

[Guide to City Council Minutes](#)

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

**TUESDAY, NOVEMBER 23, 1999,  
WEDNESDAY, NOVEMBER 24, 1999 AND  
THURSDAY, NOVEMBER 25, 1999**

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

**CALL TO ORDER**

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

The meeting opened with O Canada.

13.2 **CONFIRMATION OF MINUTES**

Councillor Berardinetti, seconded by Councillor Silva, moved that the Minutes of the Council meeting held on the 26th and 27th days of October, 1999, be confirmed in the form supplied to the Members, which carried.

**PETITIONS AND ENQUIRIES**

- 13.3 Councillor Tzekas filed with the City Clerk, a copy of a petition signed by 151 residents of 2155 Lawrence Avenue East, in opposition to the operation of an automotive dealer, garage or mechanic shop at 2139 Lawrence Avenue East.

Council received the aforementioned petition.

- 13.4 Councillor Cho filed with the City Clerk, a petition signed by 4,000 residents in support of the Official Plan/Zoning By-law amendment for the site located on the southeast corner of Middlefield Road and Finch Avenue East, which has been jointly submitted by the Tiffield Development Corporation and the Yee Hong Centre for Geriatric Care.

Council received the aforementioned petition and considered such petition in conjunction with Clause No. 16 of Report No. 13 of The Scarborough Community Council.

### **PRESENTATION OF REPORTS**

13.5 Councillor Miller presented the following Reports for consideration by Council:

Report No. 9 of The Policy and Finance Committee,  
Report No. 10 of The Policy and Finance Committee,  
Report No. 5 of The Works Committee,  
Report No. 7 of The Administration Committee,  
Report No. 5 of The Community Services Committee,  
Report No. 5 of The Economic Development and Parks Committee,  
Report No. 6 of The Planning and Transportation Committee,  
Report No. 13 of The Scarborough Community Council,  
Report No. 14 of The Toronto Community Council,  
Report No. 11 of The York Community Council,  
Report No. 12 of The East York Community Council,  
Report No. 13 of The Etobicoke Community Council,  
Report No. 10 of The North York Community Council,  
Report No. 7 of The Audit Committee, and  
Report No. 9 of The Board of Health,

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

13.6 Councillor Miller, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 12 of The Striking Committee,

and moved, seconded by Councillor Brown, that, in accordance with the provisions of Section 44 of the Council Procedural By-law, Council now give consideration to such Report, which carried, more than two-thirds of Members present having voted in the affirmative.

13.7 **DECLARATIONS OF INTEREST**

Councillor Adams declared his interest in Notice of Motion I(2), 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 in the vicinity of the subject area.

Councillor Augimeri declared her interest in Item (m), entitled “Feasibility of Direct Purchasing as a Method of Purchasing Commodities”, as embodied in Clause No. 16 of Report No. 5 of The Works Committee, headed “Other Items Considered by the Committee”, in that her husband is a shareholder in a company that deals with environmentally-responsible goods.

Councillor Balkissoon declared his interest in Item (l), entitled “Conditions of Employment - Council Staff Members”, as embodied in Clause No. 20 of Report No. 7 of The Administration Committee, headed “Other Items Considered by the Committee”, and in Item (j), entitled “Conditions of Employment – Council Staff Members”, as embodied in Clause No. 28 of Report No. 10 of The Policy and Finance Committee, headed “Other Items Considered by the Committee”, in that a member of his family is an employee in the office of a Member of Council.

Councillor Bussin declared her interest in Clause No. 31 of Report No. 14 of The Toronto Community Council, headed “Installation/Removal of On-Street Disabled Persons Parking Spaces (Davenport, Don River, East Toronto, Midtown, North Toronto and Trinity-Niagara)”, in that her parent has made an application for a disabled parking space.

Councillor Cho declared his interest in Item (l), entitled “Conditions of Employment - Council Staff Members”, as embodied in Clause No. 20 of Report No. 7 of The Administration Committee, headed “Other Items Considered by the Committee”, and in Item (j), entitled “Conditions of Employment – Council Staff Members”, as embodied in Clause No. 28 of Report No. 10 of The Policy and Finance Committee, headed “Other Items Considered by the Committee”, in that a member of his family is an employee in his office.

Councillor Feldman declared his interest in Clause No. 5 of Report No. 13 of The Scarborough Community Council, headed “Milner Properties Limited, 785 Milner Avenue, Amendments to Development Agreement (Z95056), Scarborough Malvern”, in that he is a partner in the subject project; and in Clause No. 16 of Report No. 13 of The Scarborough Community Council, headed “Official Plan Amendment Application SC-P1999007, Zoning By-law Amendment Application SC-Z1999011, Tiffield Development Corporation and Yee Hong Centre for Geriatric Care, Southeast Corner of Middlefield Road and Finch Avenue, Scarborough Malvern”, in that he owns property within the subject area.

Councillor Gardner declared his interest in Item (l), entitled “Conditions of Employment - Council Staff Members”, as embodied in Clause No. 20 of Report No. 7 of The Administration Committee, headed “Other Items Considered by the Committee”, and in Item (j), entitled “Conditions of Employment – Council Staff Members”, as embodied in Clause No. 28 of Report No. 10 of The Policy and Finance Committee, headed “Other Items Considered by the Committee”, in that a member of his family is an employee in his office.

Councillor Giansante declared his interest in Clause No. 8 of Report No. 13 of The Etobicoke Community Council, headed "Amendment to the Etobicoke Zoning Code, 840085 Ontario Limited, 265 Wincott Drive, File No. Z-2282 (Kingsway-Humber)", in that he resides in the notification area for the subject property.

Councillor Jones declared her interest in Item (f), entitled "New Development Applications for the West District (Etobicoke)", as embodied in Clause No. 12 of Report No. 13 of The Etobicoke Community Council, headed "Other Items Considered by the Community Council", in that her husband is employed as a consultant for an associate of the applicant.

Councillor Kelly declared his interest in Item (l), entitled "Conditions of Employment - Council Staff Members", as embodied in Clause No. 20 of Report No. 7 of The Administration Committee, headed "Other Items Considered by the Committee", and in Item (j), entitled "Conditions of Employment – Council Staff Members", as embodied in Clause No. 28 of Report No. 10 of The Policy and Finance Committee, headed "Other Items Considered by the Committee", in that a member of his family is an employee in his office.

Councillor Li Preti declared his interest in Clause No. 12 of Report No. 10 of The North York Community Council, headed "All Stop Control - Robingrove Road and Rockford Road - North York Spadina", in that he lives in the vicinity of the proposed location of the all-way stop control.

Councillor Mahood declared his interest in Item (l), entitled "Conditions of Employment - Council Staff Members", as embodied in Clause No. 20 of Report No. 7 of The Administration Committee, headed "Other Items Considered by the Committee", and in Item (j), entitled "Conditions of Employment – Council Staff Members", as embodied in Clause No. 28 of Report No. 10 of The Policy and Finance Committee, headed "Other Items Considered by the Committee", in that a member of his family is an employee in his office.

Councillor Mammoliti declared his interest in Item (l), entitled "Conditions of Employment - Council Staff Members", as embodied in Clause No. 20 of Report No. 7 of The Administration Committee, headed "Other Items Considered by the Committee", and in Item (j), entitled "Conditions of Employment – Council Staff Members", as embodied in Clause No. 28 of Report No. 10 of The Policy and Finance Committee, headed "Other Items Considered by the Committee", in that a member of his family is an employee in his office.

Councillor McConnell declared her interest in Clause No. 18 of Report No. 10 of The Policy and Finance Committee, headed "Transfer to the City of Toronto of the Supports to Daily Living Program", in that her husband works for one of the applicants being transferred.

Councillor Miller declared his interest in Clause No. 8 of Report No. 5 of The Community Services Committee, headed "Payment of 1999 Former City of Toronto Daycare Grants", insofar as it pertains to the grant for the Early Enrichment Daycare - St. John's, in that his children are enrolled in this daycare.

Councillor Moscoe declared his interest in Clause No. 2 of Report No. 10 of The North York Community Council, headed "Neighbourhood Traffic Management Plan – Derrydown Road, Romfield Drive to Sentinel Road - Black Creek", in that his principal residence is located in the immediate vicinity of the subject area; and in Clause No. 3 of Report No. 10 of The North York Community Council, headed "Harmonization of Sign By-law", in that he owns a business that makes election signs.

Councillor Pantalone declared his interest in Clauses Nos. 3, 4, 5, 6, 7 and 8 of Report No. 5 of The Community Services Committee, headed "Toronto Report Card on Children 1999 and the Children and Youth Action Committee's Action Plan for the Report Card", "A Comprehensive Summary of Child Care Issues, and a Proposed Plan and Timetable for Action", "Exemplary International Models of Early Childhood Education and Development and Their Impact on the Toronto's Children's Strategy", "Local Framework for Involvement in Federal and Provincial Investment Discussions Concerning an Early Childhood Development Program", "Impact of New Provincial Safety Requirements for Playgrounds in Licensed Child Care Programs", and "Payment of 1999 Former City of Toronto Daycare Grants", respectively, 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.

Councillor Rae declared his interest in Clause No. 21 of Report No. 10 of The Policy and Finance Committee, headed "Settlement – Appeal of Executive Directors and Program Directors - A.O.C.C. Community Centres Pay Equity Tribunal", in that he was employed by the former City of Toronto at an AOCC Community Centre from 1986 to 1991.

Councillor Shiner declared his interest in Item (i), entitled "Conditions of Employment - Council Staff Members", as embodied in Clause No. 20 of Report No. 7 of The Administration Committee, headed "Other Items Considered by the Committee", and in Item (j), entitled "Conditions of Employment – Council Staff Members", as embodied in Clause No. 28 of Report No. 10 of The Policy and Finance Committee, headed "Other Items Considered by the Committee", in that a member of his family is an employee in his office; in Clause No. 7 of Report No. 10 of The North York Community Council, headed "Traffic Calming – Cartwright Avenue, McAdam Avenue, Bentworth Avenue and Jane Osler Boulevard – North York Spadina", in that his brother-in-law owns a business in the area; and in Clause No. 13 of Report No. 14 of The Toronto Community Council, headed "Revised Settlement – King Spadina Part II Plan – 354 Wellington Street West and 36 Blue Jays Way (Downtown)", in that a member of his family owns property in the subject area.

**CONSIDERATION OF REPORTS  
CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION****13.8 The following Clauses were held by Council for further consideration:**

Report No. 9 of The Policy and Finance Committee, Clause No. 1.

Report No. 10 of The Policy and Finance Committee, Clauses Nos. 1, 3, 5, 6, 16, 20, 25, 26 and 28.

Report No. 5 of The Works Committee, Clauses Nos. 1, 2, 3, 4, 5, 7, 9, 10, 13, 15 and 16.

Report No. 7 of The Administration Committee, Clauses Nos. 1, 2, 3, 4, 15, 16 and 18.

Report No. 5 of The Community Services Committee, Clauses Nos. 1, 2, 3, 4, 5, 6, 7, 11, 12, 13 and 14.

Report No. 5 of The Economic Development and Parks Committee, Clauses Nos. 2 and 3.

Report No. 6 of The Planning and Transportation Committee, Clause No. 1.

Report No. 13 of The Scarborough Community Council, Clauses Nos. 16, 17 and 20.

Report No. 14 of The Toronto Community Council, Clauses Nos. 4, 17, 21, 29, 36, 39, 51 and 61.

Report No. 11 of The York Community Council, Clause No. 9.

Report No. 12 of The East York Community Council, Clauses Nos. 2 and 3.

Report No. 13 of The Etobicoke Community Council, Clauses Nos. 2 and 12.

Report No. 10 of The North York Community Council, Clauses Nos. 12 and 30.

Report No. 9 of The Board of Health, Clause No. 1.

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

Report No. 9 of The Policy and Finance Committee, Clause No. 1.

Report No. 10 of The Policy and Finance Committee, Clauses Nos. 16 and 28.

Report No. 5 of The Works Committee, Clauses Nos. 4, 7, 13 and 15.

Report No. 7 of The Administration Committee, Clauses Nos. 3 and 15.

Report No. 5 of The Community Services Committee, Clause No. 2.

Report No. 5 of The Economic Development and Parks Committee, Clause No. 3.

Report No. 13 of The Scarborough Community Council, Clause No. 20.

Report No. 14 of The Toronto Community Council, Clause No. 39.

Report No. 11 of The York Community Council, Clause No. 9.

Report No. 10 of The North York Community Council, Clause No. 30.

Report No. 9 of The Board of Health, 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.**

- 13.9 **Clause No. 21 of Report No. 14 of The Toronto Community Council, headed “Provision of Additional On-Street Parking - Nassau Street, North Side, from Augusta Avenue to Spadina Avenue (Downtown)”.**

*Motion:*

Councillor McConnell moved that the Clause be amended by deleting the words “Leonard Street” wherever they occur in the Clause, and inserting in lieu thereof the words “Leonard Avenue”.

*Votes:*

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

**13.10 Clause No. 29 of Report No. 14 of The Toronto Community Council, headed “Reduction of Permit Parking Hours - Hillsdale Avenue West, between Lascelles Boulevard and Colin Avenue”.**

*Motion:*

Councillor McConnell moved that the Clause be amended by deleting from Recommendation No. (3) embodied in the report dated October 21, 1999, from the Director, Right-of-Way Management, Transportation Services, District 1, the words “Lascelles Avenue”, and inserting in lieu thereof the words “Lascelles Boulevard”, so that such recommendation shall now read as follows:

- “(3) parking be permitted for a maximum period of one hour, 10:00 a.m. to 6:00 p.m., Monday to Friday, on the south side of Hillsdale Avenue West, from Lascelles Boulevard to Colin Avenue;”.

*Votes:*

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

**13.11 Clause No. 17 of Report No. 14 of The Toronto Community Council, headed “Reduction of Permit Parking Hours - Russett Avenue, Between Bloor Street West and Wallace Avenue (Davenport)”.**

*Motion:*

Councillor Disero moved that the Clause be amended by deleting Recommendation No. (1) embodied in the report dated October 21, 1999, from the Manager, Right-of-Way Management, Transportation Services, District 1, and inserting in lieu thereof the following:

- “(1) the permit parking hours of operation on Russett Avenue, between Bloor Street West and Wallace Avenue, be extended from 12:01 a.m. to 7:00 a.m., 7 days a week, to 12:01 a.m. to 10:00 a.m., Monday to Friday, and 12:01 a.m. to 7:00 a.m., Saturday and Sunday;”.

*Votes:*

The motion by Councillor Disero carried.

The Clause, as amended, carried.



**13.12 Clause No. 4 of Report No. 14 of The Toronto Community Council, headed “Revocation of Liquor Licence - Meow Nightclub – 1926 Lake Shore Boulevard (High Park)”.**

*Motion:*

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

“It is further recommended that the City Solicitor be instructed to take all steps necessary to seek an interim suspension of the liquor licence for the Meow Nightclub, and be authorized to appear at any necessary hearings in connection therewith.”

*Votes:*

The motion by Councillor Miller carried.

The Clause, as amended, carried.

**13.13 Clause No. 36 of Report No. 14 of The Toronto Community Council, headed “Installation of Speed Humps – Windermere Avenue, from Bloor Street West to Annette Street (High Park)”.**

*Motion:*

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

“It is further recommended that the Director, Transportation Services, District 1, be requested to submit a report to the York Community Council on extending the traffic calming (speed humps) north of Annette Street on Windermere Avenue.”

*Votes:*

The motion by Councillor Saundercook carried.

The Clause, as amended, carried.

**13.14 Clause No. 12 of Report No. 10 of The North York Community Council, headed “All Stop Control – Robingrove Road and Rockford Road - North York Spadina”.**

*Motion:*

Councillor Feldman moved that the Clause be amended by deleting the words “Robingsrove Road” wherever they occur in the Clause, and inserting in lieu thereof the words “Robingrove Road”.

*Votes:*

The motion by Councillor Feldman carried.

The Clause, as amended, carried.

13.15 **Clause No. 3 of Report No. 10 of The Policy and Finance Committee, headed “Economic Development Sector Initiatives Program (EDSIP) (former Economic Development Partnership Program, EDPP) (All Wards)”.**

*Motion:*

Councillor Moscoe moved that the Clause be amended:

(1) to provide that, in view of the fact that the Ashkenaz Festival occurs once every two years, that portion of the Clause pertaining thereto be referred back to the Policy and Finance Committee for further consideration; and

(2) by adding thereto the following:

“It is further recommended that:

(a) the Commissioner of Economic Development, Culture and Tourism be requested to report specifically on this matter to the Policy and Finance Committee; and

(b) representatives of the Ashkenaz Festival be invited to appear before the Policy and Finance Committee, at such time as this matter is before the Committee for consideration.”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

Deputy Mayor Ootes in the Chair.

13.16 **Clause No. 5 of Report No. 10 of The Policy and Finance Committee, headed “Review of Workers’ Information and Action Centre of Toronto”.**

*Motion:*

Councillor Kelly moved that the Clause be received.

*Votes:*

Adoption of motion by Councillor Kelly:

Yes - 6 Councillors:	Balkissoon, Berger, Bossons, Kelly, King, Minnan-Wong
No - 32 Councillors:	Adams, Altobello, Ashton, Berardinetti, Brown, Chow, Disero, Duguid, Feldman, Filion, Giansante, Jones, Kinahan, Layton, Mammoliti, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki, Walker

Lost by a majority of 26.

The Clause carried, without amendment.

**13.17 Clause No. 6 of Report No. 10 of The Policy and Finance Committee, headed “A Reconstituted Task Force on Community Safety”.**

*Motion:*

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

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on the impact of the Task Force recommendations on the budget and priorities of the Economic Development, Culture and Tourism Department.”

*Votes:*

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

**13.18 Clause No. 20 of Report No. 10 of The Policy and Finance Committee, headed “Adequacy of the Proposed Social Assistance Stabilization Reserve Fund”.**

*Motion:*

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

“It is further recommended that the Chief Financial Officer and Treasurer and the Commissioner of Community and Neighbourhood Services be requested to submit a joint report to the Policy and Finance Committee, prior to the 2000 budget submission, on a benchmark of an average monthly social assistance caseload.”

*Votes:*

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

13.19 **Clause No. 26 of Report No. 10 of The Policy and Finance Committee, headed “St. Clair Avenue West Village Association Revitalization Project – (Ward 21-Davenport)”.**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Disero moved that Council adopt the following recommendation:

“It is recommended that the Commissioner of Works and Emergency Services be instructed to work with the St. Clair West Village Association to achieve the realization of the Association’s streetscape objectives.”

*Votes:*

The motion by Councillor Disero carried.

The Clause, as amended, carried.

13.20 **Clause No. 3 of Report No. 5 of The Works Committee, headed “Environment Days”.**

*Motions:*

- (a) Councillor Adams moved that the Clause be amended by deleting Recommendation No. (2) embodied in the report dated October 27, 1999, from the Commissioner of Works and Emergency Services and inserting in lieu thereof the following:

“(2) blue and grey boxes continue to be provided free of charge at Environment Days, with a limit of one of each per resident in both the large and small sizes;”.

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

“It is further recommended that additional boxes be made available to residents in those areas that have gone from once a week recycling waste collection to once every two weeks.”

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

“It is further recommended that, on Environment Days, the Commissioner of Works and Emergency Services be requested to:

- (1) erect a sign indicating the amount of compost that may be taken; and
- (2) ensure that the removal of such compost is conducted in a safe manner.”

- (d) Councillor Bossons moved that motion (a) by Councillor Adams be referred to the Works Committee, with a request that the Commissioner of Works and Emergency Services submit a report to the Committee identifying the number of blue and grey boxes distributed across the City of Toronto, such report to also address the needs of specific communities.

- (e) Councillor Augimeri moved that the Clause be amended by adding thereto the following:

“It is further recommended that at least two truck-loads of compost be provided for each Councillor’s Environment Day.”

- (f) Councillor Giansante moved that:

- (1) motion (a) by Councillor Adams be amended to provide that blue boxes continue to be provided free of charge, with a minimum of one box per resident as a replacement for damaged or lost boxes; and
- (2) motion (e) by Councillor Augimeri be referred to the Commissioner of Works and Emergency Services for report thereon to the Works Committee, such report to outline a cost analysis for this initiative.

*Votes:*

Adoption of motion (d) by Councillor Bossons:

Yes - 7 Councillors: Bossons, Brown, Holyday, Kelly, Mammoliti, Saundercook, Tzekas
No - 35 Councillors: Adams, Altobello, Augimeri, Berardinetti, Bussin, Cho, Chow, Davis, Disero, Duguid, Feldman, Filion, Giansante, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Prue, Rae, Shiner, Sinclair, Soknacki, Walker

Lost by a majority of 28.

