experiences about 400 excess deaths and 300 excess hospitalizations each year, due to the particulates in air.

Smog episodes in Toronto are very closely linked to the generation of electricity in coal-fired plants in the mid-western United States. The Ontario Ministry of Environment estimates that about 50 percent of the ozone which affects Toronto in the summer comes from the United States. Most of that ozone originates as nitrogen oxides emitted from coal-fired plants in the mid-western United States. In 1995,

U.S. coal-fired power plants were responsible for 26 percent of their nation's nitrogen oxide emissions. Individually, these plants can emit as much nitrogen oxides in one year as all the cars and trucks in a large metropolitan area. For example, the James M. Gavin power plant in southern Ohio emitted more than 110,000 tonnes of nitrogen oxides in 1996. This is almost one half of the nitrogen oxide emissions that were produced by the entire transportation sector in all of Ontario in 1992.

U.S. coal-fired power plants are also the single most significant source of sulphur dioxide. When sulphur dioxide reacts with other chemicals in the atmosphere, it produces sulphates, a fine acid mist which accounts for 25 to 40 percent of the particulates in smog. In 1995, coal-fired power plants were responsible for 63 percent of the sulphur dioxide emissions in the United States.

In 1998, the U.S. Environmental Protection Agency introduced a Ruling that would have effectively reduced nitrogen oxide emissions from coal-fired plants in 23 jurisdictions by about 64 percent by the year 2007. This Ruling could have reduced the emission rates for nitrogen oxides for U.S. coal-fired plants from the current range of 5.5 to 10 pounds per megawatt-hour to about 1.5 pounds per megawatt-hour. (Ontario's emission rates range from 3 to 5 pounds per megawatt-hour). The Ruling would have significantly improved air quality in southern Ontario. Unfortunately, the Ruling which was challenged by industry, was stayed by the Court of Appeals this past summer.

## (2) New York's Legal Action

On September 15, 1999, New York's Attorney General announced that he intends to sue 17 coal-fired plants in five mid-western states for failing to upgrade their pollution controls when they expanded their plants. Under the U.S. Clean Air Act, old coal-fired power plants do not need to comply with the more rigorous air emission standards contained in the Act unless they are substantially modified or expanded. If successful, the New York legal action could substantially improve air quality in southern Ontario by forcing the identified power plants to comply with the air emissions standards that apply to new coal-fired power plants.

There are a number of ways in which the City of Toronto could support New York State's legal action. Staff from New York's Attorney General's Office have indicated that a "Friend of the Court" brief, which could be prepared internally by staff in Legal, Toronto Public Health, and Works and Emergency Services, could have a positive impact on New York's legal action. Given that Toronto's air quality could be substantially improved with the success of New York's legal action, it is recommended that the City Solicitor, in consultation with the Medical Officer of Health and the Commissioner of Works and Emergency Services, investigate the resource and legal implications involved in the preparation of a "Friend of the Court" brief, and report back to Council, through Policy and Finance Committee, at the next

meeting. In the interim, and in order to protect the position of the City of Toronto, the City Solicitor should be authorized to seek leave from the U.S. Court to obtain "Friend of the Court" status.

(3) Using Toronto's Purchasing Power

With the passage of Bill 35, the Electricity Competition Act, Toronto Hydro, which is fully owned by the City of Toronto, has the ability to generate electricity as well as to distribute electricity. It also has the ability to buy electricity from organizations other than the former Ontario Hydro. The new reality in the electrical marketplace provides the City with the opportunity to encourage the use of environmentally friendly technologies through Toronto Hydro's purchasing policy and through City of Toronto's corporate purchasing policy.

Toronto Hydro should be asked to determine if its current supplier, Ontario Power Generation, is currently purchasing electricity from any of the U.S. coal-fired power plants identified in New York State's legal suit. It should also be asked to investigate the feasibility of developing a purchasing policy which would encourage a shift to natural gas and renewable energies by specifying that air emissions rates for nitrogen oxides, sulphur dioxide, carbon dioxide, and mercury will be considered along with price when purchasing electrical power. The City of Toronto should pursue a complementary policy in relation to its own purchase of electrical power.