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

Yes - 12 Councillors: Altobello, Brown, Feldman, Flint, Giansante, Holyday, Jones, Li Preti, Lindsay Luby, Ootes, Soknacki, Tzekas
No - 30 Councillors: Adams, Augimeri, Berardinetti, Bossons, Bussin, Cho, Chow, Disero, Duguid, Filion, Johnston, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Pantalone, Prue, Rae, Saundercook, Shiner, Sinclair, Walker

Lost by a majority of 18.

Adoption of motion (a) by Councillor Adams, without amendment:

Yes - 38 Councillors: Adams, Augimeri, Berardinetti, Bossons, Bussin, Cho, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Pantalone, Prue, Rae, Saundercook, Shiner, Sinclair, Soknacki, Tzekas, Walker
No - 6 Councillors: Altobello, Brown, Giansante, Holyday, Kelly, Ootes

Carried by a majority of 32.

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

Yes - 11 Councillors:	Altobello, Bossons, Brown, Giansante, Holyday, King, Li Preti, Lindsay Luby, Mammoliti, Prue, Sinclair
No - 33 Councillors:	Adams, Augimeri, Berardinetti, Bussin, Cho, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Johnston, Jones, Kelly, Kinahan, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Saundercook, Shiner, Soknacki, Tzekas, Walker

Lost by a majority of 22.

Adoption of motion (e) by Councillor Augimeri, without amendment:

Yes - 40 Councillors:	Adams, Altobello, Augimeri, Berardinetti, Bossons, Brown, Bussin, Cho, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Saundercook, Shiner, Sinclair, Soknacki, Tzekas, Walker
No - 4 Councillors:	Giansante, Holyday, Lindsay Luby, Prue

Carried by a majority of 36.

Adoption of motion (b) by Councillor Moscoe:

Yes - 23 Councillors:	Adams, Augimeri, Berardinetti, Bossons, Cho, Chow, Feldman, Filion, Flint, Fotinos, Johnston, King, Layton, Lindsay Luby, Mammoliti, McConnell, Minnan-Wong, Moscoe, Nunziata, Pantalone, Saundercook, Shiner, Walker
No - 21 Councillors:	Altobello, Brown, Bussin, Davis, Disero, Duguid, Giansante, Holyday, Jones, Kelly, Kinahan, Korwin-Kuczynski, Li Preti, Mihevc, Miller, Ootes, Prue, Rae, Sinclair, Soknacki, Tzekas

Carried by a majority of 2.

Motion (c) by Councillor Lindsay Luby carried.

The Clause, as amended, carried.

In summary, Council amended the Clause by:

- (1) deleting Recommendation No. (2) embodied in the report dated October 27, 1999, from the Commissioner of Works and Emergency Services and inserting in lieu thereof the following:

“(2) blue and grey boxes continue to be provided free of charge at Environment Days, with a limit of one of each per resident in both the large and small sizes;” and

- (2) adding thereto the following:

“It is further recommended that:

- (a) additional boxes be made available to residents in those areas that have gone from once a week recycling waste collection to once every two weeks;
- (b) at least two truck-loads of compost be provided for each Councillor’s Environment Day; and
- (c) on Environment Days, the Commissioner of Works and Emergency Services be requested to:
  - (i) erect a sign indicating the amount of compost that may be taken; and
  - (ii) ensure that the removal of such compost is conducted in a safe manner.”

**13.21 Clause No. 5 of Report No. 5 of The Works Committee, headed “Expansion of the 1999 Ultra Low Flush Toilet Incentive Program”.**

*Motions:*

- (a) Councillor Minnan-Wong moved that the Clause be received.
- (b) Councillor Bossons moved that the Clause be amended by adding thereto the following:



“It is further recommended that that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the savings that have been realized, in general, as a result of this program, and how such savings can be passed on to tenants.”

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

“It is further recommended that that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the savings that have been realized by the City of Toronto as a result of this program.”

*Votes:*

Motion (a) by Councillor Minnan-Wong lost.

Motion (b) by Councillor Bossons carried.

Motion (c) by Councillor Kelly carried.

The Clause, as amended, carried.

**13.22 Clause No. 10 of Report No. 5 of The Works Committee, headed “Proposed By-law Requiring Display of Addresses at the Rear of Properties Abutting Lanes”.**

*Motion:*

Councillor Pantalone moved that the Clause be struck out and referred back to the Works Committee for further consideration, and the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on direct or indirect programs that would minimize the cost to those affected.

*Vote:*

The motion by Councillor Pantalone carried.

**13.23 Clause No. 1 of Report No. 5 of The Community Services Committee, headed “KPMG Fire and Ambulance Services Station Location and Facilities Study”.**

*Motions:*

- (a) Councillor Korwin-Kuczynski moved that the Clause be amended by striking out and referring those portions of the Clause pertaining to Fire Stations T16 and T31 back to the Community Services Committee for further consideration at such time

as the Fire Chief has conducted the further analysis, as required, and reported thereon to the Committee.

- (b) Councillor Augimeri moved that the Clause be amended by adding to Recommendation No. (2) of the Community Services Committee, after the word “Association”, the words “and furthermore, that the construction of the new Station ‘B’ be considered in the context of new development on the Downsview Base lands, and, if development happens sooner than 2005, the Fire Chief review and advance the construction of Station ‘B’ prior to 2005”, so that such recommendation shall now read as follows:

“(2) that the Fire Chief be given the approval to implement the recommendations contained in the aforementioned report, subject to such implementation being in partnership and consultation with the Toronto Professional Fire Fighter’s Association, and furthermore, that the construction of the new Station ‘B’ be considered in the context of new development on the Downsview Base lands, and, if development happens sooner than 2005, the Fire Chief review and advance the construction of Station ‘B’ prior to 2005;”.

*Votes:*

Motion (a) by Councillor Korwin-Kuczynski carried.

Motion (b) by Councillor Augimeri carried.

The Clause, as amended, carried.

**13.24 Clause No. 17 of Report No. 13 of The Scarborough Community Council, headed “New Year’s Levee – Scarborough Civic Centre”.**

*Motion:*

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

“It is further recommended that, if any other Community Council wishes to host a New Year’s Levee at its Civic Centre, it also be permitted to retain the 1999 funds for this purpose.”

*Votes:*

The motion by Councillor Giansante carried.

The Clause, as amended, carried.

**13.25 Clause No. 1 of Report No. 7 of The Administration Committee, headed “Property Houses Transfer”.**

*Motion:*

Councillor Lindsay Luby moved that the Clause be amended in accordance with the report dated November 16, 1999, from the Chief Executive Officer, Toronto Housing Company, embodying the following recommendations:

“It is recommended that the Board of Directors approve the following recommendations:

- (1) that this report be forwarded directly to City Council for its meeting scheduled for November 23, 1999, with the recommendation that Council approve the changes to the transaction as set out in Clause No.1 of Report No.7 of The Administration Committee (November 2, 1999) as amended by this report; and that Council declare the Property Houses surplus in accordance with such terms, as amended, and the appropriate City officials be authorized and directed to take whatever actions are necessary to give effect to By-law No. 551-98 with respect thereto;
- (2) that the sale of the surplus Property Houses properties proceed as outlined in Schedule 1 - Revised, as attached to this report;
- (3) that the Property Houses property located at 185 Crawford Street be added to the list of Sale Properties in response to the request made of the Administration Committee by Councillor Pantalone on October 27, 1999;
- (4) that the Toronto Housing Company accept the conveyance of the Property Houses upon the terms set out in Clause No.1 of Report No. 7 of The Administration Committee, as amended, except for such of those properties as are to be offered for sale as determined by Council;
- (5) that, with respect to the Property Houses property located at 13 Hubbard Boulevard:
  - (a) the tenant be offered the right to purchase the vacant property located at 125 Roxborough Street West instead of the 13 Hubbard Boulevard property;
  - (b) the proposed ‘anti-flipping’ clause not apply to the sale of the property; and
  - (c) it be offered for sale on the M.L.S. when vacant; and
- (6) that the appropriate City and Toronto Housing Company officials be authorized and directed to take the necessary actions to give effect to the foregoing.”

*Votes:*

The motion by Councillor Lindsay Luby carried.

The Clause, as amended, carried.

**13.26 Clause No. 1 of Report No. 5 of The Works Committee, headed “Prince Edward Viaduct - Don Section Structure Modification, Contract No. T-71-99 (Midtown - Don River)”.**

*Motion:*

Councillor Layton moved that the Clause be struck out and referred back to the Works Committee for further consideration at its meeting to be held on December 1, 1999.

*Vote:*

Adoption of motion by Councillor Layton:

Yes - 41 Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Berger, Brown, Bussin, Cho, Chow, Disero, Feldman, Filion, Flint, Gardner, Giansante, Jakobek, Jones, Kelly, Kinahan, King, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, O’Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Shiner, Silva, Sinclair, Soknacki
No - 5 Councillors:	Ashton, Chong, Duguid, Holyday, Walker

Carried by a majority of 36.

**13.27 Clause No. 2 of Report No. 5 of The Works Committee, headed “Toronto Integrated Solid Waste Resource Management Process – Request for Proposals for Proven Diversion Services”.**

*Motion:*

Councillor Layton moved that the Clause be amended to provide that the Request for Proposals include a provision that the City of Toronto must have the unrestricted right to purchase the capital equipment at the expiry of the 20-year contract, if it wishes to do so, at a price to be determined by a third party arbitration system.

*Votes:*

Adoption of motion by Councillor Layton:

Yes - 10 Councillors:	Adams, Augimeri, Chow, Johnston, Layton, Li Preti, McConnell, Mihevc, Pantalone, Rae
No - 34 Mayor: Councillors:	Lastman Altobello, Ashton, Balkissoon, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Disero, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Jones, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Mahood, Minnan-Wong, Moeser, Nunziata, O'Brien, Ootes, Prue, Saundercook, Shiner, Sinclair, Soknacki, Tzekas

Lost by a majority of 24.

The Clause carried, without amendment.

13.28 **Clause No. 16 of Report No. 5 of The Works Committee, headed "Other Items Considered by the Committee".**

*Motions:*

- (a) Councillor Jakobek moved that the Clause be amended by striking out and referring Item (m), entitled "Feasibility of Direct Purchasing as a Method of Purchasing Commodities", embodied therein, to the Policy and Finance Committee for further consideration, notwithstanding subsection 127(5) of the Council Procedural By-law.
- (b) Councillor Kelly moved that the Clause be amended by striking out and referring Item (a), entitled "General Cleanliness in the Downtown Core", embodied therein, back to the Works Committee for further consideration.

*Votes:*

Motion (a) by Councillor Jakobek, insofar as it pertains to waiving the provisions of subsection 127(5) of the Council Procedural By-law, carried, more than two-thirds of Members present having voted in the affirmative.

Adoption of balance of motion (a) by Councillor Jakobek:

Yes - 30 Councillors: Altobello, Ashton, Balkissoon, Berardinetti, Brown, Bussin, Cho, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Jones, Kelly, Kinahan, King, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Moeser, Ootes, Pantalone, Rae, Sinclair, Walker
No - 8 Councillors: Adams, Berger, Bossons, O'Brien, Prue, Saundercook, Shiner, Soknacki

Carried by a majority of 22.

Motion (b) by Councillor Kelly carried.

The Clause, as amended, was received as information.

**13.29 Clause No. 2 of Report No. 7 of The Administration Committee, headed “Design of the Official Flag of the City of Toronto”.**

*Motions:*

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

(1) striking out all of the words after the words “City of Toronto” in the recommendation of the Administration Committee, so that such recommendation shall now read as follows:

“The Administration Committee recommends that the flag of the former City of Toronto be the official flag of the new City of Toronto.”; and

(2) adding thereto the following:

“It is further recommended that:

(a) flag design A1, by Mr. Rene DeSantis, being the original City of Toronto flag, be the official flag of the new City of Toronto; and

(b) the flag design approved by City Council as the official City of Toronto flag be subject to the designer agreeing, in a manner satisfactory to the City Solicitor, to forfeit all rights to the design to the City of Toronto.”

*Vote Be Now Taken:*

Councillor Mahood, with the permission of Council, moved that, in accordance with subsection 37(e) of the Council Procedural By-law, the vote be now taken, the vote upon which was taken as follows:

Yes - 21 Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bossons, Brown, Bussin, Disero, Gardner, Giansante, Jakobek, Korwin-Kuczynski, Mahood, Mammoliti, Nunziata, Prue, Rae, Saundercook, Silva, Soknacki, Tzekas
No - 24 Councillors:	Adams, Ashton, Berger, Cho, Duguid, Flint, Fotinos, Holyday, Jones, Kelly, Kinahan, King, Layton, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moeser, O'Brien, Ootes, Pantalone, Shiner, Sinclair, Walker

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

*Motions:*

- (b) Councillor Duguid moved that the Clause be amended by striking out the recommendation of the Administration Committee and inserting in lieu thereof the following:

“It is recommended that the flag design appended to the communication dated November 23, 1999, from Councillor Brad Duguid, be the official flag of the new City of Toronto.”

*Vote Be Now Taken:*

Councillor Saundercook, with the permission of Council, moved that, in accordance with subsection 37(e) of the Council Procedural By-law, the vote be now taken, the vote upon which was taken as follows:

Yes - 17 Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bossons, Disero, Giansante, Jones, Korwin-Kuczynski, Li Preti, Mammoliti, Prue, Rae, Saundercook, Silva, Soknacki, Tzekas
No - 26 Councillors:	Adams, Ashton, Berger, Cho, Chong, Chow, Duguid, Feldman, Flint, Fotinos, Holyday, Kinahan, King, Layton, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Moscoe, O'Brien, Ootes, Pantalone, Shaw, Shiner, Sinclair, Walker

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

*Motions:*

- (c) Councillor Lindsay Luby moved that motion (b) by Councillor Duguid be amended to provide that a tree be depicted on the flag, in lieu of a maple leaf.
- (d) Councillor Korwin-Kuczynski moved that:
  - (1) the Clause be amended by striking out the recommendation of the Administration Committee and inserting in lieu thereof the following:

“It is recommended that flag design A2, being the original flag of the former City of Toronto with green added to symbolize parkland, as designed by Mr. Rene DeSantis, be the official flag of the new City of Toronto.”; and
  - (2) motion (b) by Councillor Duguid be amended to provide that the red lines be deleted from the flag.
- (e) Councillor Moscoe moved that Council conduct a formal written ballot process to select the Official Flag of the City of Toronto from among the five designs before Council for consideration.
- (f) Councillor Jones moved that Part (2)(a) of motion (a) by Councillor Berardinetti be amended to provide that:
  - (1) the maple leaf be moved to the right-hand box of the flag; and
  - (2) a different colour of blue be used for the background of the flag.
- (g) Councillor Cho moved that motion (b) by Councillor Duguid be amended to provide that the background colour of the box on the left side of the flag be green.

*Withdrawal of Motion:*

Councillor Moscoe, with the permission of Council, withdrew his motion (e).



*Votes:*

Adoption of motion (c) by Councillor Lindsay Luby:

Yes - 13 Councillors:	Augimeri, Berger, Brown, Fotinos, Jones, Kelly, Kinahan, Lindsay Luby, Mihevc, Moeser, O'Brien, Pantalone, Tzekas
No - 30 Councillors:	Adams, Altobello, Ashton, Balkissoon, Berardinetti, Bossons, Cho, Chong, Davis, Disero, Duguid, Feldman, Flint, Giansante, Holyday, King, Korwin-Kuczynski, Mahood, Mammoliti, Minnan-Wong, Moscoe, Nunziata, Ootes, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Soknacki

Lost by a majority of 17.

Adoption of motion (g) by Councillor Cho:

Yes - 12 Councillors:	Augimeri, Berger, Brown, Cho, Jones, Kelly, Lindsay Luby, Mammoliti, Mihevc, Moeser, Prue, Shaw
No - 31 Councillors:	Adams, Altobello, Ashton, Balkissoon, Berardinetti, Bossons, Chong, Davis, Disero, Duguid, Feldman, Flint, Fotinos, Giansante, Holyday, Kinahan, King, Korwin-Kuczynski, Mahood, Minnan-Wong, Nunziata, O'Brien, Ootes, Pantalone, Rae, Saundercook, Shiner, Silva, Sinclair, Soknacki, Tzekas

Lost by a majority of 19.

Adoption of Part (2) of motion (d) by Councillor Korwin-Kuczynski:

Yes - 15 Councillors:	Augimeri, Balkissoon, Berger, Bossons, Cho, Davis, Giansante, Jones, Korwin-Kuczynski, Lindsay Luby, Minnan-Wong, Moscoe, Prue, Shaw, Sinclair
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Minutes of the Council of the City of Toronto  
November 23, 24 and 25, 1999

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No - 29	
Councillors:	Adams, Altobello, Ashton, Berardinetti, Brown, Chong, Disero, Duguid, Feldman, Flint, Fotinos, Holyday, Kelly, Kinahan, King, Mahood, Mammoliti, Mihevc, Moeser, Nunziata, O'Brien, Ootes, Pantalone, Rae, Saundercook, Shiner, Silva, Soknacki, Tzekas

Lost by a majority of 14.

Adoption of motion (b) by Councillor Duguid, without amendment:

Yes - 13	
Councillors:	Ashton, Balkissoon, Brown, Cho, Duguid, Flint, Jones, Kelly, Lindsay Luby, O'Brien, Prue, Shiner, Sinclair
No - 32	
Councillors:	Adams, Altobello, Augimeri, Berardinetti, Berger, Bossons, Chong, Davis, Disero, Feldman, Fotinos, Giansante, Holyday, Kinahan, King, Korwin-Kuczynski, Layton, Mahood, Mammoliti, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Saundercook, Shaw, Silva, Soknacki, Tzekas

Lost by a majority of 19.

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

Yes - 16	
Councillors:	Ashton, Balkissoon, Brown, Cho, Duguid, Flint, Giansante, Jones, Kelly, Lindsay Luby, Moeser, O'Brien, Prue, Shiner, Sinclair, Tzekas
No - 29	
Councillors:	Adams, Altobello, Augimeri, Berardinetti, Berger, Bossons, Chong, Davis, Disero, Feldman, Fotinos, Holyday, Kinahan, King, Korwin-Kuczynski, Layton, Mahood, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Saundercook, Shaw, Silva, Soknacki

Lost by a majority of 13.

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

Yes - 13 Councillors:	Ashton, Augimeri, Berger, Brown, Cho, Duguid, Flint, Jones, Layton, Moeser, Shaw, Shiner, Sinclair
No - 32 Councillors:	Adams, Altobello, Balkissoon, Berardinetti, Bossons, Chong, Davis, Disero, Feldman, Fotinos, Giansante, Holyday, Kelly, Kinahan, King, Korwin-Kuczynski, Lindsay Luby, Mahood, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Saundercook, Silva, Soknacki, Tzekas

Lost by a majority of 19.

Adoption of Part (1) of motion (d) by Councillor Korwin-Kuczynski:

Yes - 13 Councillors:	Augimeri, Balkissoon, Berger, Cho, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Moeser, Prue, Shaw, Shiner, Sinclair
No - 32 Councillors:	Adams, Altobello, Ashton, Berardinetti, Bossons, Brown, Chong, Davis, Disero, Duguid, Feldman, Flint, Fotinos, Giansante, Holyday, Kelly, Kinahan, King, Layton, Mahood, Mihevc, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Rae, Saundercook, Silva, Soknacki, Tzekas

Lost by a majority of 19.

Adoption of Parts (1) and (2)(a) of motion (a) by Councillor Berardinetti, without amendment:

Yes - 31 Councillors:	Adams, Altobello, Berardinetti, Berger, Bossons, Cho, Chong, Davis, Disero, Feldman, Fotinos, Giansante, Holyday, Kinahan, King, Korwin-Kuczynski, Layton, Mahood, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Saundercook, Shaw, Silva, Soknacki, Tzekas
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No - 14  
Councillors: Ashton, Augimeri, Balkissoon, Brown, Duguid, Flint, Jones, Kelly, Lindsay Luby, Moeser, O'Brien, Prue, Shiner, Sinclair

Carried by a majority of 17.

Part (2)(b) of motion (a) by Councillor Berardinetti carried.

The Clause, as amended, carried.

Deputy Mayor Ootes introduced Mr. Rene DeSantis, the designer of the flag, present at the meeting.

**13.30 Clause No. 3 of Report No. 5 of The Community Services Committee, headed "Toronto Report Card on Children 1999 and the Children and Youth Action Committee's Action Plan for the Report Card".**

*Vote:*

Adoption of Clause, without amendment:

Yes - 41  
Councillors: Adams, Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Bossons, Brown, Cho, Chong, Chow, Duguid, Feldman, Flint, Fotinos, Gardner, Johnston, Jones, Kelly, Kinahan, King, Layton, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Prue, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki, Tzekas

No - 0

Carried, without dissent.

**13.31 Clause No. 16 of Report No. 7 of The Administration Committee, headed "Quotations for Fourteen Recycling Trucks".**

*Motion to re-open:*

Councillor Moeser, on Wednesday, November 24, 1999, 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 Moeser moved that the Clause be amended by adding thereto the following:

“It is further recommended that the report dated November 22, 1999, from the Acting Commissioner of Corporate Services, be received.”

*Votes:*

The motion by Councillor Moeser carried.

The Clause, as amended, carried.

**13.32 Clause No. 2 of Report No. 13 of The Etobicoke Community Council, headed “Traffic Concerns – Westmore Drive (Rexdale-Thistletown)”.**

*Motion:*

Councillor Brown moved that the Clause be struck out and referred back to the Etobicoke Community Council for further consideration.

*Vote:*

The motion by Councillor Brown carried.

**13.33 Clause No. 3 of Report No. 12 of The East York Community Council, headed “Proposed Sale of City-Owned Land, Part of Lot 56, Plan 781, South Side, Goodwood Park Court, East of Dawes Road”.**

*Motion:*

Councillor Pitfield moved that the Clause be amended by:

- (1) deleting from the recommendation of the East York Community Council the following words:

“subject to amending Recommendation No. (2) to provide that the Closing Date be amended by deleting the date ‘November 30, 1999’ and inserting in lieu thereof the date ‘December 31, 1999’, so that such Closing Date shall now be: No later than December 31, 1999”; and

- (2) deleting Recommendation No. (2) embodied in the report dated October 22, 1999, from the Acting Commissioner of Corporate Services, and inserting in lieu thereof the following new Recommendation No. (2):

- “(2) the City Solicitor be authorized and directed to take the appropriate action to complete the transaction by December 31, 1999, and pay any costs incidental to the closing, and be further authorized to amend the closing date to such earlier or later date as considered reasonable;”.

*Votes:*

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

**13.34 Clause No. 51 of Report No. 14 of The Toronto Community Council, headed “Boulevard Cafe – Humewood Drive, Flank of 96 St. Clair Avenue West (Midtown)”.**

*Motion:*

Councillor Mihevc moved that the Clause be struck out and referred back to the Toronto Community Council for further consideration, pending receipt of the results of the poll of both the York and Toronto portions of Humewood Drive.

*Vote:*

The motion by Councillor Mihevc carried.

**13.35 Clause No. 14 of Report No. 5 of The Community Services Committee, headed “Incentives for Private-Sector Affordable Housing Development”.**

*Motion:*

Councillor Moscoe moved that the Clause be amended to provide that the report requested of the Commissioner of Community and Neighbourhood Services respecting tax incentives, as outlined in Recommendation No. (1) of the Community Services Committee, be first submitted to the Planning and Transportation Committee.

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

13.36 **Clause No. 25 of Report No. 10 of The Policy and Finance Committee, headed “Toronto Police Service - Financial Evaluation of Establishment of a Fourth Collision Reporting Centre”.**

*Motion:*

Councillor Moscoe moved that the Clause be amended by striking out the recommendation of the Policy and Finance Committee and inserting in lieu thereof the following:

“It is recommended that:

- (1) the City defend its position against the court action brought by Allstate Insurance Company of Canada, et al, and that the law firm of Borden and Elliot be retained as counsel for the City in this matter; and
- (2) the Provincial legislature, through the Financial Services Commission of Ontario, be requested to amend the Insurance Act by enacting provisions with the same effect as subsections 14(2) and section 15 of Part 6 to Schedule 4 of Licensing By-law No. 20-85.”

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

13.37 **Clause No. 11 of Report No. 5 of The Community Services Committee, headed “Implementation of the Final Report of the Review of the Use of Motels”.**

*Motions:*

- (a) Councillor Moeser 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 review potential site locations suitable for family shelters, with the intent of reducing the use of motels on Kingston Road based on a fair share principle, and report thereon to the Community Services Committee, through the Advisory Committee on Emergency Shelter Sites.”

- (b) Councillor Soknacki 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 develop a contingency plan for submission to the Community Services Committee, as soon as possible, taking into consideration:

- (1) the possibility of no funding being received from the other levels of government; and
- (2) the disposition of the \$4.0 million approved for the construction of a new family shelter referred to in the report dated October 20, 1999, from the Commissioner of Community and Neighbourhood Services.”

- (c) Councillor Lindsay Luby 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 Community Services Committee on the possibility of an entire family being sponsored and receiving a tax receipt for this sponsorship.”

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

“It is further recommended that the City’s net contribution of \$4.0 million for the construction of a new family shelter not be spent unless the provincial contribution of \$4.0 million is received.”

*Votes:*

Motion (a) by Councillor Moeser carried.



Adoption of motion (d) by Councillor Giansante:

Yes - 12 Councillors:	Berger, Brown, Giansante, Holyday, Li Preti, Lindsay Luby, Mahood, Minnan-Wong, O'Brien, Ootes, Pitfield, Saundercook
No - 35 Mayor: Councillors:	Lastman Adams, Altobello, Ashton, Balkissoon, Berardinetti, Bossons, Bussin, Cho, Chong, Disero, Duguid, Filion, Flint, Fotinos, Jakobek, Jones, Kelly, King, Layton, Mammoliti, McConnell, Mihevc, Moeser, Moscoe, Nunziata, Pantalone, Prue, Rae, Shaw, Silva, Sinclair, Soknacki, Tzekas, Walker

Lost by a majority of 23.

Motion (b) by Councillor Soknacki carried.

Motion (c) by Councillor Lindsay Luby carried.

Adoption of Clause, as amended:

Yes - 46 Mayor: Councillors:	Lastman Adams, Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Disero, Duguid, Filion, Flint, Fotinos, Holyday, Jakobek, Jones, Kelly, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Shaw, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 3 Councillors:	Giansante, Mahood, Saundercook

Carried by a majority of 43.

13.38 **Clause No. 9 of Report No. 5 of The Works Committee, headed "Proposed By-law Requiring Display of Addresses on Buildings".**

*Motions:*

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

“It is further recommended that municipal numbers affixed on commercial, industrial and multi-residential properties be illuminated.”

- (b) Councillor Saundercook moved that motion (a) by Councillor Moscoe be referred to the Works Committee for further consideration.

*Votes:*

Motion (b) by Councillor Saundercook carried.

The Clause, as amended, carried.

**13.39 Clause No. 61 of Report No. 14 of The Toronto Community Council, headed “Other Items Considered by the Community Council”.**

*Motion:*

Councillor Jakobek moved that the Clause be received as information, subject to striking out and referring Item (s), entitled “Queen Street East, South Side, from Coxwell Avenue to Nursewood Road - Extension of the Operational Period of the Afternoon Rush Hour Stopping Prohibition (East Toronto)”, embodied therein, back to the Toronto Community Council for further consideration.

*Votes:*

The motion by Councillor Jakobek carried.

The Clause, as amended, was received as information.

**13.40 Clause No. 1 of Report No. 10 of The Policy and Finance Committee, headed “Implementation of a Tenant Defence Fund”.**

*Motions:*

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

- (1) deleting Recommendation No. (1) of the Policy and Finance Committee and inserting in lieu thereof the following new Recommendation No. (1):

“(1) the recommendations of the Community Services Committee embodied in the communication dated November 4, 1999, from the City Clerk, be adopted.”; and

- (2) adding thereto the following:

“It is further recommended that:

- (a) the report dated November 22, 1999, from the City Solicitor, embodying the following recommendation, be adopted:

‘It is recommended that Council encourage the provincial and federal governments to enter into an information-sharing agreement so that CCRA (Canada Customs and Revenue Agency) will have accurate information.’; and

- (b) the joint report dated November 22, 1999, from the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer, be referred back to the Commissioner of Community and Neighbourhood Services for further review and report to the Community Services Committee subsequent to the results of the Proposal Call.”

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

“It is further recommended that the joint report dated November 22, 1999, from the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer, be adopted.”

- (c) Councillor Walker moved that Part (2)(b) of motion (a) by Councillor McConnell be amended to provide that Recommendation No. (2)(b) embodied in the joint report dated November 22, 1999, from the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer, be adopted, viz.:

“(b) allocating \$175,000.00 per year (increased from the current \$97,510.00), through an RFP process, to a new tenant hotline service as recommended in the staff report entitled ‘Review of the Tenant Hotline Service’ (October 21, 1999). The impact in 2000 is \$38,745.00, with a further incremental impact of \$38,745.00 in 2001.”

- (d) Councillor Layton moved that the Clause be amended by:

- (1) amending the joint report dated November 22, 1999, from the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer, by:

- (a) amending Recommendation No. (2)(a) embodied therein to provide that the mandate of the Rental Housing Office include the development of a strategy for community development and organizing in buildings which do not currently have an organization of tenants but which are facing rent increases, conversions, demolitions or significant numbers of evictions;
- (b) amending Recommendation No. (2)(b) embodied therein by adding thereto the following words:

“and due to the critical situation concerning rising evictions and the necessity of expanding eviction information and assistance services while awaiting the approval of the results of the RFP (expected in July 2000), the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Community Services Committee for its next meeting to be held on December 1, 1999, on the options for a six-month temporary expansion of the existing evictions hotline and related services to meet the requirements”;
- (c) adding the following new Recommendation No. (2)(c):

“(c) establishing a Rental Housing Advisory Committee to consist of Councillors, tenant organizations, legal aid clinics and housing staff to assist staff in developing a proposed structure and staffing strategy for the Rental Housing Office;”;
- (d) adding the following new Recommendation No. (2)(d):

“(d) inviting Legal Aid Ontario to participate in the discussions of the Rental Housing Advisory Committee and to continue to work with staff;”;
- (e) adding the following new Recommendation No. (2)(e):

“(e) having the Rental Housing Office up and running within four months;”;
- (f) adding to Recommendation No. (3) embodied therein the following words:

“with the instruction that the funds referenced be submitted to Council for approval as a part of the pre-authorized approval process, in order that these activities can begin within the first few weeks of the year 2000”; and

(g) adding thereto the following new Recommendation No. (5):

“(5) Council instruct the Rental Housing Advisory Committee, in consultation with legal aid clinics and tenants’ organizations, to develop a list of priority test cases for the immediate attention of the Housing Specialty Clinic;” and

(2) adding thereto the following:

“It is further recommended that the City Solicitor, in consultation with any outside counsel deemed necessary, be requested to submit a report to the Community Services Committee on the possible challenges which may exist to the constitutionality of the Tenant Protection Act and its regulations, insofar as it pertains to the provisions which designate a landlord as the sole agency whereby notification of impending eviction is to be provided to a tenant.”

(e) Councillor Cho moved that Part (1) of motion (a) by Councillor McConnell be amended to provide that the Tenant Defence Fund for the year 2000 be capped at \$300,000.00.

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

“It is further recommended that the City of Toronto establish a tenant advocacy function with staff dedicated to assist Councillors to represent their tenants.”

(g) Councillor Bossons moved that:

(1) motion (b) by Councillor Soknacki be amended by adding thereto the words “subject to amending Recommendation No. (2)(a) embodied in such report by adding thereto the following words:

‘implementing a purchase of service arrangement to organize tenants to appear at the Ontario Rental Housing Tribunal and assist with other tenant issues’ ”; and

(2) the Clause be amended by amending the joint report dated November 22, 1999, from the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer, by adding the following new Recommendation No. (2)(c):

“(c) having the Rental Housing Office up and running by January 1, 2000;”.

- (h) Mayor Lastman 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 the Policy and Finance Committee, in one year’s time, on the results of this initiative.”
- (i) Councillor Shiner 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 the Community Services Committee, for subsequent submission to the Policy and Finance Committee and Council, on the feasibility of establishing a Rental Housing Office in each of the four districts and the budget implications thereof.”
- (j) Councillor Duguid moved that the Clause be amended by adding thereto the following:
- “It is further recommended that:
- (1) Council reiterate the request made through the Community Services Committee to the Board of Directors of Legal Aid Ontario to provide more legal aid assistance to tenants disputing above-guideline rent increases and the Commissioner of Community and Neighbourhood Services be requested to report back to Council, through the Community Services Committee, in six months’ time, on the level of advocacy assistance being provided to tenants to oppose above-guideline rent increases; and
  - (2) the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Community Services Committee on the progress made by Legal Aid Ontario in:
    - (a) establishing a new specialty tenants’ legal clinic;
    - (b) eliminating geographical gaps in the community legal clinic system in Toronto; and
    - (c) expanding and making the Tenant Duty Counsel Service permanent.”
- (k) Councillor Adams moved that Part (1) of motion (j) by Councillor Duguid be amended by adding thereto the following words:
- “Legal Aid Ontario also be requested to provide more legal assistance to tenants disputing eviction proceedings, and the Commissioner of Community and Neighbourhood Services be requested to address the response to this request to Legal Aid Ontario in her forthcoming report”.

- (1) Councillor Minnan-Wong moved that the Clause be amended by adding thereto the following:

“It is further recommended that advocacy shall not include being associated with or being part of political action or partisan political activity.”

*Votes:*

Adoption of motion (e) by Councillor Cho:

Yes - 30 Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Bussin, Cho, Chong, Chow, Duguid, Filion, Flint, Gardner, Giansante, Jakobek, Kinahan, Layton, Mihevc, Miller, Nunziata, O'Brien, Pitfield, Prue, Rae, Saundercook, Sinclair, Soknacki, Tzekas, Walker
No - 22 Mayor: Councillors:	Lastman Berger, Brown, Disero, Feldman, Fotinos, Holyday, Jones, Kelly, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, McConnell, Minnan-Wong, Moeser, Moscoe, Ootes, Pantalone, Shaw, Shiner, Silva

Carried by a majority of 8.

Adoption of Part (1) of motion (a) by Councillor McConnell, as amended:

Yes - 28 Councillors:	Adams, Altobello, Augimeri, Berardinetti, Bossons, Bussin, Cho, Chow, Filion, Flint, Gardner, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Prue, Rae, Sinclair, Tzekas, Walker
No - 27 Mayor: Councillors:	Lastman Ashton, Berger, Brown, Chong, Davis, Disero, Duguid, Feldman, Fotinos, Giansante, Holyday, Jakobek, Kelly, King, Li Preti, Lindsay Luby, Mahood, Minnan-Wong, Moeser, O'Brien, Ootes, Saundercook, Shaw, Shiner, Silva, Soknacki

Carried by a majority of 1.

Adoption of motion (c) by Councillor Walker:

Yes - 33	
Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Brown, Bussin, Cho, Chow, Duguid, Filion, Flint, Fotinos, Gardner, Jakobek, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Prue, Rae, Sinclair, Tzekas, Walker
No - 22	
Mayor:	Lastman
Councillors:	Berger, Chong, Davis, Disero, Feldman, Giansante, Holyday, Kelly, King, Li Preti, Lindsay Luby, Mahood, Minnan-Wong, Moeser, O'Brien, Ootes, Saundercook, Shaw, Shiner, Silva, Soknacki

Carried by a majority of 11.

*Withdrawal of Motion:*

Councillor McConnell, with the permission of Council, withdrew Part (2)(b) of her motion (a).

*Votes:*

Adoption of Part (1) of motion (g) by Councillor Bossons:

Yes - 30	
Councillors:	Adams, Altobello, Augimeri, Bossons, Bussin, Cho, Chow, Davis, Duguid, Filion, Gardner, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Nunziata, O'Brien, Pantalone, Pitfield, Prue, Rae, Sinclair, Soknacki, Tzekas, Walker
No - 25	
Mayor:	Lastman
Councillors:	Ashton, Berardinetti, Berger, Brown, Chong, Disero, Feldman, Flint, Fotinos, Giansante, Holyday, Jakobek, Kelly, King, Li Preti, Lindsay Luby, Mahood, Minnan-Wong, Moeser, Ootes, Saundercook, Shaw, Shiner, Silva

Carried by a majority of 5.



Adoption of Part (1)(a) of motion (d) by Councillor Layton:

Yes - 47	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Brown, Bussin, Cho, Chow, Davis, Duguid, Feldman, Filion, Fotinos, Giansante, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker
No - 9	
Councillors:	Berger, Chong, Disero, Flint, Gardner, Holyday, Mahood, O'Brien, Soknacki

Carried by a majority of 38.

Adoption of Part (1)(b) of motion (d) by Councillor Layton:

Yes - 53	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Fotinos, Gardner, Giansante, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 3	
Councillors:	Flint, Holyday, Mahood

Carried by a majority of 50.

Adoption of Part (1)(c) of motion (d) by Councillor Layton:

Yes - 53	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 3	
Councillors:	Holyday, Mahood, O'Brien

Carried by a majority of 50.

Adoption of Part (1)(d) of motion (d) by Councillor Layton:

Yes - 55	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 1	
Councillor:	Flint

Carried by a majority of 54.

Adoption of Part (2) of motion (g) by Councillor Bossons:

Yes - 40 Councillors:	Adams, Altobello, Augimeri, Berardinetti, Bossons, Bussin, Cho, Chow, Davis, Duguid, Feldman, Filion, Gardner, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Pantalone, Pitfield, Prue, Rae, Shiner, Sinclair, Soknacki, Tzekas, Walker
No - 16 Mayor: Councillors:	Lastman Ashton, Berger, Brown, Chong, Disero, Flint, Fotinos, Giansante, Holyday, Kelly, Mahood, Ootes, Saundercook, Shaw, Silva

Carried by a majority of 24.

Having regard to the foregoing decision of Council, Part (1)(e) of motion (d) by Councillor Layton was declared redundant.

Adoption of Part (1)(f) of motion (d) by Councillor Layton:

Yes - 37 Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Bussin, Cho, Chong, Chow, Davis, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Jakobek, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, O'Brien, Pantalone, Pitfield, Prue, Rae, Sinclair, Tzekas, Walker
No - 19 Mayor: Councillors:	Lastman Berger, Brown, Disero, Giansante, Holyday, Kelly, King, Li Preti, Lindsay Luby, Mahood, Minnan-Wong, Moeser, Ootes, Saundercook, Shaw, Shiner, Silva, Soknacki

Carried by a majority of 18.

Adoption of Part (1)(g) of motion (d) by Councillor Layton:

Yes - 52	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 3	
Councillors:	Holyday, Jakobek, O'Brien

Carried by a majority of 49.

Adoption of motion (b) by Councillor Soknacki, as amended:

Yes - 50	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Shaw, Shiner, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 5	
Councillors:	Holyday, Mahood, Mammoliti, Moeser, Saundercook

Carried by a majority of 45.

Adoption of Part (2)(a) of motion (a) by Councillor McConnell:

Yes - 55
Mayor: Lastman
Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 0

Carried, without dissent.

Adoption of Part (2) of motion (d) by Councillor Layton:

Yes - 52
Mayor: Lastman
Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Gardner, Giansante, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker
No - 3
Councillors: Flint, Holyday, Soknacki

Carried by a majority of 49.

*Ruling of Deputy Mayor:*

Councillor Miller requested Deputy Mayor Ootes to rule on whether motion (1) by Councillor Minnan-Wong was in order.

Deputy Mayor Ootes, having regard to the nature of motion (1) by Councillor Minnan-Wong, ruled such motion in order.

Councillor Johnston challenged the ruling of the Deputy Mayor.

*Vote to Uphold Ruling of Deputy Mayor:*

Yes - 32	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Berardinetti, Berger, Bossons, Brown, Cho, Chong, Davis, Disero, Duguid, Feldman, Filion, Gardner, Giansante, Holyday, Kelly, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Minnan-Wong, Moeser, O'Brien, Ootes, Saundercook, Shaw, Shiner, Sinclair, Soknacki
No - 23	
Councillors:	Adams, Augimeri, Bussin, Chow, Flint, Jakobek, Johnston, Jones, Kinahan, Layton, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Prue, Rae, Silva, Tzekas, Walker

Carried by a majority of 9.

Adoption of motion (1) by Councillor Minnan-Wong, insofar as it pertains to "political action":

Yes - 17	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Berger, Gardner, Holyday, Jakobek, Kelly, Li Preti, Mahood, Minnan-Wong, Moeser, O'Brien, Ootes, Saundercook, Shaw, Soknacki
No - 38	
Councillors:	Adams, Ashton, Augimeri, Bossons, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Giansante, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Prue, Rae, Shiner, Silva, Sinclair, Tzekas, Walker

Lost by a majority of 21.