(4) Provincial Actions Needed

Toronto Hydro's ability to provide clean energy will be limited if the provincial government fails to establish air emission caps for the electrical sector that are protective of human health and the environment. Without aggressive air emission standards, coal-fired power plants will continue to have the financial advantage over cleaner energy sources produced with natural gas and renewable energies, thereby perpetuating needless hospitalizations and premature deaths in Toronto and beyond.

Conclusions:

The New York legal suit against 17 coal-fired plants in the mid-western United States may provide the City of Toronto with the opportunity to express its support for emissions reductions from U.S. coal-fired power plants that are upwind from Toronto. It also raises questions about the source of electricity bought by Toronto Hydro which is fully owned by the City of Toronto. The introduction of competition to Ontario's electrical sector may provide the City with the opportunity to support cleaner energy sources through its relationship with Toronto Hydro. However, the opportunity to purchase "clean" power may be seriously limited if the provincial government does not establish health protective air emission standards for the electrical industry as a whole.

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**ATTACHMENT NO. 3**

Report dated October 18, 1999, from the Commissioner of Works and Emergency Services, entitled "Traffic Operations: Shaughnessy Boulevard, Nymark Avenue to Trailside Drive (Seneca Heights)" (See Minute No. 12.69, Page 83):

Purpose:

To introduce improvements (all waystop control, relocation of pedestrian crossover and intersection modifications) to increase protection for pedestrians crossing Shaughnessy Boulevard.

Financial Implications and Impact Statement:

Costs associated with the installation of an all way stop control are included within the 1999 Operating Budget. The estimated cost of \$25,000.00, for the relocation of the Pedestrian Crossover (PXO), is included within the Division's 1999 Capital Budget. The \$42,600.00 estimated cost for road improvements at the Shaughnessy Boulevard/Nymark Avenue intersection should be included within the 2000 Capital Budget.

Recommendations:

It is recommended that:

- (1) Schedules XVIII and XIX of By-Law No. 31001, of the former City of North York, be amended to require traffic to stop on all approaches to the intersection of Shaughnessy Boulevard and Nymark Avenue;
- (2) improvements to the intersection of Shaughnessy Boulevard, estimated at a cost of \$42,600.00, be included within the 2000 Capital Budget; and
- (3) By-law No. 30518, of the former City of North York, be amended to relocate the PXO located at the intersection of Shaughnessy Boulevard and Nymark Avenue, to a point approximately 70 metres south of Nymark Avenue.

Background:

As a result of concerns forwarded by Councillor David Shiner's office, staff of the Transportation Services Division - District 3, of the Works and Emergency Services Department investigated pedestrian activities on Shaughnessy Boulevard, between Nymark Avenue and Trailside Drive.

The specific concern of the residents was that numerous pedestrians were crossing Shaughnessy Boulevard at an unprotected location. As a significant portion of the pedestrians were elementary school aged children, the crossing activities were seen to be unsafe.

Currently, traffic on Shaughnessy Boulevard is required to stop at Goodview Road to the north and Esterbrooke Avenue to the south. There is a PXO on the north side crosswalk of the intersection of Shaughnessy Boulevard and Nymark Avenue.

Within the immediate vicinity of the area where the pedestrian crossings are occurring there are several elementary schools, which include St. Matthias Separate School, Lescon Public School and Dallington Public School.

There has been an ever-increasing number of pedestrians crossing at this location which has raised concerns of an incident, particularly with regards to many school aged children. The Toronto Police Service has indicated that it is unable to provide crossing protection at an undesignated mid-block crossing.

As a result of the urgency brought about by this public safety matter, staff requested leave of the Chair of the North York Community Council to bring this matter forward to Council at the earliest opportunity.

Comments:

To identify any traffic operational deficiencies which may exist, staff of this Division observed vehicle and pedestrian traffic patterns, determined the utilization of the existing PXO, established existing pedestrian routes and completed an all way stop study.