Adoption of motion (l) by Councillor Minnan-Wong, insofar as it pertains to “partisan political activity”:

Yes - 40	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Berardinetti, Berger, Bossons, Brown, Cho, Chong, Chow, Davis, Disero, Feldman, Filion, Flint, Giansante, Holyday, Jakobek, Jones, Kelly, King, Li Preti, Lindsay Luby, Mahood, Mihevc, Miller, Minnan-Wong, Moeser, Nunziata, O'Brien, Ootes, Pitfield, Rae, Saundercook, Shaw, Shiner, Sinclair, Soknacki, Tzekas
No - 15	
Councillors:	Augimeri, Bussin, Duguid, Gardner, Johnston, Kinahan, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Moscoe, Pantalone, Prue, Silva, Walker

Carried by a majority of 25.

Adoption of motion (f) by Councillor Moscoe:

Yes - 33	
Councillors:	Adams, Ashton, Augimeri, Berardinetti, Bussin, Chong, Chow, Davis, Duguid, Feldman, Filion, Flint, Gardner, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Pantalone, Pitfield, Prue, Rae, Shiner, Sinclair, Tzekas, Walker
No - 22	
Mayor:	Lastman
Councillors:	Altobello, Berger, Bossons, Brown, Cho, Disero, Giansante, Holyday, Jakobek, Kelly, King, Li Preti, Lindsay Luby, Mahood, Moeser, O'Brien, Ootes, Saundercook, Shaw, Silva, Soknacki

Carried by a majority of 11.

Adoption of motion (i) by Councillor Shiner:

Yes - 45	
Mayor:	Lastman
Councillors:	Adams, Altobello, Augimeri, Berardinetti, Berger, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Giansante, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 10	
Councillors:	Ashton, Bossons, Flint, Gardner, Holyday, Jakobek, Layton, O'Brien, Pitfield, Prue

Carried by a majority of 35.

Adoption of motion (k) by Councillor Adams:

Yes - 55	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 0	

Carried, without dissent.



Adoption of motion (j) by Councillor Duguid, as amended:

Yes - 55
Mayor: Lastman
Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 0

Carried, without dissent.

Adoption of motion (h) by Mayor Lastman:

Yes - 55
Mayor: Lastman
Councillors: Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 0

Carried, without dissent.

Adoption of Clause, as amended:

Yes - 46	
Mayor:	Lastman
Councillors:	Adams, Altobello, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Feldman, Filion, Gardner, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Shaw, Shiner, Silva, Sinclair, Tzekas, Walker
No - 9	
Councillors:	Ashton, Flint, Giansante, Holyday, Li Preti, Mahood, O'Brien, Saundercook, Soknacki

Carried by a majority of 37.

In summary, Council amended the Clause by:

- (a) deleting Recommendation No. (1) of the Policy and Finance Committee and inserting in lieu thereof the following new Recommendation No. (1):

“(1) the recommendations of the Community Services Committee embodied in the communication dated November 4, 1999, from the City Clerk, be adopted, subject to the Tenant Defence Fund for the year 2000 being capped at \$300,000.00;” and

- (b) adding thereto the following:

“It is further recommended that:

- (1) the joint report dated November 22, 1999, from the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer, be adopted, subject to:

- (a) amending Recommendation No. (2)(a) embodied therein:

- (i) to provide that the mandate of the Rental Housing Office include the development of a strategy for community development and organizing in buildings which do not currently have an organization of tenants but which are facing rent increases, conversions, demolitions or significant numbers of evictions; and

(ii) by adding thereto the following words:

‘implementing a purchase of service arrangement to organize tenants to appear at the Ontario Rental Housing Tribunal and assist with other tenant issues’;

(b) amending Recommendation No. (2)(b) embodied therein by adding thereto the following words:

‘and due to the critical situation concerning rising evictions and the necessity of expanding eviction information and assistance services while awaiting the approval of the results of the RFP (expected in July 2000), the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Community Services Committee for its next meeting to be held on December 1, 1999, on the options for a six-month temporary expansion of the existing evictions hotline and related services to meet the requirements;’;

(c) adding the following new Recommendations Nos. (2)(c), (2)(d) and (2)(e):

‘(c) establishing a Rental Housing Advisory Committee to consist of Councillors, tenant organizations, legal aid clinics, and housing staff to assist staff in developing a proposed structure and staffing strategy for the Rental Housing Office;

(d) having the Rental Housing Office up and running by January 1, 2000; and

(e) inviting Legal Aid Ontario to participate in the discussions of the Rental Housing Advisory Committee and to continue to work with staff;’;

(d) adding to Recommendation No. (3) embodied therein the following words:

‘with the instruction that the funds referenced be submitted to Council for approval as a part of the pre-authorized approval process, in order that these activities can begin within the first few weeks of the year 2000’; and

(e) adding thereto the following new Recommendation No. (5):

- (5) Council instruct the Rental Housing Advisory Committee, in consultation with legal aid clinics and tenants' organizations, to develop a list of priority test cases for the immediate attention of the Housing Specialty Clinic;'
- (2) the City of Toronto establish a tenant advocacy function with staff dedicated to assist Councillors to represent their tenants;
- (3) advocacy shall not include being associated with or being part of partisan political activity;
- (4) Council reiterate the request made through the Community Services Committee to the Board of Directors of Legal Aid Ontario to provide more legal aid assistance to tenants disputing above-guideline rent increases and the Commissioner of Community and Neighbourhood Services be requested to report back to Council, through the Community Services Committee, in six months' time, on the level of advocacy assistance being provided to tenants to oppose above-guideline rent increases;
- (5) Legal Aid Ontario also be requested to provide more legal assistance to tenants disputing eviction proceedings, and the Commissioner of Community and Neighbourhood Services be requested to address the response to this request to Legal Aid Ontario in her forthcoming report;
- (6) the report dated November 22, 1999, from the City Solicitor, embodying the following recommendation, be adopted:
- 'It is recommended that Council encourage the provincial and federal governments to enter into an information-sharing agreement so that CCRA (Canada Customs and Revenue Agency) will have accurate information.'
- (7) the City Solicitor, in consultation with any outside counsel deemed necessary, be requested to submit a report to the Community Services Committee on the possible challenges which may exist to the constitutionality of the Tenant Protection Act and its regulations, insofar as it pertains to the provisions which designate a landlord as the sole agency whereby notification of impending eviction is to be provided to a tenant;
- (8) the Commissioner of Community and Neighbourhood Services be requested to:

- (a) submit a report to the Community Services Committee, for subsequent submission to the Policy and Finance Committee and Council, on the feasibility of establishing a Rental Housing Office in each of the four districts and the budget implications thereof;
- (b) submit a report to the Community Services Committee on the progress made by Legal Aid Ontario in:
  - (i) establishing a new specialty tenants' legal clinic;
  - (ii) eliminating geographical gaps in the community legal clinic system in Toronto; and
  - (iii) expanding and making the Tenant Duty Counsel Service permanent; and
- (c) submit a report to the Policy and Finance Committee, in one year's time, on the results of this initiative."

**13.41 Clause No. 12 of Report No. 5 of The Community Services Committee, headed "Review of Information and Advisory Services to Tenants and Landlords".**

*Vote:*

Adoption of Clause, without amendment:

Yes - 51	
Mayor:	Lastman
Councillors	Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 2	
Councillors:	Chong, Holyday

Carried by a majority of 49.

**13.42 Clause No. 13 of Report No. 5 of The Community Services Committee, headed “Review of the Tenant Hotline Service”.**

*Vote:*

Adoption of Clause, without amendment:

Yes - 51	
Mayor:	Lastman
Councillors	Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Jakobek, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 2	
Councillors:	Chong, Holyday

Carried by a majority of 49.

**13.43 Clause No. 16 of Report No. 13 of The Scarborough Community Council, headed “Official Plan Amendment Application SC-P1999007, Zoning By-law Amendment Application SC-Z1999011, Tiffield Development Corporation and Yee Hong Centre for Geriatric Care, Southeast Corner of Middlefield Road and Finch Avenue, Scarborough Malvern”.**

Mayor Lastman in the Chair.

*Motion:*

Councillor Balkissoon moved that the Clause be amended by striking out the recommendations of the Scarborough Community Council and inserting in lieu thereof the following:

“It is recommended that the report dated October 27, 1999, from the Director of Community Planning, East District, be approved, subject to amending Figures 3 and 4, Recommended Official Plan Amendment and Recommended Zoning By-law Amendment, so that the Community Facilities designation and the Industrial Zone (M) and Institutional-Social Welfare Zone (SW) apply only to approximately 3.7 hectares at the southeast corner of Finch Avenue East and Middlefield Road with the purpose of minimizing that portion of the geriatric centre within 300 metres of the property boundary of the Canadian Pacific Railway.”

*Votes:*

Adoption of motion by Councillor Balkissoon:

Yes - 14 Councillors:	Ashton, Augimeri, Balkissoon, Bossons, Brown, Davis, Flint, Jones, Kinahan, Mahood, Moscoe, O'Brien, Saundercook, Tzekas
No - 34 Mayor: Councillors:	Lastman Adams, Altobello, Berardinetti, Bussin, Cho, Chong, Chow, Disero, Duguid, Fillion, Giansante, Johnston, Kelly, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Shaw, Shiner, Silva, Soknacki, Walker

Lost by a majority of 20.

Adoption of Clause, without amendment:

Yes - 40 Mayor: Councillors:	Lastman Adams, Altobello, Augimeri, Berardinetti, Bossons, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Fillion, Giansante, Johnston, Jones, Kelly, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Shiner, Silva, Soknacki, Tzekas, Walker
No - 6 Councillors:	Ashton, Balkissoon, Flint, Kinahan, Mahood, Saundercook

Carried by a majority of 34.

Deputy Mayor Ootes in the Chair.

**13.44 Clause No. 12 of Report No. 13 of The Etobicoke Community Council, headed "Other Items Considered by the Community Council".**

*Motion:*

Councillor Saundercook moved that the Clause be received as information, subject to striking out and referring Item (h), entitled "Directional Signage for Centennial Park Mini Indy and 401 Mini Indy", embodied therein, to the Works Committee for further consideration, notwithstanding subsection 127(5) of the Council Procedural By-law.

*Vote:*

Adoption of motion by Councillor Saundercook, insofar as it pertains to waiving the provisions of subsection 127(5) of the Council Procedural By-law:

Yes - 14 Councillors: Balkissoon, Bossons, Bussin, Disero, Holyday, Kelly, Mammoliti, Moeser, Pantalone, Pitfield, Saundercook, Shiner, Sinclair, Walker
No - 21 Councillors: Altobello, Augimeri, Berardinetti, Berger, Chong, Duguid, Feldman, Flint, Fotinos, Gardner, Giansante, Jakobek, Jones, Kinahan, King, Lindsay Luby, McConnell, Mihevc, Moscoe, O'Brien, Ootes

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

*Motion:*

Councillor Saundercook, with the permission of Council, moved that the Clause be received as information, subject to striking out and referring Item (h), entitled "Directional Signage for Centennial Park Mini Indy and 401 Mini Indy", embodied therein, back to the Etobicoke Community Council for further consideration.

*Votes:*

Adoption of motion by Councillor Saundercook:

Yes - 12 Councillors: Berardinetti, Bossons, Feldman, Gardner, Korwin-Kuczynski, Li Preti, Mammoliti, Pantalone, Pitfield, Prue, Saundercook, Sinclair
No - 27 Councillors: Altobello, Augimeri, Balkissoon, Berger, Chong, Disero, Duguid, Flint, Fotinos, Giansante, Holyday, Jakobek, Jones, Kelly, Kinahan, King, Lindsay Luby, McConnell, Mihevc, Moeser, Moscoe, O'Brien, Ootes, Shiner, Soknacki, Tzekas, Walker

Lost by a majority of 15.

The Clause was received as information, without amendment.



**13.45 Clause No. 1 of Report No. 6 of The Planning and Transportation Committee, headed “Organizational Structure for the New Committee of Adjustment”.**

*Motion:*

Councillor Prue moved that the Clause be struck out and referred back to the Planning and Transportation Committee for further consideration, and the City Clerk, in consultation with the Chair of the Committee, be requested to schedule a specific time when the item will be considered on the agenda and to advise all Members of Council accordingly.

*Vote:*

Adoption of motion by Councillor Prue:

Yes - 34	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Bussin, Cho, Chong, Chow, Duguid, Feldman, Flint, Johnston, Jones, King, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Ootes, Pitfield, Prue, Shiner, Silva, Sinclair, Soknacki, Tzekas, Walker
No - 10	
Councillors:	Davis, Disero, Giansante, Holyday, Kelly, Kinahan, Lindsay Luby, Moeser, O'Brien, Saundercook

Carried by a majority of 24.

**13.46 Clause No. 18 of Report No. 7 of The Administration Committee, headed “Amendment to the Council Procedural By-law - Submission of Reports to Council”.**

*Motions:*

- (a) Councillor Adams moved that the Clause be amended by striking out the recommendation of the Administration Committee and inserting in lieu thereof the following:

“It is recommended that the motion by Councillor Adams, seconded by Councillor Korwin-Kuczynski, as embodied in the Clause, be adopted.”

- (b) Councillor Chong moved that the Clause be amended to provide that, with respect to any report which has been requested by Council and is received for information by a Committee or Community Council and reported to Council, for information only, under "Other Items", Council, by a majority vote, may refer the report back to the Committee or Community Council for further consideration and may direct the Committee or Community Council to report back to Council directly for consideration as a Clause; and, further, that the Council Procedural By-law be amended accordingly.
- (c) Councillor Flint moved that the Clause be amended to provide that any decision made by a Committee or Community Council may be forwarded on to City Council as a separate Clause at the request of any Member of Council present at such meeting at the time the matter is decided.
- (d) Councillor Altobello moved that the Clause be struck out and referred back to the Administration Committee for further consideration, together with all motions moved by Members of Council in this regard.

*Withdrawal of Motion:*

Councillor Adams, with the permission of Council, withdrew his motion (a).

*Vote:*

Adoption of referral motion (d) by Councillor Altobello:

Yes - 34	
Mayor:	Lastman
Councillors:	Adams, Altobello, Augimeri, Balkissoon, Berardinetti, Berger, Bossons, Brown, Cho, Chong, Disero, Gardner, Giansante, Holyday, Jakobek, Kelly, Kinahan, King, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moeser, Moscoe, Ootes, Pitfield, Prue, Saundercook, Sinclair, Soknacki, Tzekas
No - 8	
Councillors:	Chow, Flint, Jones, Korwin-Kuczynski, Miller, O'Brien, Shiner, Walker

Carried by a majority of 26.

**13.47 Clause No. 4 of Report No. 5 of The Community Services Committee, headed “A Comprehensive Summary of Child Care Issues and a Proposed Plan and Timetable for Action”.**

*Vote:*

Adoption of Clause, without amendment:

Yes - 36
Mayor: Lastman
Councillors: Adams, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Cho, Chong, Chow, Disero, Duguid, Flint, Giansante, Holyday, Johnston, Jones, Kelly, Kinahan, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Ootes, Pitfield, Prue, Rae, Saundercook, Shiner, Sinclair, Soknacki
No - 0

Carried, without dissent.

**13.48 Clause No. 5 of Report No. 5 of The Community Services Committee, headed “Exemplary International Models of Early Childhood Education and Development and Their Impact on the Toronto’s Children’s Strategy”.**

*Vote:*

Adoption of Clause, without amendment:

Yes - 36
Mayor: Lastman
Councillors: Adams, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Cho, Chong, Chow, Disero, Duguid, Flint, Giansante, Holyday, Johnston, Jones, Kelly, Kinahan, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Ootes, Pitfield, Prue, Rae, Saundercook, Shiner, Sinclair, Soknacki
No - 0

Carried, without dissent.

**13.49 Clause No. 6 of Report No. 5 of The Community Services Committee, headed “Local Framework for Involvement in Federal and Provincial Investment Discussions Concerning an Early Childhood Development Program”.**

*Vote:*

Adoption of Clause, without amendment:

Yes - 36 Mayor: Lastman Councillors: Adams, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Cho, Chong, Chow, Disero, Duguid, Flint, Giansante, Holyday, Johnston, Jones, Kelly, Kinahan, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Ootes, Pitfield, Prue, Rae, Saundercook, Shiner, Sinclair, Soknacki
No - 0

Carried, without dissent.

**13.50 Clause No. 7 of Report No. 5 of The Community Services Committee, headed “Impact of New Provincial Safety Requirements for Playgrounds in Licensed Child Care Programs”.**

*Motions:*

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

“It is further recommended that:

- (1) City Council request the Ministry of Community and Social Services to provide one-time funding to render all playgrounds in the City of Toronto safe;
- (2) in the interim, all playgrounds deemed to be unsafe be temporarily named ‘The Honourable John Baird “Unsafe” Playground’, or named for the incumbent Minister, as appropriate; and
- (3) the playgrounds be reverted to their original names, one playground at a time, once the playground has been deemed safe.”

- (b) Councillor Johnston moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on the feasibility of giving the private sector an opportunity to sponsor all or part of the costs of replacing playgrounds in licensed child care programs, including tax credits, such report to also address who and what organizations should be considered as sponsors; and that Dr. Fraser Mustard, The Founders’ Network, be consulted in the preparation of this report.”
- (c) Councillor McConnell 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 meet with the appropriate representatives of the federal and provincial governments to explore opportunities to use the federal and provincial infrastructure plan to implement an upgrade of all the playgrounds and report thereon to the Economic Development and Parks Committee.”
- (d) Councillor Cho moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the provincial government be requested to fund the rehabilitation of playgrounds on a 50/50 cost-sharing basis.”
- (e) Councillor Soknacki moved that the Clause be amended by adding thereto the following:
- “It is further recommended that, if the Ministry of Community and Social Services does not participate in the cost-sharing agreement, the Ministry be requested to withdraw its adoption of the Canadian Standards Association (CAN/CSA Z6114-98) as the indicator of compliance for safety in playgrounds.”
- (f) Councillor Lindsay Luby moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the Canadian Standards Association and the federal and provincial governments be requested to consider making any changes to playground equipment standards systematically, every five or ten years, in order to afford the City of Toronto the opportunity to plan for a phased-in approach to such changes.”

Councillor Disero in the Chair.

- (g) Councillor Holyday moved that motion (f) by Councillor Lindsay Luby be amended by adding thereto the words “and that the Canadian Standards Association also be requested to prioritize its changes to these standards, in order that those changes deemed most urgent may be dealt with expeditiously”.

Deputy Mayor Ootes in the Chair.

- (h) Councillor Augimeri 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 review with the Ministry of Community and Social Services the regulations under the Day Nurseries Act to investigate whether or not the City of Toronto must comply with the Canadian Standards Association standards, with a view to achieving a compromise.”

*Votes:*

Adoption of Part (1) of motion (a) by Councillor Moscoe:

Yes – 38 Councillors:	Adams, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Chong, Chow, Disero, Duguid, Feldman, Flint, Fotinos, Giansante, Holyday, Johnston, Jones, Kelly, Kinahan, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, O’Brien, Ootes, Prue, Rae, Saundercook, Sinclair, Soknacki, Walker
No – 0	

Carried, without dissent.

Adoption of Parts (2) and (3) of motion (a) by Councillor Moscoe:

Yes - 25 Councillors:	Adams, Ashton, Augimeri, Berger, Brown, Chow, Duguid, Feldman, Giansante, Johnston, Jones, Kinahan, Korwin-Kuczynski, Mammoliti, McConnell, Mihevc, Miller, Moscoe, O’Brien, Prue, Rae, Saundercook, Sinclair, Soknacki, Walker
No - 13 Councillors:	Berardinetti, Bossons, Bussin, Chong, Disero, Flint, Holyday, Kelly, King, Lindsay Luby, Minnan-Wong, Moeser, Ootes

Carried by a majority of 12.

Motion (b) by Councillor Johnston carried.

Adoption of motion (c) by Councillor McConnell:

Yes - 29 Councillors:	Adams, Ashton, Berardinetti, Berger, Bossons, Bussin, Chow, Disero, Duguid, Flint, Fotinos, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Moscoe, Ootes, Prue, Sinclair, Tzekas, Walker
No - 11 Councillors:	Brown, Feldman, Giansante, Holyday, Miller, Minnan-Wong, Moeser, O'Brien, Rae, Saundercook, Soknacki

Carried by a majority of 18.

Motion (d) by Councillor Cho, moved by Councillor Mammoliti in the absence of Councillor Cho, lost.