As a result of our investigation it was observed that a significant number of pedestrians, several of which were unassisted children, crossed Shaughnessy Boulevard without protection. The pedestrians were generally school-aged children destined for one of the several schools in the area. Of the approximately 400 pedestrians who crossed Shaughnessy Boulevard during the study, only 80 utilized the existing PXO.

It was also observed that, due to the overly large turn radius on the northwest and southwest corners of the intersection of Nymark Avenue and Shaughnessy Boulevard, the pedestrian crossing distances, which included the PXO, were excessive. With the reduction in the curb radius the pedestrian crossing distances



would be reduced. In addition to the pedestrian crossing distances, the expansive intersection allows for high-speed northbound left and southbound right turns. Eastbound motorists on Nymark Avenue, upon approaching Shaughnessy Boulevard, find it difficult to determine exactly where to stop their vehicles, in order to avoid conflicts with turning vehicles.

The results of an all way stop study indicated that the warrants for the installation of an all-way stop were satisfied at the Shaughnessy Boulevard/Nymark Drive intersection. With the installation of an all way stop control, the existing PXO can be removed.

Based upon the pedestrian crossing activities along Shaughnessy Boulevard, south of Nymark Avenue, the installation of a PXO at a point approximately 70 metres south of Nymark Avenue is appropriate.

Conclusions:

With the implementation of improvements and installation of an all way stop control at the Shaughnessy Boulevard/Nymark Avenue intersection, and the relocation of the PXO from the intersection of Shaughnessy Boulevard and Nymark Avenue to a point 70 metres south of Nymark Avenue, the level of safety of pedestrian crossing activities will be greatly increased.

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**ATTACHMENT NO. 4**

Report dated October 25, 1999, from the Acting Commissioner of Corporate Services, entitled "Proposed Sale of Nos. 111 and 117 Richmond Street East – Car Park No. 63 (Ward 24 - Downtown)" (See Minute No. 12.73, Page 87):

Purpose:

To revise Council's approval of the intended method of sale of Nos. 111 and 117 Richmond Street East.

Funding of Sources, Financial Implications and Impact Statement:

Revenue will be generated from the eventual sale.

Recommendations:

It is recommended that:

- (1) the approved manner of the sale of Nos. 111 and 117 Richmond Street East be a direct sale to Intracorp Developments (French Quarter II) Ltd.;
- (2) to allow for the required notice to the public of the proposed sale to be given, consideration of Clause No. 7 of Report No. 8 of The Policy and Finance Committee be deferred to the Council meeting scheduled for November 23, 24 and 25, 1999;
- (3) all steps necessary to comply with By-law No. 551-1998 be taken; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

On September 28 and 29, 1999, City Council adopted Clause No. 14 of Report No. 5 of The Administration Committee whereby declaring surplus to the City's requirements the properties known municipally as Nos. 111 and 117 Richmond Street East, in order to proceed with the proposal to sell to Intracorp Developments (French Quarter II) Ltd. the development rights at Nos. 111 and 117 Richmond Street East. In exchange, the City would obtain ownership of strata title to 12 parking spaces in the adjoining residential redevelopment.

In accordance with By-law No. 551-1998, the notice of the proposed sale was given advising that the City proposes to enter into a joint venture with developers of the abutting property respecting the sale of these lands.

At its meeting on October 5, 1999, the Administration Committee had before it the report dated September 28, 1999, from the President, Toronto Parking Authority, entitled "Redevelopment of Car Park 63 Located at 111 and 117 Richmond Street East", recommending that approval be granted to enter into the transaction, notice of the intention of which had been duly published. The Administration Committee referred the report to the Policy and Finance Committee for consideration. The Policy and Finance Committee recommended the adoption of the aforementioned report subject, however, to amending Recommendation No. (1) to read as follows:

- “(1) City Council approve an agreement of purchase and sale with Intracorp Developments (French Quarter II) Ltd. for the sale of 111 and 117 Richmond Street East (Municipal Car Park 63) the total value of the transaction being \$440,000.00 in cash; and
- (2) deleting Recommendation No. (2).”