Adoption of motion (e) by Councillor Soknacki:

Yes - 13 Councillors:	Berardinetti, Brown, Chong, Chow, Feldman, Giansante, Lindsay Luby, Mammoliti, Miller, O'Brien, Rae, Saundercook, Soknacki
No - 30 Councillors:	Adams, Ashton, Augimeri, Berger, Bossons, Bussin, Disero, Duguid, Flint, Fotinos, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, McConnell, Mihevc, Minnan-Wong, Moeser, Moscoe, Ootes, Prue, Sgro, Sinclair, Tzekas, Walker

Lost by a majority of 17.

Adoption of motion (g) by Councillor Holyday:

Yes - 34	
Councillors:	Adams, Augimeri, Berardinetti, Berger, Bossons, Brown, Chong, Chow, Disero, Duguid, Feldman, Fotinos, Holyday, Jakobek, Johnston, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moeser, Moscoe, O'Brien, Ootes, Prue, Sinclair, Soknacki, Tzekas, Walker
No - 9	
Councillors:	Ashton, Bussin, Flint, Giansante, Jones, Miller, Rae, Saundercook, Sgro

Carried by a majority of 25.

Adoption of motion (f) by Councillor Lindsay Luby, as amended:

Yes - 28	
Councillors:	Adams, Augimeri, Berardinetti, Berger, Chong, Chow, Disero, Fotinos, Holyday, Jakobek, Kelly, Kinahan, King, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moeser, Moscoe, O'Brien, Ootes, Rae, Sgro, Sinclair, Soknacki, Tzekas
No - 15	
Councillors:	Ashton, Bossons, Brown, Bussin, Duguid, Feldman, Flint, Giansante, Johnston, Jones, Korwin-Kuczynski, Minnan-Wong, Prue, Saundercook, Walker

Carried by a majority of 13.

Adoption of motion (h) by Councillor Augimeri:

Yes - 32	
Councillors:	Adams, Ashton, Augimeri, Berardinetti, Berger, Brown, Chong, Chow, Disero, Feldman, Fotinos, Giansante, Jakobek, Kinahan, King, Layton, Lindsay Luby, Mammoliti, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, O'Brien, Ootes, Prue, Rae, Saundercook, Sgro, Sinclair, Soknacki, Tzekas
No - 11	
Councillors:	Bossons, Bussin, Duguid, Flint, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, McConnell, Walker

Carried by a majority of 21.

The Clause, as amended, carried.



**13.51 Clause No. 2 of Report No. 12 of The East York Community Council, headed “Revised Site Plan Development Application, 60 Overlea Boulevard”.**

*Motion:*

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

“It is further recommended that the communication dated November 24, 1999, from the District Manager, Customer Facilities, Design and Construction Department, Toronto Hydro, wherein Toronto Hydro indicates that it has no objection to the amendments proposed by the East York Community Council, be received.”

*Votes:*

The motion by Councillor Prue carried.

The Clause, as amended, carried.

**13.52 Clause No. 2 of Report No. 5 of The Economic Development and Parks Committee, headed “Decision-Making Protocol for Parks and Recreation Matters”.**

*Motion:*

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

(1) deleting Recommendation No. (1) of the Economic Development and Parks Committee and inserting in lieu thereof the following new Recommendation No. (1):

“(1) amending Recommendation No. (2) to read as follows:

‘(2) City Council endorse the protocol outlined in this report for dealing with parks and recreation matters and authorize its use by the Commissioner of Economic Development, Culture and Tourism (or designate) in determining the appropriate Committee routing process for parks and recreation matters;’ ”; and

(2) adding thereto the following:

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on a mechanism to determine a routing process for parks and recreation matters that have a direct local impact.”

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

“It is further recommended that both Ward Councillors be consulted prior to the submission of any report by the Commissioner of Economic Development, Culture and Tourism, respecting any change to a park or property in their Ward.”

*Votes:*

Motion (b) by Councillor Johnston carried.

Motion (a) by Councillor Ashton carried.

The Clause, as amended, carried.

### 13.53 **IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE**

*Motion:*

Deputy Mayor Ootes on November 25, 1999, at 3:15 p.m., moved that Council now resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Clause No. 4 of Report No. 7 of The Administration Committee, headed “Claim by Vardin et al”, in accordance with the provisions of the Municipal Act.

*Vote:*

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 3:20 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened at 3:55 p.m. as Council and met in public session in the Council Chamber.

Deputy Mayor Ootes took the Chair and called the Members to order.

### 13.54 **Clause No. 4 of Report No. 7 of The Administration Committee, headed “Claim by Vardin et al”.**

*Report of the Committee of the Whole:*

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that City Council, at its in camera session held on November 25, 1999, had struck out the recommendation of the Administration Committee and issued confidential instructions to staff, such instructions to remain confidential in accordance with the provisions of the Municipal Act.

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

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

**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.”

Council also had before it, during consideration of Motion F, 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 120)

*Motion:*

Councillor Korwin-Kuczynski moved that, having regard that Council at its meeting held on October 26, 1999, adopted the first Operative Paragraph embodied in Motion F, consideration of the balance of Motion F be deferred to the next regular meeting of Council to be held on December 14, 1999, such Motion to be considered as the first item of business.

*Vote:*

The motion by Councillor Korwin-Kuczynski carried.

- 13.56 Deputy Mayor Ootes called upon Notice of Motion I(1) appearing on the Order Paper, as follows:

**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 (I), 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, a copy of which is on file in the office of the City Clerk.

*Motion:*

Councillor Miller moved that Motion I(1) be referred to the Toronto Transit Commission.

*Vote:*

The motion by Councillor Miller carried.

13.57 Deputy Mayor Ootes called upon Notice of Motion I(2) appearing on the Order Paper, as follows:

**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."

*Vote:*

Adoption of first Operative Paragraph embodied in the Motion I(2):

Yes – 15 Councillors: Disero, Duguid, Fotinos, Giansante, Holyday, Jakobek, Kelly, King, Lindsay Luby, Mahood, Minnan-Wong, Nunziata, Rae, Saundercook, Sinclair
No – 30 Councillors: Berger, Bossons, Bussin, Cho, Davis, Feldman, Filion, Flint, Gardner, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Moscoe, O'Brien, Ootes, Pantalone, Pitfield, Prue, Shaw, Shiner, Silva, Soknacki, Walker

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

Having regard that the vote to re-open Clause No. 1 of Report No. 12 of The Toronto Community Council did not carry, the Motion was not adopted.

- 13.58 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(1), 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. 22 of Report No. 11 of The Toronto Community Council, headed 'Extension of Permit Parking Hours on Waverley Road, between Kewbeach Avenue and Kingston Road (East Toronto)'; and

**WHEREAS** after further consultation with the residents of the street, the majority objected to the change of hours for permit parking;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 46 of the Council Procedural By-law, Clause No. 22 of Report No. 11 of The Toronto Community Council, headed 'Extension of Permit Parking Hours on Waverley Road, between Kewbeach Avenue and Kingston Road (East Toronto)', be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** the action taken by Council on July 27, 28, 29 and 30, 1999, with respect to Clause No. 22 of Report No. 11 of The Toronto Community Council, be rescinded and that the permit parking hours on Waverley Road, between Kewbeach Avenue and Kingston Road, be in effect from 12:01 a.m. to 7:00 a.m., 7 days a week."

*Votes:*

The first Operative Paragraph embodied in the Motion J(1) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(1) carried, without amendment.

- 13.59 Councillor King 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), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor King

**Seconded by:** Councillor Ootes

**"WHEREAS** the Greater Toronto Services Board on December 3, 1999, will be dealing with the following Motion from the Countryside and Environment Working Group:

'That the Countryside and Environment Working Group recommend to the Greater Toronto Services Board that it urge the Province of Ontario to issue a six-month moratorium on development in the Oak Ridges Moraine, and that during that period, the Province, in collaboration with the Regions of York, Durham and Peel, the City of Toronto and other stakeholders, prepare a Policy Statement for the Oak Ridges Moraine; and as well, the Regions of York, Durham and Peel complete their Long-Term Strategy for the Oak Ridges Moraine'; and

**WHEREAS** the City of Toronto has previously stated that it opposes development on the Oak Ridges Moraine which does not protect or enhance the health of our river systems;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto support the request for a provincial Policy Statement for the protection and enhancement of the Oak Ridges Moraine;

**AND BE IT FURTHER RESOLVED THAT** the City of Toronto support a moratorium on development while the Policy Statement is being developed and approved;

**AND BE IT FURTHER RESOLVED THAT** the City of Toronto be actively involved in discussions concerning the Oak Ridges Moraine.”

Council also had before it, during consideration of Motion J(2), a communication (November 19, 1999) submitted by Councillor King, from the Regional Clerk, Council of the Regional Municipality of Durham, addressed to The Honourable Mike Harris, Premier of Ontario, forwarding the recommendations of the Regional Council pertaining to a request for a provincial Long-Term Strategy and Moratorium on Further Development in the Oak Ridges Moraine, a copy of which is on file in the office of the City Clerk.

*Vote:*

Adoption of Motion J(2), without amendment:

Yes- 51	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Davis, Disero, Duguid, Feldman, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Silva, Sinclair, Soknacki, Walker
No - 0	

Carried, without dissent.



- 13.60 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), 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 has approved the re-development of the former Greenwood Racetrack; and

**WHEREAS** the re-zoning will permit up to 5,000 new residents; and

**WHEREAS** the development is almost 40 percent built and is expected to be completed by 2002; and

**WHEREAS** the projected number of separate school students is 65-90 primary age children; and

**WHEREAS** the only separate school available is Corpus Christi School; and

**WHEREAS** Corpus Christi is scheduled to be closed because its current enrolment of 135 falls 65 students short of the new Provincial guidelines; and

**WHEREAS** the closure will mean that 65-90 students will have to be bused over one and one-half miles to St. John’s School; and

**WHEREAS** the Toronto Catholic District School board will be considering and voting on this matter on November 30, 1999;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council advise the Toronto Catholic District School Board to request a two-year reprieve on the closure of Corpus Christi until the building of the Greenwood Site is completed;

**AND BE IT FURTHER RESOLVED THAT** the Toronto Catholic District School Board be advised of the City’s possible interest in moving its existing Child Care Centre at 1661 Queen Street East to Corpus Christi School.”

Council also had before it, during consideration of Motion J(3), a communication (November 15, 1999) addressed to Chair Joseph Martino and Members of the Toronto Catholic District School Board, from Councillor Sandra Bussin, requesting that serious reconsideration be given to the proposed closure of Corpus Christi Catholic School, a copy of which is on file in the office of the City Clerk.

*Motion:*

Councillor Prue moved that Motion J(3) be amended by:

- (1) amending the last recital to read as follows:

“**WHEREAS** the Toronto Catholic District School Board will be considering this matter on November 30, 1999, and voting on this matter on December 16, 1999;”  
and

- (2) adding the following new Operative Paragraphs:

“**AND BE IT FURTHER RESOLVED THAT** City Council is equally concerned about the proposed closures of fourteen other separate schools in our City and the effects this will have on students, families, day care centres and neighbourhood activities, and, therefore, requests that staff of the City of Toronto be consulted, prior to the making of any decision by the Toronto Catholic District School Board;

**AND BE IT FURTHER RESOLVED THAT** the appropriate City staff be requested to report directly to Council at its next meeting to be held on December 14, 1999, on the results of these consultations.”

*Votes:*

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

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

Adoption of Motion J(3), as amended:

Yes – 31	
Councillors:	Altobello, Augimeri, Berger, Bossons, Brown, Chong, Davis, Duguid, Filion, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Nunziata, Ootes, Pantalone, Prue, Saundercook, Shaw, Shiner, Sinclair, Walker
No – 1	
Councillor:	Flint

Carried by a majority of 30.

- 13.61 Councillor Nunziata 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):

**Moved by: Councillor Nunziata**

**Seconded by: Councillor Jakobek**

“**WHEREAS** several Councillors and community members have expressed concern regarding raves and large dance events; and

**WHEREAS** there exists no consistent or transparent policy regarding rave/dance events held in the City of Toronto; and

**WHEREAS** no clear directive for City departments exists in regard to the management or regulation of rave/dance events; and

**WHEREAS** some City properties have been used for raves and there are plans to use City properties for raves in the future, and, therefore, it is imperative that this issue be dealt with as soon as possible; and

**WHEREAS** representatives from City Council, the Mayor’s Office, Toronto Police Services, the City Solicitor’s office, Public Health, Municipal Licensing and Standards, the Drug Prevention Centre, promoters, and community organizations and the Toronto rave community have recently engaged in dialogue concerning raves/dances; and

**WHEREAS** all involved parties have been engaged in a process of collaboration and partnership in the creation of a formal protocol which recognizes the need to provide safe rave/dance events; and

**WHEREAS** a consensus regarding the creation of an acceptable and realistic protocol has been reached;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor, in consultation with the appropriate staff, be requested to present a formal protocol directly to Council at its next meeting, which recognizes the need for regulation of rave/dance events, and ensures that such events are both safe for attendees and closely monitored by City staff.”,

the vote upon which was taken as follows:

Yes - 46	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Berardinetti, Berger, Bossons, Bussin, Cho, Chong, Davis, Disero, Duguid, Fillion, Flint, Fotinos, Gardner, Giansante, Holyday, Jakobek, Jones, Kelly, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Pitfield, Prue, Rae, Saundercook, Shaw, Silva, Sinclair, Soknacki, Walker
No - 7	
Councillors:	Brown, Feldman, Johnston, Kinahan, Mammoliti, Pantalone, Shiner

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

*Motion:*

Councillor Pantalone, seconded by Councillor Bussin, moved that Motion J(4) be adopted, subject to:

- (1) deleting from the Operative Paragraph the words "City Solicitor" and inserting in lieu thereof the words "Acting Commissioner of Urban Planning and Development Services", so that such Operative Paragraph shall now read as follows:

**"NOW THEREFORE BE IT RESOLVED THAT** the Acting Commissioner of Urban Planning and Development Services, in consultation with the appropriate staff, be requested to present a formal protocol directly to Council at its next meeting, which recognizes the need for regulation of rave/dance events, and ensures that such events are both safe for attendees and closely monitored by City staff;"; and

- (2) adding the following new Operative Paragraph:

**"AND BE IT FURTHER RESOLVED THAT** a Task Force on Raves be established under the leadership of the Acting Commissioner of Urban Planning and Development Services, composed of all interested Members of Council."

*Votes:*

The motion by Councillor Pantalone, seconded by Councillor Bussin, carried.

Motion J(4), as amended, carried.

- 13.62 Councillor Mammoliti 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), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Mammoliti**

**Seconded by: Councillor Feldman**

“**WHEREAS** as an elected City Councillor within the City of Toronto, North York Humber, Ward 6, Judy Sgro has worked diligently on behalf of the many thousands of constituents in her community while serving as an elected official; and

**WHEREAS** while she has been a member of various City committees for the City of Toronto, Judy Sgro has acted in an exemplary fashion; and

**WHEREAS** on Monday November 15, 1999, Judy Sgro was declared the victor in the federal by-election for the FED zone of York West; and

**WHEREAS** as the new Member of Parliament for York West, Judy Sgro continues to represent constituents of her community through her dedication and her political means and efforts;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto initiate the appropriate measures, on behalf of the Mayor of the City of Toronto, in recognizing Judy Sgro as a dedicated politician for her efforts while she served on City Council;

**AND BE IT FURTHER RESOLVED THAT** the City of Toronto officially recognize Judy Sgro's efforts, dedication and accomplishments at City Council's next regular scheduled meeting on December 14, 1999.”

*Vote:*

Motion J(5) was adopted, without amendment.

- 13.63 Councillor Nunziata 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 Nunziata**

**Seconded by: Councillor Mihevc**

“**WHEREAS** the Committee of Adjustment, West District (‘the Committee’), at its meeting on July 26, 1999, granted consent for the severance of 20-30 Sandcliffe Road (‘the lands’) into six residential townhouse lots; and

**WHEREAS** the City appealed the July 26, 1999 decision of the Committee to the Ontario Municipal Board ('the Board'); and

**WHEREAS** City Council, at its meeting held on September 28 and 29, 1999, by its adoption of Clause No. 1 of Report No. 9 of The York Community Council, headed 'Appeal of Committee of Adjustment Decisions for 20-30 Sandcliffe Road and 3524 Dundas Street West (Ward 27, York Humber)', authorized that the appeal be withdrawn if the owner of the lands provides certain measures to protect existing tenants in the development, including a 10-year lease between the owner and each tenant and a right of first refusal over the sale of any of the townhouses; and

**WHEREAS** the owner of the lands on September 23, 1999, registered an agreement on title to the lands to provide the existing tenants with security of tenure and a right of first refusal; and

**WHEREAS** the Board has set aside the dates of December 20 to 23, 1999, for a hearing into the matter; and

**WHEREAS** the Board has also set aside December 6, 1999, to hear a motion on the part of the owner to dismiss the City's appeal; and

**WHEREAS** the Tenant Protection Act ('the Act') provides tenants with security of tenure where a severance of land occurs, unless the landlord requires vacant possession; and

**WHEREAS** the owner of the lands has registered an amended agreement to the satisfaction of the City which provides for protection for the existing tenants over and above the protections afforded those tenants under the Act;

**NOW THEREFORE BE IT RESOLVED THAT** the City instruct the City Solicitor to withdraw the City's appeal on the matter to the Board."

*Vote:*

Motion J(6) was adopted, without amendment.

- 13.64 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(7), 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 on October 26 and 27, 1999, in adopting Clause No. 30 of Report No. 13 of The Toronto Community Council, headed 'Maintenance of Fences – 51 Osborne Avenue (East Toronto)', approved the

maintenance of a 1.8-metre high wooden fence and a 1.27-metre high chain link fence, subject to certain conditions; and

**WHEREAS** the fences in question have been there for the past 20 years;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 46 of the Council Procedural By-law, Clause No. 30 of Report No. 13 of The Toronto Community Council be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** the owner be permitted to maintain the fences as they are for now, and in the event the fences are replaced, they be built in compliance with the By-law.”

*Votes:*

The first Operative Paragraph embodied in Motion J(7) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(7) carried, without amendment.

- 13.65 Councillor Berger 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 Berardinetti

**Seconded by:** Councillor Feldman

“**WHEREAS** paragraph 23 of section 207 of the Municipal Act, R.S.O. 1990, c. M.45, authorizes a municipal council to enter into an agreement with any person to provide for the use of any of the employees or mechanical equipment of the municipality and for fixing the terms, conditions and charges therefor; and

**WHEREAS** on September 28 and 29, 1999, City Council, in adopting the recommendations contained in Clause No. 1 of Report No. 5 of The Administration Committee, headed ‘Request for Proposal for the Acquisition of 2,000 Optical Scan Vote Tabulators and 100 Touch Screen Voting Units’, directed the Chief Administrative Officer to prepare a policy in conjunction with the participation of City election staff in the elections of other jurisdictions; and

**WHEREAS** on November 28, 1999, the Greek Community of Metropolitan Toronto is conducting its annual election for its Board of Directors; and

**WHEREAS** at the request of the Board of Directors of the Greek Community of Metropolitan Toronto, City staff have expressed an interest in conducting the annual election for the Board at a fee of \$11,122.25; and

**WHEREAS** the Board of Directors has subsequently requested the City's election staff to provide staff support and vote counting equipment for the conduct of the election, as it has done for the last 10 years; and

**WHEREAS** the above noted policy from the Chief Administrative Officer on the participation of City election staff in the elections of other jurisdictions is not yet complete;

**NOW THEREFORE BE IT RESOLVED THAT** the City's election staff be directed to provide staff support and vote counting equipment for the Greek Community of Metropolitan Toronto election to be held on November 28, 1999, for a fee of \$11,122.25."

*Vote:*

Motion J(8) was adopted, without amendment.