Comments:

The City Solicitor has advised that, should City Council adopt the recommendations of the Policy and Finance Committee and purport to approve the revised nature of transaction, the City will not have fulfilled the required statutory and by-law pre-conditions to selling municipal real property. The notice given to the public described the manner by which the sale was intended to be transacted which is different than that which is now being recommended for approval. Accordingly, it is necessary to defer consideration of the sale report for one cycle and, during this time, give notice to the public of the proposed sale which is consistent with the recommendations of the Policy and Finance Committee.

Conclusion:

In order to proceed with a direct sale of Nos. 111 and 117 Richmond Street East to Intracorp Developments (French Quarter II) Ltd., approval should be given, at this time, for a revision to the intended manner of sale; sufficient time allowed for the required notice to be given; and only then should Council give consideration to the recommendations of the Policy and Finance Committee.

Contact Name:

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(A copy of the map referred to in the foregoing report is on file in the Office of the City Clerk.)

**ATTACHMENT NO. 5**

Report dated October 26, 1999, from the Acting Commissioner of Corporate Services, entitled "Proposed Closing of City-owned Public Lane North of College Street, Extending Easterly from Huron Street, and Conveyance to the University of Toronto (Ward 24 - Downtown)" (See Minute No. 12.75, Page 90):

Purpose:

The purpose of this report is to provide City Council with the estimated appraised value of the public lane to be closed and conveyed to the University of Toronto and to present an alternative method of payment as proposed by the University of Toronto.

Financial Implications:

Compensation from the sale of these lands will be in the amount of \$460,000.00, and information on the proposed type of payment is detailed in the body of this report.

Recommendations:

It is recommended that:

- (1) Council set the sale price for the fee in the public lane located north of College Street, extending easterly from Huron Street, at \$460,000.00;
- (2) subject to Council concurrence, in lieu of direct payment to the City of \$460,000.00, the proposal set forth by the University of Toronto for the establishment of the "Dan Leckie City of Toronto Bursaries" fund be approved;
- (3) the details respecting the establishment and ongoing administration of the Bursaries be subject to the approval of the Chief Administrative Officer;
- (4) authority be granted for the City to execute any documents necessary to give effect to the foregoing; and
- (5) the appropriate City Officials be authorized and directed to take the necessary action to give effect to the foregoing.

Background:

City Council at its meeting held on September 28 and 29, 1999, adopted, without amendment, a Motion moved by Mayor Lastman, seconded by Councillor Chow, dealing with the proposed closing and conveyancing of the public lane located north of College Street and extending easterly from Huron Street and, in doing so, Council adopted the recommendations contained in a report prepared by the Commissioner of Works and Emergency Services, and a report prepared by the Acting Commissioner of Corporate Services, both dated September 27, 1999.

By adoption of my report, I was directed to report back to City Council, at its meeting to be held on October 26, 1999, on the amount of compensation the City should receive from the University of Toronto for the fee in the subject lands.

Comments:

Notice to the public of the proposed sale to the adjoining property owner of the public lane has been given pursuant to By-law No. 551-1998. The deadline to receive enquiries, as published in the notice, was 4:30 p.m. on October 22, 1999. No enquiries were received.

An appraisal has been completed and the appraised value of the subject public lane is estimated to be \$460,000.00.

By letter dated October 26, 1999 (copy attached), the solicitor for the University has advised that the University of Toronto, as a non-profit charitable institution, is receiving special funding for the construction of the Technology Information Centre for which the subject public lane will be used and the budget for the construction of the institute does not include the amount of \$460,000.00 for land acquisition. Accordingly, the University is requesting that it be permitted to satisfy the \$460,000.00 requirement by allocating that amount into a capital account, the revenue from which will be used to provide Bursaries only for residents of the City of Toronto. The Bursaries are to be named the "Dan Leckie City of Toronto Bursaries" and are to be generally directed to students of environmental or community studies or to such other studies as the University and the City agree. The University further agrees to report annually on the allocation of the Bursaries.

Conclusion:

The value of the subject public lane to be conveyed to the University of Toronto should be set by Council at \$460,000.00. The University of Toronto is unable to pay this amount and, as an alternative, has proposed to establish the "Dan Leckie City of Toronto Bursaries" fund only for residents of the City of Toronto. While the payment of the compensation in this manner would be subject to City Council approval, it is noted that the City of Toronto will realize an ongoing benefit to its student citizens through the availability of the proposed "Dan Leckie City of Toronto Bursaries", while facilitating the construction of the Technology Information Centre through the conveyance of the subject public lane to the University of Toronto.

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Report dated October 26, 1999, from the Acting Commissioner of Urban Planning and Development Services, entitled "Proposed Interim Control By-law, Highland Creek Village - Scarborough Highland Creek" (See Minute No. 12.77, Page 94):

Purpose:

To advise Council on a request for an Interim Control By-law within the Highland Creek Village.

Financial Implications:

City Council would need to retain outside planning services, in the event of an appeal of the Interim Control By-law.

Recommendations:

It is recommended that:

- (1) City Council not approve the request for an Interim Control By-law for several locations in the Highland Creek Village; and
- (2) Urban Design criteria to maintain or enhance a village character within the Highland Creek Village core be established through the 2000 Work Program for Urban Design, City Planning, East District.

Background:

Council referred to staff for report, a motion to impose Interim Control on a portion of the Highland Creek Community.

Comments:

City of Scarborough planning staff undertook a review of the policies of the Highland Creek Community Secondary Plan in 1995-97. This was the first major review since the original Secondary Plan to the Official Plan was adopted in 1981. While priority was given to residential issues, the study also dealt with Official Plan and zoning issues for the commercial uses on Kingston Road within the eastern part of the community and with a commercial site within the Village Core.

The study was done with the active participation of the Highland Creek Community Association and in consultation with business operators and landowners. Numerous meetings were held with these groups during the course of the study. Two widely advertised and well attended open houses were held at a local school to inform the community at large of the study's progress and findings. Although there was ample opportunity for the participants to raise additional issues, such as Official Plan policies and zoning related to the Village Core, this did not occur.

At the conclusion of the study a discussion paper was produced, addressing, in particular, "What are the issues in the Community?" and outlining staff's

recommendations. Scarborough Council approved these recommendations, with only minor amendments, in May of 1997.

A number of appeals were made to Council's approval of the Highland Creek amendments. With one exception, all of the appeals were on commercial rather than the residential issues. Business operators and landowners particularly opposed any change to the uses permitted under the Highway Commercial Zone, including the proposed replacement of the "Specialized Commercial" use permission with other uses.

The Ontario Municipal Board decision of March 29, 1999, found in favour of the appellants. The Board concluded that the City's proposal to "take away some of the existing uses and add a few new ones ... amounts to a limited down-zoning. The Board finds this inappropriate and not good planning. The Highway Commercial Uses have been in existence since 1963, over 35 years. The properties have been zoned Highway Commercial since 1963 and have operated with this knowledge as a Highway Commercial Use. Some of the owners have improved their properties. A limited down-zoning proposed by the City may, in fact, create some hardships on the owners and may restrict financing and possible sales of their properties."

Given this recent Board decision on Highway Commercial zoning within the Highland Creek Community, staff are not optimistic about the City's ability to be successful at the Board with the appeal that will inevitably result should the City place Interim Control on the Village Core area.

The urban design issue in the motion regarding the maintenance and enhancement of the village character for the Village Core could be addressed within the City Planning Division's 2000 Work Program.

The issue regarding the future use of the three single-family residential lots on the south side of Kingston Road, west of Military Trail, can more appropriately be addressed when a redevelopment scheme is presented for consideration for the three lots or in combination with adjacent lands.

Conclusion:

In view of the recent review of the Highland Creek Secondary Plan and recent Ontario Municipal Board decision thereon, City Council should not impose Interim Control in the Highland Creek Village area at this time. Urban design criteria to enhance a "village" character in the Village Core can be developed through the 2000 Work Program for Urban Design, City Planning, East District.

Contact Name:

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