- 13.66 Councillor Adams 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 Adams

**Seconded by:** Councillor Miller

**“WHEREAS** the Ontario Municipal Board will soon be hearing requests by landowners in York and Durham Regions to develop land on the Oak Ridges Moraine; and

**WHEREAS** development of the Oak Ridges Moraine may impact both the quality and quantity of water which flows into the City of Toronto from the abutting Regions of York and Durham; and

**WHEREAS** the City of Toronto is an abutting landowner and a municipality interested in the quality and quantity of water in its streams and rivers including the Humber River, the Don River and the Rouge River and the City Waterfront; and



**WHEREAS** the City of Toronto's quality of life and the health of its streams, rivers and waterfront is tied to the ecological health of the headwaters which originate in the Oak Ridges Moraine; and

**WHEREAS** the Ontario Municipal Board held a first pre-hearing conference on a development appeal in Richmond Hill on November 19, 1999, with a second pre-hearing scheduled for January 27, 2000, and the hearing scheduled for May 1, 2000, and the Board will hold a second pre-hearing on an appeal in Uxbridge on Monday, November 29, 1999; and

**WHEREAS** the Greater Toronto Services Board, on which the City of Toronto is represented, has been discussing this issue recently and will continue to seek a unified approach to the matter;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be instructed to maintain a watching brief at both upcoming Ontario Municipal Board hearings in Richmond Hill and Uxbridge in order to monitor the progress of the matters and to protect the City's interests; and give notice to the Ontario Municipal Board hearing panels that the City may seek party or participant status;

**AND BE IT FURTHER RESOLVED THAT** the City Solicitor, and the Commissioners of Works and Emergency Services and Urban Planning and Development Services work with counsel and staff of the Toronto and Region Conservation Authority to prepare and present a case in support of protecting watercourses, natural areas and other environmentally-sensitive areas;

**AND BE IT FURTHER RESOLVED THAT** the Commissioners of Works and Emergency Services and Urban Planning and Development Services and the City Solicitor be requested to report to the Policy and Finance Committee at its next meeting to be held on December 7, 1999, on the financial implications of the City's participation at the Ontario Municipal Board hearings, including the cost of staffing and the retention of outside consultants and legal counsel as necessary;

**AND BE IT FURTHER RESOLVED THAT** the City Solicitor be requested to submit a report to the Planning and Transportation Committee and the Works Committee at their next meetings to be held on November 29, 1999, and December 1, 1999, respectively, on the outcome of the first pre-hearing conference, and the second pre-hearing conference, if possible;

**AND BE IT FURTHER RESOLVED THAT** the Commissioners of Urban Planning and Development Services and Works and Emergency Services be requested to report to the next meeting of the Planning and Transportation Committee to be held on November 29, 1999, as requested by Council at its

meeting held on October 26 and 27, 1999, on further steps the City can consider taking to help protect the Oak Ridges Moraine as a natural resource;

**AND BE IT FURTHER RESOLVED THAT** the appropriate City staff, in co-operation with the Waterfront Regeneration Trust and the Toronto and Region Conservation Authority, be requested to organize a tour of the Oak Ridges Moraine for interested Members of Council;

**AND BE IT FURTHER RESOLVED THAT** the City Solicitor and the Commissioners of Urban Planning and Development Services and Works and Emergency Services be requested to develop strategic policy initiatives to address the protection of the Oak Ridges Moraine as a natural resource at the Provincial, Greater Toronto Area, regional and local levels, and to participate in policy formulation in the relevant municipalities, and to report further on the resources necessary to give effect hereto.”

Council also had before it, during consideration of Motion J(9), a report from the Director of Watershed Management, Toronto and Region Conservation Authority (TRCA), addressed to the Chair and Members of the Executive Committee, TRCA Meeting #10/99, November 5, 1999, entitled “1133373 Ontario Inc. and Bond Lake Investors Inc., Amendments to the Region of York and the Town of Richmond Hill Official Plans, Plans of Subdivision and Rezoning, Ontario Municipal Board Referrals”, a copy of which is on file in the office of the City Clerk.

*Vote:*

Motion J(9) was adopted, without amendment.

- 13.67 Councillor Adams 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), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Adams

**Seconded by:** Councillor Moscoe

“**WHEREAS** the Chief Administrative Officer has prepared a report dated November 22, 1999, regarding an upcoming proceeding at the Ontario Energy Board (OEB) pertaining to natural gas franchise agreements and the use of City rights-of-way; and

**WHEREAS** City Council at its meeting on October 26 and 27, 1999, by its adoption of Clause No. 11 of Report No. 8 of The Policy and Finance Committee,

headed 'Association of Municipalities of Ontario – Gas Franchise Defence Fund', authorized the concept of a submission to the OEB on these matters and authorized the use of and funding for outside legal and technical resources to make the City's submission; and

**WHEREAS** it is urgent for City Council to consider the Chief Administrative Officer's report because the OEB has published a deadline of December 6, 1999, for written submissions;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the attached report dated November 22, 1999, from the Chief Administrative Officer."

Council also had before it, during consideration of Motion J(10), a report (November 22, 1999) from the Chief Administrative Officer, entitled "Update on City Submission to the Ontario Energy Board Respecting Natural Gas Franchise Agreements and Use of the City Rights-of-Way". (See Attachment No. 2, Page 134)

*Vote:*

Motion J(10) was adopted, without amendment.

*Motion:*

Councillor Adams moved that the report dated November 22, 1999, from the Chief Administrative Officer, embodying the following recommendations, be adopted:

"It is recommended that:

- (1) the Chief Administrative Officer, in consultation with the Telecommunications Steering Committee, the City Solicitor and other staff as required, be authorized to oversee and develop the content of the City submission to the Ontario Energy Board on behalf of Council;
- (2) the Chief Administrative Officer, in consultation with the Telecommunications Steering Committee, the City Solicitor and other staff as required, fine-tune the Council-approved principles for telecom organizations respecting City rights-of-way, for their applicability to the gas industry; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

*Vote:*

The motion by Councillor Adams carried.

- 13.68 Councillor Adams 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 Adams**

**Seconded by: Councillor Sinclair**

**“WHEREAS** Council at its meeting held on June 9, 10 and 11, 1999, by its adoption of Notice of Motion J(2) and a confidential report dated June 9, 1999, from the Chief Administrative Officer, established a Selection Panel for the Commissioner of Corporate Services, and such Panel was subsequently revised to also select a Commissioner of Urban Planning and Development Services; and

**WHEREAS** the scheduled dates for the interviews for Commissioners of Corporate Services and Urban Planning and Development Services conflict with the upcoming Federation of Canadian Municipalities board meeting in early December; and

**WHEREAS** members of the Selection Panel are required to attend all the interviews; and

**WHEREAS** Councillor Jack Layton is the 2nd Vice President of the Federation of Canadian Municipalities and is not available for the interviews;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 46 of the Council Procedural By-law, the composition of the Selection Panel established by Council at its meeting on June 9, 10 and 11, 1999, be re-opened for further consideration, only insofar as it pertains to the appointment of Councillor Layton to the Panel;

**AND BE IT FURTHER RESOLVED THAT** Councillor Joe Mihevc replace Councillor Jack Layton on the Selection Panel.”

*Votes:*

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

The balance of Motion J(11) carried, without amendment.

- 13.69 Councillor Saundercook 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), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Saundercook

**Seconded by:** Councillor Giansante

**“WHEREAS** at its meeting of July 27, 28, 29 and 30, 1999, City Council, by its adoption of Clause No. 18 of Report No. 2 of The Works Committee, headed ‘Toronto Biosolids Beneficial Use Program Update - Award of Design Build Contracts for Biosolids Truck Loading and Odour Control Facilities and Plant Wide Heating System at Ashbridges Bay Treatment Plant; Amendment of Agreement with Terratec Environmental Ltd.’, awarded Contract RFP No. 9155-99-01547 for the design and construction of the plant-wide heating system at the Ashbridges Bay Treatment Plant to Thorburn-Penny Limited (TPL); and

**WHEREAS** TPL has requested that the City consent to a change in the mechanical/electrical subcontractor to be engaged by TPL with respect to the work; and

**WHEREAS** the Request for Proposals issued by the City required City Council to approve any change in the team proposed by a Contractor in the performance of the work; and

**WHEREAS** the Commissioner of Works and Emergency Services has prepared a report dated November 22, 1999, entitled ‘Design/Build Plant Wide Heating System Ashbridges Bay Treatment Plant - Contract RFP No.9155-99-01547 Change of Mechanical/Electrical Subcontractor’, and the City Solicitor has prepared a confidential report dated November 22, 1999, entitled ‘Design/Build Plant Wide Heating System Ashbridges Bay Treatment Plant - Contract No. 9155-99-01547 - Legal Implications regarding the proposed change of Mechanical/Electrical Subcontractor’;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the aforementioned reports from the Commissioner of Works and Emergency Services and the City Solicitor.”

Council also had before it, during consideration of Motion J(12), the following reports:

- (i) (November 22, 1999) from the Commissioner of Works and Emergency Services, entitled “Design/Build Plant Wide Heating System, Ashbridges Bay Treatment Plant, Contract RFP No.9155-99-01547, Change of Mechanical/Electrical Subcontractor”, (See Attachment No. 3, Page 139); and

- (ii) (November 22, 1999) from the City Solicitor, entitled “Design/Build Plant Wide Heating System, Ashbridges Bay Treatment Plant, Contract No. 9155-99-01547, Legal Implications Regarding the Proposed change of Mechanical/Electrical Subcontractor”, such report to remain confidential, in accordance with the provisions of the Municipal Act.

*Motion:*

Councillor Saundercook moved that Motion J(12) be adopted, subject to adding the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT:**

- (1) the report dated November 18, 1999, from the Commissioner of Works and Emergency Services, embodying the following recommendation, be adopted:

‘It is recommended that Thornburn-Penny Limited, the selected design/build general contractor for Contract RFP No. 9155-99-01547, Plant Wide Heating System at the Ashbridges Bay Treatment Plant, be permitted to substitute Comstock Canada Ltd. for Sutherland-Schultz Inc. as its mechanical/electrical subcontractor, with all other contractual terms and conditions remaining unchanged.’; and

- (2) the confidential report dated November 22, 1999, from the City Solicitor, be adopted, subject to deleting the recommendation embodied therein and inserting in lieu thereof the following new recommendation, such report to remain confidential, in accordance with the provisions of the Municipal Act:

‘It is recommended that Council authorize the substitution of Comstock Canada Limited for Sutherland-Schultz Inc. as the mechanical/ electrical subcontractor, on condition that Thornburn-Penny Limited provide the City with a broad indemnity, in a form acceptable to the City Solicitor, against any claims or damages that may arise from the City authorizing the substitution.’ ”

*Votes:*

The motion by Councillor Saundercook carried.

Motion J(12), as amended, carried.

- 13.70 Councillor Disero 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(13), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Disero

**Seconded by:** Councillor Fotinos

“**WHEREAS** we have been asked by the members of the Community Police Liaison Committee – 11 Division, to request from the City, legal representation to assist them in opposing the issuance of a Rooming House licence for 2762 Dundas Street West at the upcoming hearing scheduled for December 7, 1999, at 11:30 a.m.; and

**WHEREAS** there is a long history of this establishment’s continual disregard for City By-laws; and

**WHEREAS** the Urban Planning and Development Services Department has active files on the property; and

**WHEREAS** a hearing date has been scheduled and, due to time constraints, we are unable to direct our request through the Committee process;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be instructed to provide legal representation to the Rooming House Licence hearing for 2762 Dundas Street West, scheduled for December 7, 1999.”

*Vote:*

Motion J(13) was adopted, without amendment.

- 13.71 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(14), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Ashton

**Seconded by:** Councillor Silva

“**WHEREAS** Council at its meeting of December 16 and 17, 1998, endorsed the principle that the City’s Heritage resources and programs be delivered and managed through structure of management boards comprised of community

organizations and citizens, and recommended that Heritage staff employed in delivering and supporting Museum services shall be City of Toronto employees; and

**WHEREAS** Council at its meeting of April 13, 14 and 15, 1999, approved a framework for the implementation of Council's decisions of December 16 and 17, 1998, with regard to the governance of Heritage services including Museum services and approved a mechanism for making appointments to the boards through the Economic Development and Parks Committee or through Community Councils; and

**WHEREAS** the membership structure for the new boards was still being discussed between staff and the Heritage stakeholders at that time, who have now agreed to appropriate membership structures; and

**WHEREAS** there is a benefit to the City to have the new Heritage management boards in place for the beginning of the new year, and to do so, recommendations on appointments will have to be made at the Economic Development and Parks Committee meeting of November 29, 1999, and at the subsequent meetings of the Community Councils on December 2, 1999, which necessitates the membership structure being in place prior to those meetings;

**NOW THEREFORE BE IT RESOLVED THAT:**

- (1) the membership of Heritage Toronto be as follows:

Heritage Toronto shall be composed of up to twenty-one (21) members, who shall be appointed by City Council and nominated as follows:

- (a) three (3) representatives of Museum Management Boards;
- (b) three (3) representatives of community LACAC panels;
- (c) the Chair of the Toronto Heritage Foundation;
- (d) one (1) representative from the Toronto Historical Association;
- (e) one (1) representative of the aboriginal community;
- (f) two (2) Members of City Council; and
- (g) six (6) to ten (10) citizen members; and

- (2) the membership of the Toronto Historical Museum Board and the nine community Museum Management Boards be as follows:

- (a) Colborne Lodge/Mackenzie House/Spadina House - nine (9) members, one (1) of whom shall be appointed by the Toronto District School Board, one (1) by the Toronto Separate School



- Board, and one (1) or two (2) of whom shall be Members of Council;
- (b) Collections, Conservation and Shared Resources (98 Atlantic Avenue) - four (4) citizen members, one of whom shall be nominated by the Royal Ontario Museum, two (2) representing the eight other Museum Management Boards, whose representation will rotate each term;
  - (c) Fort York - seven (7) citizen members, two (2) of whom shall be nominated by the Friends of Fort York, one (1) by the Toronto District School Board, and one (1) by The Toronto Separate School Board, and one (1) or two (2) of whom shall be Members Council;
  - (d) Gibson House/Zion Schoolhouse - five (5) citizen members, one (1) of whom shall be nominated by the North York Historical Society, one (1) by the Toronto District School Board, one (1) by the Toronto Separate School Board, and one (1) by the Toronto Region and Conservation Authority; and one (1) or two (2) of whom shall be Members of Council;
  - (e) Montgomery's Inn - seven (7) citizen members, one (1) of whom shall be nominated by the Etobicoke Historical Society, one (1) by the Toronto District School Board, one (1) by the Toronto Separate School Board, and one (1) or two (2) of whom shall be Members of Council;
  - (f) the Pier - nine (9) citizen members, one (1) of whom shall be nominated by the Toronto District School Board, one (1) by the Toronto Separate School Board, and one (1) or two (2) of whom shall be Members of Council;
  - (g) Scarborough Historical Museum - five (5) citizen members, two (2) of whom shall be nominated by the Scarborough Historical Society, one (1) by the Toronto District School Board, 1 (one) by the Toronto Separate School Board, and one (1) or two (2) of whom shall be Members of Council;
  - (h) Todmorden Mills Museum - nine (9) citizen members, one (1) of whom shall be nominated by the Toronto District School Board, one (1) by the Toronto Separate School Board, and one (1) or two (2) of whom shall be Members of Council; and

- (i) York Museum - nine (9) citizen members, one (1) of whom shall be nominated by the Toronto District School Board, one (1) by the Toronto Separate School Board, and one (1) or two (2) of whom shall be Members of Council; and
- (3) the by-laws establishing the new heritage management structure come into effect on January 1, 2000.”

*Vote:*

Motion J(14) was adopted, without amendment.

- 13.72 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(15), 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 request the Toronto Symphony Board and the Toronto Musicians’ Association, parties to a current labour dispute, to return to the bargaining table with a view to reaching a mutually satisfactory collective agreement.”

*Vote:*

Motion J(15) was adopted, without amendment.

### **BILLS AND BY-LAWS**

- 13.73 On November 24, 1999, at 7:19 p.m., Councillor Ashton, seconded by Councillor Chong, 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. 835	By-law No. 745-1999	To confirm the proceedings of the Council at its meeting held on the 23rd and 24th days of November, 1999,
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the vote upon which was as follows:

Yes - 42 Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Bossons, Brown, Cho, Chong, Davis, Disero, Duguid, Feldman, Flint, Giansante, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, Mihevc, Miller, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Rae, Saundercook, Shaw, Shiner, Silva, Soknacki, Tzekas, Walker
No - 0	

Carried, without dissent.

- 13.74 On November 25, 1999, at 2:48 p.m., Councillor Jones, seconded by Councillor Duguid, 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:

Bill No. 750	By-law No. 746-1999	To amend City of Toronto By-law No. 673-1998, as amended, being a by-law "To Prohibit Excessive Idling of Vehicles and Boats".
Bill No. 751	By-law No. 747-1999	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. 752	By-law No. 748-1999	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. 753	By-law No. 749-1999	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. 754	By-law No. 750-1999	To amend City of North York By-law No. 7625 in respect of lands municipally known as 204 Finch Avenue East.
Bill No. 755	By-law No. 751-1999	To amend City of North York By-law No. 7625 in respect of lands municipally known as 162 Finch Avenue East.
Bill No. 756	By-law No. 752-1999	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 757	By-law No. 753-1999	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 183, Article V.
Bill No. 758	By-law No. 754-1999	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. 759	By-law No. 755-1999	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. 760	By-law No. 756-1999	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. 761	By-law No. 757-1999	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. 762	By-law No. 758-1999	To amend By-law No. 3491-80 of the former Borough of York, being a By-law "To provide for night-time parking of motor vehicles on Borough of York highways".

Bill No. 763	By-law No. 759-1999	To exempt part of the lands commonly known as Phase II of the Woodbine Park Development, being certain lots and blocks within Plan of Subdivision 66M-2332, from the provisions of subsection 50(5) of the Planning Act.
Bill No. 764	By-law No. 760-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Heddington Avenue
Bill No. 765	By-law No. 761-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Boon Avenue, Coleman Avenue, Connolly Street, Craighurst Avenue, Earl Grey Road, Glebeholme Boulevard, Indian Road, Kimberley Avenue, Laughton Avenue, Lindsey Avenue, Niagara Street, Rainsford Road, Rathnelly Avenue, Winnifred Avenue.
Bill No. 766	By-law No. 762-1999	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. 767	By-law No. 763-1999	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 768	By-law No. 764-1999	To exempt part of the lands commonly known as Phase II of the Woodbine Park Development, being certain lots and blocks within Plan of Subdivision 66M-2332, from the provisions of subsection 50(5) of the Planning Act.

Bill No. 769	By-law No. 765-1999	To amend Zoning By-law No. 438-86, as amended, of the former City of Toronto, with respect to the lands municipally known in 1998 as 350 Russell Hill Road and 304 Lonsdale Road.
Bill No. 770	By-law No. 766-1999	To amend further Metropolitan Toronto By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 771	By-law No. 767-1999	To amend By-law No. 823-1998 of the City of Toronto.
Bill No. 772	By-law No. 768-1999	To stop up and close for vehicular traffic the public lane extending southerly from Queen Street West between premises 567 and 571 Queen Street West and to authorize the erection of bollards to enforce the due observance thereof.
Bill No. 773	By-law No. 769-1999	To amend former City of York Sign By-law No. 3369-79 to increase the number of off-premise sign locations from 150 to 177.
Bill No. 774	By-law No. 770-1999	To amend further Metropolitan By-law No. 109-86 respecting maximum rates of speed on certain former Metropolitan Roads.
Bill No. 775	By-law No. 771-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 776	By-law No. 772-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 777	By-law No. 773-1999	To amend By-law No. 31001 of the former City of North York, as amended.

Bill No. 778	By-law No. 774-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 779	By-law No. 775-1999	To designate the property at 101 Senlac Road (Michael Shepard House) as being of architectural and historical value or interest.
Bill No. 780	By-law No. 776-1999	To amend City of Toronto By-law No. 530-1999, being a by-law "To Provide for Snow and Ice Removal".
Bill No. 781	By-law No. 777-1999	To amend City of Toronto By-law No. 529-1999, being a by-law "To temporarily prohibit parking on highways to facilitate snow removal".
Bill No. 782	By-law No. 778-1999	To amend City of Toronto By-law No. 528-1999, as amended, being a by-law "To regulate traffic on certain highways during periods of emergency occasioned by the fall of snow".
Bill No. 783	By-law No. 779-1999	A By-law to appoint Toronto Transit Commission Route Supervisors as Municipal Law Enforcement Officers.
Bill No. 784	By-law No. 780-1999	To authorize the destruction of certain computer data in the custody or control of the City of Toronto, despite the former municipalities' record retention by-laws.
Bill No. 785	By-law No. 781-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Shaftesbury Avenue.

Bill No. 786	By-law No. 782-1999	A By-law to appoint certain City of Toronto employees as Municipal Law Enforcement Officers.
Bill No. 787	By-law No. 783-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Westmoreland Avenue.
Bill No. 788	By-law No. 784-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Greenwood Avenue, Gresham Road, Heddington Avenue, Hillsdale Avenue West, Hounslow Heath Road, Keewatin Avenue, Madison Avenue, Nassau Street, Strathearn Boulevard.
Bill No. 789	By-law No. 785-1999	To amend City of Toronto By-law No. 894-1998, respecting the designation of portions of highways as community safety zones.
Bill No. 790	By-law No. 786-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Russett Avenue.
Bill No. 791	By-law No. 787-1999	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.
Bill No. 792	By-law No. 788-1999	To amend City of Toronto By-law No. 884-1998 being a By-law to designate an Interim Control Area in the Rockcliffe Boulevard/Caesar Avenue Area of the City (Interim Control).
Bill No. 793	By-law No. 789-1999	To designate certain lands in the Finch Avenue and Weston Road Area as a Community Improvement Project Area.



Bill No. 794	By-law No. 790-1999	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 795	By-law No. 791-1999	To amend further By-law No. 23506 of the former City of Scarborough, respecting pedestrian crossovers.
Bill No. 796	By-law No. 792-1999	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 797	By-law No. 793-1999	A by-law to establish the Toronto Historical Museum Board and nine (9) Community Museum Management Boards and provide for the appointment of members thereto.
Bill No. 798	By-law No. 794-1999	A By-law to Revise the Powers of the Toronto Historical Board and to provide for it to be known as "Heritage Toronto".
Bill No. 799	By-law No. 795-1999	A By-law to Establish the Toronto Preservation Board with Community Local Architectural Conservation Advisory Committee Panels and Provide for the Appointment of Members thereto.
Bill No. 800	By-law No. 796-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Shaftesbury Avenue.
Bill No. 801	By-law No. 797-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 802	By-law No. 798-1999	To amend By-law No. 31001 of the former City of North York, as amended

Minutes of the Council of the City of Toronto  
November 23, 24 and 25, 1999

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Bill No. 803	By-law No. 799-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 804	By-law No. 800-1999	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 805	By-law No. 801-1999	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 806	By-law No. 802-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Borden Street.
Bill No. 807	By-law No. 803-1999	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. 808	By-law No. 804-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Waverley Road.
Bill No. 809	By-law No. 805-1999	To amend Zoning By-law No. 1996-0279 of the former City of Toronto with respect to the lands generally bounded by Coxwell Avenue, Queen Street East, Woodbine Avenue and Lake Shore Boulevard East and commonly referred to as the Woodbine Park Development.
Bill No. 810	By-law No. 806-1999	To amend Zoning By-law No. 438-86 of the former City of Toronto with respect to a component of the lands generally bounded by Coxwell Avenue, Queen Street East, Woodbine Avenue and Lake Shore Boulevard East and commonly referred to as the Woodbine Park Development.

Bill No. 811	By-law No. 807-1999	To amend By-law No. 56-1999 being a By-law to make Appointments to Greater Toronto Services Board.
Bill No. 812	By-law No. 808-1999	Y2K Employee Indemnification.
Bill No. 813	By-law No. 809-1999	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. 814	By-law No. 810-1999	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 Orchard View Boulevard by the installation of speed humps from Duplex Avenue to Edith Drive.
Bill No. 815	By-law No. 811-1999	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 Oakvale Avenue by the installation of speed humps from Greenwood Avenue to the west end.
Bill No. 816	By-law No. 812-1999	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 Markham Street near Robinson Street by the installation of an island or planter.

Bill No. 817	By-law No. 813-1999	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 Harbour Street consisting of the widening of the pavement on the north side of Harbour Street by the construction of a layby in front of 60 Harbour Street.
Bill No. 818	By-law No. 814-1999	To change the name of part of Simcoe Street lying north of Queen Street West extending easterly from St. Patrick Street to the north/south portion of Simcoe Street "Michael Sweet Avenue".
Bill No. 819	By-law No. 815-1999	To layout and dedicate for public lane purposes certain land to form part of the public lane west of Yonge Street extending from Brookdale Avenue to Cranbrooke Avenue.
Bill No. 820	By-law No. 816-1999	To layout and dedicate for public lane purposes certain land to form part of the public lane south of Bloor Street West extending easterly from Delaware Avenue.
Bill No. 821	By-law No. 817-1999	To layout and dedicate certain land for public lane purposes to form part of the public lane system in the block bounded by Main Street, Danforth Avenue, Chisholm Avenue and Doncaster Avenue.
Bill No. 822	By-law No. 818-1999	To layout and dedicate for public lane purposes certain land to form part of the public lane south of King Street West extending westerly from Blue Jays Way.

Bill No. 823	By-law No. 819-1999	To layout and dedicate certain land between Grosvenor Street and Breadalbane Street for public highway purposes to form part of the public highway Bay Street.
Bill No. 824	By-law No. 820-1999	To lay out and dedicate certain land for public highway purposes to form part of the public highway Stadium Road.
Bill No. 825	By-law No. 821-1999	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Stadium Road.
Bill No. 826	By-law No. 822-1999	To amend Scarborough Zoning By-law No. 24982, the Employment Districts Zoning By-law with respect to the Golden Mile Employment District.
Bill No. 827	By-law No. 823-1999	To amend Scarborough Zoning By-law No. 24982, the Employment Districts Zoning By-law with respect to the Golden Mile Employment District.
Bill No. 828	By-law No. 824-1999	To amend Scarborough Zoning By-law No. 24982, the Employment Districts Zoning By-law with respect to the Golden Mile Employment District.
Bill No. 829	By-law No. 825-1999	To amend the Scarborough Zoning By-law No. 10827 with respect to the Highland Creek Community.
Bill No. 830	By-law No. 826-1999	To establish certain lands as a municipal highway.
Bill No. 831	By-law No. 827-1999	To amend the former City of Toronto Municipal Code Ch 400, Traffic and Parking, Schedule XXVI (Permit Parking), by adding a new Part AC respecting Hillsdale Avenue and deleting Part AAA.

Minutes of the Council of the City of Toronto  
November 23, 24 and 25, 1999

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Bill No. 832	By-law No. 828-1999	To amend former City of Toronto Municipal Code Chapter 194, Footpaths, Bicycle Lanes and Pedestrian Ways, to designate the west sidewalk (southbound direction) on York Street, within the York Viaduct, between Front Street West and Lake Shore Boulevard, as a bicycle path for the exclusive use of cyclists for certain hours of the day and as a footpath for the shared use of pedestrians and cyclists for certain other hours of the day.
Bill No. 833	By-law No. 829-1999	To Create a Tax Rebate Program for Ethno-Cultural Centres.
Bill No. 834	By-law No. 830-1999	To Cancel Taxes for Lands Occupied by Certain Ethno-Cultural Centres,

<p>Yes - 33 Councillors: Altobello, Augimeri, Berardinetti, Bossons, Brown, Chow, Davis, Duguid, Filion, Flint, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Minnan-Wong, Nunziata, Ootes, Prue, Saundercook, Shaw, Shiner, Sinclair, Walker</p>
<p>No - 0</p>

Carried, without dissent.

- 13.75 On November 25, 1999, at 2:49 p.m., Councillor Chow, seconded by Councillor Shaw, 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. 836	By-law No. 831-1999	To confirm the proceedings of the Council at its meeting held on the 23rd, 24th and 25th days of November, 1999,
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the vote upon which was as follows:

Yes - 34 Councillors:	Altobello, Augimeri, Berardinetti, Bossons, Brown, Chow, Duguid, Filion, Flint, Giansante, Holyday, Jakobek, Johnston, Jones, Kelly, Kinahan, King, KorwinKuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Nunziata, Ootes, Prue, Saundercook, Shaw, Shiner, Sinclair, Walker
No - 1 Councillor:	Davis

Carried by a majority of 33.

- 13.76 On November 25, 1999, at 3:57 p.m., Councillor Ashton, seconded by Councillor Davis, 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. 837	By-law No. 832-1999	To confirm the proceedings of the Council at its meeting held on the 23rd, 24th and 25th days of November, 1999,
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the vote upon which was as follows:

Yes - 36 Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Brown, Bussin, Cho, Chong, Chow, Davis, Duguid, Filion, Flint, Fotinos, Gardner, Giansante, Holyday, Johnston, Jones, Kelly, Kinahan, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Nunziata, O'Brien, Ootes, Prue, Rae, Shaw, Shiner, Sinclair, Walker
No - 0	

Carried, without dissent.

**OFFICIAL RECOGNITIONS:**13.77 **Condolence Motions****November 23, 1999:**

Mayor Lastman, seconded by Councillor McConnell, moved that:

**“WHEREAS** Members of City Council are deeply saddened to learn of the passing of our friend and colleague, Mr. Allan Austin Lamport, on Thursday, November 18, 1999; and

**WHEREAS** during his 36-year political career, Mr. Lamport, affectionately known as ‘Lampy’, served the City of Toronto, the City of his heart, in many capacities: as an Alderman, a Controller, a Member of the Legislature, Mayor of the City of Toronto for three consecutive one-year terms and a Toronto Transit Commissioner; and

**WHEREAS** in 1950, he boldly faced the opposition of his colleagues, the clergy and the media in his campaign for Sunday sports in the City of Toronto and, in 1951, he realized his dream when he threw the first baseball for the opening game of the Toronto Maple Leafs season and the first game of Sunday ball in the City of Toronto; as a result of his efforts, Toronto is now ‘open for business’ on Sundays; and

**WHEREAS** after resigning as Mayor in 1954, he served as a Toronto Transit Commissioner for five years, strongly supporting public transit in the City of Toronto and, after opening the Yonge Street subway line in 1954, championed the construction of the Bloor-Danforth subway, another dream that turned into a reality; Mr. Lamport was a great fighter and a real builder; and

**WHEREAS** he is also considered the father of the Toronto Parking Authority which became the world’s largest municipal parking system and resulted in the rejuvenation of downtown Toronto; and

**WHEREAS** in recognition of his great contribution to the City of Toronto, he received many honours and testimonials, including the naming of the municipally-owned stadium on King Street West as the ‘Lamport Stadium’, the naming of the mile long rowing course on Long Pond on Centre Island as the ‘Allan A. Lamport Regatta Course’; and

**WHEREAS** he also received the Order of Canada in 1994, the citation stating that ‘he was well loved as “Mr. Toronto” ’; and



**WHEREAS** Mr. Lamport will be fondly remembered by his friends and colleagues for his devotion to the City of Toronto, his fire and resourcefulness in debate, his energy, honesty and integrity;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of members of City Council, and all the citizens of the City of Toronto, our sincere sympathy to his daughters, Suzanne and Jane, and his grandchildren.”

Councillor Shiner, seconded by Councillor Feldman, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the passing of Mr. Gordon C. Hutchinson, on Saturday November 6, 1999; and

**WHEREAS** Mr. Hutchinson joined the Township of North York as Supervisor of Recreation in 1955 and over his forty-year career served as a Director of Recreation, from 1959 to 1967, Deputy Commissioner of Parks and Recreation from 1967 to 1984 and, until his retirement in 1993, as Commissioner of Parks and Recreation;

Throughout his career, Mr. Hutchinson was a pioneer, organizing the first day camp in North York, was a leader in the service delivery of hockey, playground and aquatic programs and began efforts to naturalize City parks. His primary focus was always one of service. The founding of the North York Parks and Recreation Trust Fund best exemplifies Mr. Hutchinson’s commitment to those he served over and above his professional responsibilities. In 1960, while Director of Recreation, a mother called him to say she could not afford the fifteen dollar fee for her child to attend camp. Mr. Hutchinson went to the Rotary Club and asked for the donation and, rather than just sending one child, the Club gave him one hundred and fifty dollars and said ‘Send nine more’. From that donation, a Trust Fund was formed and over the years, thousands of disadvantaged children have enjoyed recreational experiences.

Professionally, he was influential in the Parks and Recreation movement, chairing the founding conference committee of the Ontario Recreation Society and subsequently serving as its Director, Vice-President and President. Mr. Hutchinson was also Chairman of the Metro Toronto Commissioners of Parks and Recreation and a member of the Ontario Municipal Recreation Association, Ontario Parks Association, Ontario Facilities Association and the Canadian Parks Association.

**WHEREAS** we, in the City of Toronto, the local community and colleagues throughout Ontario and Canada, will sorely miss Gord's wisdom and many years of experience in the field of Parks and Recreation;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to Mr. Hutchinson's family, his wife Marlene, daughters Marjorie Wetmore and Nancy McNair, sons-in-law Scott Wetmore and Steve McNair, and his five grandchildren Jennifer, Katherine, James, David and Alison."

Councillor Feldman, seconded by Mayor Lastman, moved that:

**"WHEREAS** the untimely death of Dimitri 'Matti' Baranovski, on Sunday, November 14, 1999, was a senseless act of violence against humanity; and

**WHEREAS** the students and teachers of Northview Heights Collegiate and the community of Antibes Torresdale have been deeply shocked and threatened by a brutal attack of a predatory gang of teens that prey on the innocent; and

**WHEREAS** Dimitri 'Matti' Baranovski will be bitterly missed by his family and friends and the community; and

**WHEREAS** 'Matti' was an outstanding young man with hopes and aspirations of a medical career, who loved and cherished his family and friends; and

**WHEREAS** pointless acts of violence are crippling our societies, and in the wake of this young man's death, we must reflect; and

**WHEREAS** we, the City of Toronto, the local community and the schools throughout Ontario and Canada should make it our duty never to forget this senseless act;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey on behalf of the Members of City Council an expression of our deepest condolences to 'Matti's' family and classmates;

**AND BE IT FURTHER RESOLVED THAT** a suitable memorial be established in Harryetta Gardens, a City of Toronto park, to commemorate the young life of Dimitri Baranovski and to remind the citizens of the City of Toronto that we will never tolerate violence."

Leave to introduce the Motions was granted and the Motions were carried unanimously.

Council rose and observed a moment of silence in memory of the late Messrs. Lamport, Hutchinson and Baranovski.

**November 25, 1999:**

Councillor Layton, seconded by Councillor Pitfield, moved that:

“**WHEREAS** in the last two weeks, several homeless Torontonians have died on our streets; and

**WHEREAS** our City remains shocked at the growing numbers of homeless fatalities; and

**WHEREAS** our City is committed to continuing its efforts to provide permanent affordable housing but cannot do this alone; and

**WHEREAS** in the midst of the crisis, our City is continuing to open additional facilities, working with community groups and agencies and their staff and volunteers; and

**WHEREAS** the federal and provincial governments must join with the cities across Canada in solving this crisis;

**NOW THEREFORE BE IT RESOLVED THAT** Council acknowledge and mourn the passing of Mathew Woodley, Herbert Hutton, Stephen Redman and a man, as yet unidentified, who was found on the weekend of November 20, 1999, on Lawrence Avenue West, all of whom have died in our streets in the past 14 days.”

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

Council rose and observed a moment of silence in memory of the late Messrs. Woodley, Hutton and Redman, and the unidentified man found on Lawrence Avenue West.

**13.78 Presentations/Introductions/Announcements:**

**November 23, 1999:**

Deputy Mayor Ootes, during the morning session of the meeting, introduced Ms. June Rowlands, a past Mayor of the former City of Toronto, present at the meeting.

Councillor Davis, during the morning session of the meeting, introduced the following officials from the City of Johannesburg, present at this meeting:

- Mr. Roland Hunter, Chief Executive Officer;
- Mr. Kenny Fihla, Councillor and Chair of the Transformation Committee; and
- Mr. Pascal Moloi, Transformation Manager.

Mayor Lastman, during the afternoon session of the meeting, proclaimed November 22 to 27, 1999, as “Child Poverty Week” in the City of Toronto; and invited Ms. June Callwood and Councillor Olivia Chow, the Children’s Advocate, to the podium to address the Council regarding the Campaign Against Child Poverty and the vigil that would be held in Nathan Phillips Square that evening.

Mayor Lastman also invited the Canadian Children’s Opera Choir to perform their rendition of the song, entitled “The Promise”, that had been written for the Campaign Against Child Poverty.

**November 24, 1999:**

Councillor Layton, during the morning session of the meeting, invited Members of Council to participate in the White Ribbon Campaign Breakfast being held at the Royal York Hotel at 8:00 a.m., on November 25, 1999.

Councillor Johnston, during the morning session of the meeting, encouraged Members of Council to submit their donations to this year’s United Way Campaign.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of Parkside Public School, present at the meeting.

Councillor Duguid, during the afternoon session of the meeting, introduced the participants of the Canadian Politics Workshop, Academy of Life-Long Learning, present at the meeting.

Councillor Mammoliti, during the afternoon session of the meeting, introduced the members of the Weston Wolves Soccer Team, present at the meeting; advised the Council that the Weston Wolves, a team consisting of young adults ranging in age from 15 to 16, had traveled to Cosenza, Italy, to participate in a tournament with professional players, ranging in age from 18 to 20, and had won the tournament; invited Mr. Carmine Stefano, President of the Team, Mr. Italo Ferrari, the team Manager, and Mr. Andre Arango to the podium; and extended, on behalf of Council, the congratulations of Council to the Weston Wolves Soccer Team for their outstanding victory.

**November 25, 1999:**

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of Dublin Heights Elementary School, present at the meeting.

Deputy Mayor Ootes, during the morning session of the meeting, advised the Council that Councillor Judy Sgro, North York Humber, had been elected to the federal riding of York West in the recent by-election and extended to Councillor Sgro, present at the meeting, the congratulations of Council in this regard.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the students of the Korean YMCA ESL program, present at the meeting.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the students of St. Francis of Assisi School, present at the meeting.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the students of the Access International English Centre, present at the meeting.

**13.79 MOTIONS TO VARY PROCEDURE**

*Vary the order of proceedings of Council:*

**November 23, 1999:**

Mayor Lastman, at 10:00 a.m., proposed that Council recess at 12:30 p.m. on November 23, 1999, and reconvene at 4:30 p.m. on November 23, 1999, in order to permit Members of Council to attend the funeral service for Mr. Allan Lamport.

Council concurred in the proposal by Mayor Lastman.

Councillor Moeser, at 10:25 a.m., moved that Council vary the order of its proceedings to consider Clause No. 11 of Report No. 5 of The Community Services Committee, headed "Implementation of the Final Report of the Review of the Use of Motels", at 11:00 a.m. on November 24, 1999, which carried.

Councillor Walker, at 10:30 a.m., moved that Council vary the order of its proceedings to consider Clause No. 1 of Report No. 10 of The Policy and Finance Committee, headed "Implementation of a Tenant Defence Fund", as the first item of business on November 24, 1999, the vote upon which was taken as follows:

Yes - 42	
Mayor:	Lastman
Councillors:	Adams, Altobello, Augimeri, Balkissoon, Berardinetti, Berger, Bossons, Bussin, Cho, Chow, Disero, Duguid, Feldman, Filion, Fotinos, Jakobek, Jones, Kelly, Kinahan, King, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Pantalone, Prue, Rae, Saundercook, Shaw, Silva, Sinclair, Soknacki, Walker
No - 5	
Councillors:	Brown, Davis, Giansante, Ootes, Shiner

Carried by a majority of 47.

Councillor Balkissoon, at 10:35 a.m., moved that Council vary the order of its proceedings to consider Clause No. 16 of Report No. 13 of The Scarborough Community Council, headed "Official Plan Amendment Application SC-P1999007, Zoning By-law Amendment Application SC-Z1999011, Tiffield Development Corporation and Yee Hong Centre for Geriatric Care, Southeast Corner of Middlefield Road and Finch Avenue, Scarborough Malvern", at 4:00 p.m. on November 24, 1999, which carried.

**November 24, 1999:**

Councillor Mihevc, at 7:19 p.m., moved that Council hold its in-camera session at 9:30 a.m. on November 25, 1999, the vote upon which was taken as follows:

Yes - 19	
Councillors:	Adams, Chong, Disero, Flint, Jones, Kinahan, Korwin-Kuczynski, Layton, Li Preti, Mihevc, Moscoe, Nunziata, Pitfield, Prue, Saundercook, Silva, Soknacki, Tzekas, Walker
No - 24	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bossons, Brown, Bussin, Cho, Davis, Duguid, Feldman, Giansante, Johnston, King, Lindsay Luby, Mahood, Mammoliti, Miller, Minnan-Wong, O'Brien, Ootes, Pantalone, Rae

Lost by a majority of 5.

**November 25, 1999:**

Deputy Mayor Ootes, at 9:45 p.m., proposed that Council hold its in-camera session as the last item of business.

Council concurred in the proposal by Deputy Mayor Ootes.

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

**November 23, 1999:**

Deputy Mayor Ootes, 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. 5 of Report No. 5 of The Works Committee, headed "Expansion of the 1999 Ultra Low Flush Toilet Incentive Program", which was carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Adams, at 7:28 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. 18 of Report No. 7 of The Administration Committee, headed "Amendment to the Council Procedural By-law - Submission of Reports to Council", the vote upon which was taken as follows:

Yes - 12 Councillors:	Adams, Augimeri, Holyday, Kinahan, Layton, Lindsay Luby, McConnell, Moscoe, Nunziata, O'Brien, Shaw, Soknacki
No - 26 Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bossons, Brown, Cho, Chow, Davis, Disero, Duguid, Feldman, Flint, Giansante, Jones, Kelly, Mahood, Mammoliti, Mihevc, Ootes, Pantalone, Prue, Rae, Saundercook, Shiner, Tzekas

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

**November 24, 1999:**

Councillor Soknacki, at 12:26 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 permit Members of Council to conclude their remarks respecting Clause No. 1

Minutes of the Council of the City of Toronto  
November 23, 24 and 25, 1999

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of Report No. 10 of The Policy and Finance Committee, headed "Implementation of a Tenant Defence Fund", the vote upon which was taken as follows:

Yes - 19 Councillors:	Berger, Bossons, Disero, Feldman, Flint, Giansante, Holyday, Kelly, Kinahan, Li Preti, Mammoliti, Minnan-Wong, Ootes, Saundercook, Shaw, Shiner, Silva, Sinclair, Soknacki
No - 27 Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Brown, Bussin, Cho, Chong, Duguid, Fotinos, Johnston, Jones, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mihevc, Miller, Moscoe, Nunziata, O'Brien, Pantalone, Pitfield, Prue, Rae, Walker

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

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

Council concurred in the proposal by Deputy Mayor Ootes.

Councillor King, at 7:18 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, and that Council now recess and reconvene at 9:30 a.m. on Thursday, November 25, 1999, which carried, more than two-thirds of Members present having voted in the affirmative.

### 13.80 ATTENDANCE

November 23, 1999	9:45 a.m. to 12:35 p.m.*	Roll Call 4:43 p.m.	4:40 p.m. to 7:30 p.m.*	Roll Call 5:02 p.m.
Lastman	x	-	x	-
Adams	x	-	x	x
Altobello	x	x	x	x
Ashton	x	x	x	x
Augimeri	x	x	x	x
Balkissoon	x	x	x	x
Berardinetti	x	x	x	x
Berger	x	-	x	x



Minutes of the Council of the City of Toronto  
November 23, 24 and 25, 1999

November 23, 1999	9:45 a.m. to 12:35 p.m.*	Roll Call 4:43 p.m.	4:40 p.m. to 7:30 p.m.*	Roll Call 5:02 p.m.
Bossons	x	-	x	-
Brown	x	x	x	x
Bussin	x	x	x	x
Cho	x	x	x	x
Chong	x	x	x	x
Chow	x	x	x	x
Davis	x	-	x	x
Disero	x	x	x	x
Duguid	x	x	x	x
Feldman	x	x	x	x
Filion	x	-	x	-
Flint	-	x	x	x
Fotinos	x	-	x	x
Gardner	x	x	x	-
Giansante	x	x	x	-
Holyday	x	x	x	x
Jakobek	x	x	x	x
Johnston	x	-	-	x
Jones	x	x	x	x
Kelly	x	x	x	x
Kinahan	x	x	x	x
King	x	x	x	x
Korwin-Kuczynski	x	x	x	x
Layton	x	x	x	x
Lindsay Luby	x	x	x	x
Li Preti	x	x	x	x
Mahood	x	x	x	-
Mammoliti	x	x	x	-

Minutes of the Council of the City of Toronto  
November 23, 24 and 25, 1999

November 23, 1999	9:45 a.m. to 12:35 p.m.*	Roll Call 4:43 p.m.	4:40 p.m. to 7:30 p.m.*	Roll Call 5:02 p.m.
McConnell	x	-	x	x
Mihevc	x	x	x	x
Miller	x	x	x	x
Minnan-Wong	x	x	x	x
Moeser	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	x
Pitfield	-	-	-	-
Prue	x	-	x	x
Rae	x	x	x	x
Saundercook	x	x	x	x
Sgro	-	-	-	-
Shaw	x	-	x	-
Shiner	x	-	x	x
Silva	x	x	x	x
Sinclair	x	-	x	x
Soknacki	x	x	x	x
Tzekas	x	x	x	x
Walker	x	x	x	x
Total	55	48	55	48

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

November 24, 1999	Roll Call 9:45 a.m.	9:44 a.m. to 12:25 p.m.*	Roll Call 2:18 p.m.	2:14 p.m. to 7:20 p.m.*
Lastman	-	x	-	x
Adams	-	x	-	x

Minutes of the Council of the City of Toronto  
November 23, 24 and 25, 1999

November 24, 1999	Roll Call 9:45 a.m.	9:44 a.m. to 12:25 p.m.*	Roll Call 2:18 p.m.	2:14 p.m. to 7:20 p.m.*
Altobello	x	x	x	x
Ashton	-	x	-	x
Augimeri	x	x	x	x
Balkissoon	x	x	-	x
Berardinetti	x	x	x	x
Berger	x	x	-	x
Bossons	-	x	x	x
Brown	x	x	-	x
Bussin	x	x	x	x
Cho	x	x	x	x
Chong	x	x	x	x
Chow	x	x	-	x
Davis	-	-	-	x
Disero	-	x	x	x
Duguid	-	x	x	x
Feldman	x	x	x	x
Filion	-	x	-	x
Flint	x	x	x	x
Fotinos	x	x	-	x
Gardner	x	x	x	x
Giansante	x	x	x	x
Holyday	x	x	x	x
Jakobek	x	x	-	x
Johnston	x	x	x	x
Jones	x	x	x	x
Kelly	x	x	-	x
Kinahan	-	x	x	x
King	x	x	x	x

Minutes of the Council of the City of Toronto  
November 23, 24 and 25, 1999

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November 24, 1999	Roll Call 9:45 a.m.	9:44 a.m. to 12:25 p.m.*	Roll Call 2:18 p.m.	2:14 p.m. to 7:20 p.m.*
Korwin-Kuczynski	-	x	x	x
Layton	x	x	x	x
Lindsay Luby	x	x	-	x
Li Preti	x	x	x	x
Mahood	x	x	x	x
Mammoliti	x	x	x	x
McConnell	x	x	x	x
Mihevc	-	x	x	x
Miller	x	x	-	x
Minnan-Wong	x	x	-	x
Moeser	x	x	-	x
Moscoe	-	x	x	x
Nunziata	x	x	-	x
O'Brien	x	x	x	x
Ootes	x	x	x	x
Pantalone	x	x	x	x
Pitfield	x	x	x	x
Prue	x	x	-	x
Rae	x	x	x	x
Saundercook	x	x	x	x
Sgro	-	-	-	-
Shaw	-	x	-	x
Shiner	x	x	x	x
Silva	x	x	x	x
Sinclair	-	x	x	x
Soknacki	x	x	x	x
Tzekas	-	x	-	x



Minutes of the Council of the City of Toronto  
November 23, 24 and 25, 1999

November 25, 1999	Roll Call 9:45 a.m.	9:45 a.m. to 12:25 p.m.*	2:15 p.m. to 3:15 p.m.*	Roll Call 3:14 p.m.	Ctte. of the Whole in-camera 3:20 p.m.*	3:35 p.m. to 3:58 p.m.*
Giansante	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Jakobek	-	x	x	x	x	x
Johnston	-	x	x	x	x	x
Jones	x	x	x	x	x	x
Kelly	x	x	x	x	x	x
Kinahan	x	x	x	x	x	x
King	x	x	x	x	-	x
Korwin-Kuczynski	x	x	x	x	x	x
Layton	-	x	x	-	-	-
Lindsay Luby	x	x	x	x	x	x
Li Preti	x	x	x	-	-	-
Mahood	-	-	-	-	-	-
Mammoliti	x	x	x	-	-	-
McConnell	x	x	x	x	x	x
Mihevc	x	x	x	x	x	x
Miller	-	x	x	x	x	x
Minnan-Wong	-	-	x	x	x	x
Moeser	x	x	x	-	-	-
Moscoe	-	x	-	-	-	-
Nunziata	-	-	x	x	x	x
O'Brien	x	x	x	x	x	x
Ootes	x	x	x	x	x	x
Pantalone	x	x	x	-	-	-
Pitfield	x	x	x	-	-	-
Prue	-	x	x	x	x	x
Rae	x	x	x	x	x	x

Minutes of the Council of the City of Toronto  
November 23, 24 and 25, 1999

November 25, 1999	Roll Call 9:45 a.m.	9:45 a.m. to 12:25 p.m.*	2:15 p.m. to 3:15 p.m.*	Roll Call 3:14 p.m.	Ctte. of the Whole in-camera 3:20 p.m.*	3:35 p.m. to 3:58 p.m.*
Saundercook	-	x	x	x	x	x
Sgro	-	x	-	-	-	-
Shaw	-	-	x	x	x	x
Shiner	-	x	x	x	x	x
Silva	x	x	-	-	-	-
Sinclair	-	x	x	x	x	x
Soknacki	x	x	-	-	-	-
Tzekas	-	x	-	-	-	-
Walker	x	x	x	x	x	x
Total	31	53	47	42	38	41

\* 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. 13.55, Page 67):

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 (BC 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.

Minutes of the Council of the City of Toronto  
November 23, 24 and 25, 1999

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.



Contact Names:

C. Bruno  
Senior Budget Analyst  
397-4218

D. Altman  
Manager, Financial Planning  
397-4220

G. Vollebregt  
Director, Budget Services  
392-9095

L. Brittain  
Director, Treasury and Financial Services  
392-5380

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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 by-laws 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**

Report dated November 22, 1999, from the Chief Administrative Officer, entitled "Up-Date on City Submission to the Ontario Energy Board Respecting Natural Gas Franchise Agreements and Use of the City Rights-of-Way" (See Minute No. 13.67, Page 82):

Purpose:

The purpose of this report is to inform Council of progress made since its approval in October, 1999 to make a submission to the Ontario Energy Board (OEB) and the subsequently announced deadline of December 6, 1999. The efforts of the Association of Municipalities (AMO) respecting establishment of a new model natural gas agreement and associated issues are summarized. Recommendations addressing the steps required by the City of Toronto to present its unique situation and concerns to the OEB respecting the use of municipal rights-of-way for natural gas purposes, are made accordingly.

Financial Implications and Impact Statement:

At its meeting of October 26 and 27, 1999, Council approved funding from the Corporate Contingency Account to engage any necessary outside legal counsel and technical consultants expert in the areas of natural gas distribution, making submissions to the OEB, and rights-of-way issues.

The Solicitor and CAO have established an upset limit for such expenditures as \$50,000.00 inclusive of the Goods and Services Tax. Any additional necessary expenditure for services the City determines are required shall be based on an adjusted written scope of work and supported by a rationale for the approval of the CAO.

Recovery of City costs and fair compensation associated with ROW access, use and occupancy by the natural gas organization(s) in Toronto will have positive financial implications pending a successful presentation to the OEB on these matters.

Recommendations:

It is recommended that:

- (1) the Chief Administrative Officer in consultation with the Telecommunications Steering Committee, the City Solicitor and other staff as required, be authorized to oversee and develop the content of the City submission to the Ontario Energy Board on behalf of Council;

- (2) the Chief Administrative Officer in consultation with the Telecommunications Steering Committee, the City Solicitor and other staff as required, fine-tune the Council approved principles for telecom organizations respecting City rightsofway, for their applicability to the gas industry; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Background:

Ontario municipalities through the AMO are pursuing a ruling on the terms and conditions of a new model natural gas franchise agreement to bring it up to date and to reflect current conditions. The model franchise agreement first developed between AMO and the gas industry in 1987, and sanctioned by the OEB, serves as the standard operating agreement between municipalities and gas distribution utilities. It sets out the terms and conditions under which gas utilities may distribute natural gas within a municipality.

AMO and the gas industry have again been working together on changes to present to the OEB. While there are areas of agreement, there are also areas where agreement has not been reached including provisions to allow municipalities to recover both permit fees and recovery of costs including fair compensation for the use of the City ROW, the term of renewal periods and, the provisions for liability.

The City of Toronto Council adopted recommendations from the Telecommunications Steering Committee, at its meeting of October 26 and 27, 1999 respecting pursuit of these matters at the OEB. On November 3, 1999 AMO issued a member communication Alert advising that the OEB announced its requirement for written submissions on any or all of ten issues identified by the OEB, by December 6, 1999.

Comments:

The OEB is concerned with very similar issues imminent at the CRTC respecting telecom organizations wishing access to, use of and occupancy of the ROW. Council has approved a number of initiatives for action and investigation by the Telecommunications Steering Committee, including directives to develop a City-wide telecom strategy. Council has also approved five principles for ROW use by telecom organizations, and a standard Municipal Access Agreement for telecom organizations using City ROW.

While ROW management authority and fair compensation to the City is a primary focus in both the telecom and energy sectors, other matters to protect municipalities and taxpayers are also at stake. Some of these other issues include, for example, default provisions, legislative changes, and the ownership, use of, and responsibility for abandoned and decommissioned pipelines. The early OEB submission deadline is being driven by the fact that many municipal franchise agreements are nearing an end and the OEB wishes to resolve the areas of disagreement between the gas industry and municipalities before renewals occur based on a no longer relevant model.

#### The City of Toronto Situation:

The City of Toronto is in the unique situation of having a vastly different operating, demand, historical and legislative environment, than do the other members of AMO. A review by City legal and CAO staff of the legislation and the joint AMO/gas industry brief to the OEB on areas of agreement and disagreement, indicated that Toronto requires its own legal counsel and representation at the OEB for the issues at hand.

Specifically, while the issues identified by AMO are pertinent to the City of Toronto, the proposals and stated expectations, type of ROW management and compensation parameters, do not reflect the needs or legislative situation of this large urban municipality. In addition, the Works and Emergency Services Department has advised that technical consulting assistance will also be required since the newly amalgamated City presents particular difficulty in obtaining some of the data required to make a case to the OEB.

To this end, Mr. Andrew Roman a lawyer with the firm of Miller Thomson, Barristers and Solicitors was retained effective November 12, 1999. He is undertaking work relating to a submission to the OEB on a revised model Natural Gas Franchise Agreement and associated advice on Toronto's rights in permitting access to its highways. Mr. Roman is a recognized legal expert in energy law and has a public interest advocacy background. He is also experienced in OEB processes and requirements.

#### The City Approach Required:

In summary, the work to be undertaken for the City involves drafting of the submission to the OEB within a very tight timeframe. Activities required involve materials review including documentation on all the relevant issues, Provincial and other relevant legislation, case law, and former Metropolitan Toronto and area municipal agreements/legislation respecting gas utilities. The work also involves the gathering and assessment of data including applications, pipeline locations and lengths, and any provisions regarding rates of recovery and



compensation in Ontario and other jurisdictions. Perhaps most importantly, the impediments to the City in obtaining reasonable rates of recovery and compensation for access to, occupancy and use of City ROW and the steps necessary to remove such impediments must be identified.

These activities are taking place under the instruction of the CAO with delegation as appropriate to the City Solicitor. Staff from Finance, Legal, Works and Emergency Services, the CAO and others as required, are being consulted on all aspects of the matters under consideration.

First, the City's position in its OEB submission should be generally consistent with the position to be taken in telecommunications and other uses of the City's ROW. The details of implementation will have to differ because of the different industries and legislative schemes involved, but a consistent, principled approach is desirable.

Second, traditional policy applied by the OEB (and the CRTC for issues in its jurisdiction) must be challenged given that in the last decade, particularly in the last few years, the factual context has changed considerably and will probably continue to change. Changes of significance include diversification of former (monopoly) public utilities, a desire by companies to access the ROW as one of several competitive services for their own shareholders' private profit and, the fact that ROW space is increasingly occupied by a complex proliferation of installations and equipment.

Third, the case must be made to point out that a business which can obtain ROW access before all the space is occupied, acquires something of great economic value. One of the questions to be addressed is who should capture the economic benefit of this scarcity? This requires some recognition by the OEB of the principles supporting the rights of municipalities to manage access to, use of and occupancy of the ROW.

Conclusion and Next Steps Required:

While there are some managerial, non-monetary issues such as geodetic information that will affect Toronto in the same way as any other municipality, there are other matters on which the City's position differs from AMO. This is largely due to the fact that Toronto may well be the only municipality in Ontario without a Gas Franchise Agreement. Legislation applicable to Enbridge Consumers' Gas' predecessor (the Consumers' Gas Company of Toronto) is from the mid-1800's and gave it access to the City of Toronto's ROW by statute. This statute requires clarification on its applicability in today's changed context.

Specifically, it needs to be ascertained, for example, whether cost recovery and/or

other compensation charges are precluded by this legislation. If this is the case, the City needs a strategy to end this anomaly so that Toronto can operate on the same basis as any other municipality. Since Gas Franchise Agreements tend to be long-term (10 to 20 years), the City is also interested in any issues affecting these agreements, as is AMO.

In the two weeks remaining to meet the OEB submission deadline, there is no scheduled meeting of the Policy and Finance Committee, nor will there be a meeting of the Council during this period. Councillor Adams is both Chair of the Telecommunications Steering Committee and the City's representative on the AMO's Gas Franchise Committee. As discussed, a number of similar matters respecting access to, use of and occupancy of the City ROW are in place for both telecom and gas organizations. Normally, the Telecommunications Steering Committee would consider these matters for report to the Policy and Finance Committee.

It is suggested that the City should make the case that the OEB should not now establish principles that could damage Toronto's interests once Toronto is on the same footing as other cities. In order to fully ascertain and present the City's position at the OEB, authority must be delegated by the Council to the appropriate political and staff representatives.

It is, therefore, recommended that the Chief Administrative Officer in consultation with the Telecommunications Steering Committee, the City Solicitor and other staff as required, be authorized to oversee and develop the content of the City submission to the Ontario Energy Board on behalf of Council.

It is further recommended that the Chief Administrative Officer in consultation with the Telecommunications Steering Committee, the City Solicitor and other staff as required, fine-tune the Council approved principles for telecom organizations respecting City rights-of-way, for their applicability to the gas industry.

Contact:

Laurie McQueen  
Senior Corporate Management and Policy Consultant  
Strategic and Corporate Policy Division  
Telephone: (416) 392-8895

### **ATTACHMENT NO. 3**

Report dated November 22, 1999, from the Commissioner of Works and Emergency Services, entitled "Design/Build Plant Wide Heating System Ashbridges Bay Treatment Plant Contract RFP No. 9155-99-01547 Change of Mechanical/Electrical Subcontractor" (See Minute No. 13.69, Page 85):

#### Financial Implications and Impact Statement:

There are no financial implications arising from this report.

#### Recommendations:

It is recommended that Thorburn-Penny Limited, the selected design/build general contractor for Contract RFP No. 9155-99-01547, Plant Wide Heating System at the Ashbridges Bay Treatment Plant, be permitted to substitute Comstock Canada Ltd. for Sutherland-Schultz Inc. as its mechanical/electrical subcontractor, with all other contractual terms and conditions remaining unchanged.

#### Background:

On September 24, 1997, the former Metropolitan Toronto Council adopted Clause No. 8 of Report No. 12 of the Environment and Public Space Committee, titled "Main Treatment Plant Environmental Assessment Implementation Plan," which endorsed the conclusions of the Main Treatment Plant Environmental Assessment (MTP EA), including the phased implementation of a Biosolids Beneficial Use Program following the completion of four demonstration programs.

In January, 1998, the Works and Utilities Committee requested the Commissioner of Works and Emergency Services to report on the feasibility of accelerating the shutdown of incineration at the Main Treatment Plant.

By adoption of Clause No. 2 of Report No. 6 of the Works and Utilities Committee, at its meeting of July 8, 9, and 10, 1998, City Council authorized the Commissioner of Works and Emergency Services to establish the Biosolids Multi-Stakeholder Committee (BMSC) and Independent Review Committee (IRC), retain consultants, and request proposals to allow for the shutdown of sewage sludge incinerators at the Ashbridges Bay Treatment Plant (formerly the Main Treatment Plant) within a three-year period. This initiative is now known as the Toronto Biosolids Beneficial Use Program.

At its meeting of July 28, 1998, City Council adopted Clause No. 5 of Report No. 7 for the Works and Utilities Committee, which contained an accelerated

timeline developed for planning purposes by the Committee for initial implementation of the Biosolids Beneficial Use Program. Subsequently, with input from the BMSC an aggressive timeline was set with the target date of December 31, 2000, for the end of sludge incineration at the Ashbridges Bay Treatment Plant.

By adoption of clauses embodied in Report No. 5 of the Strategic Policies and Priorities Committee at its meeting of March 2, 3, and 4, 1999, City Council authorized staff to negotiate Agreements for the beneficial use of the City's biosolids with Terratec Environmental Ltd. (Terratec) and USF Canada Inc. (USF).

The adoption of the above-noted report also authorized the use of a Request for Qualification (RFQ) followed by a Request for Proposal (RFP) as a methodology for the selection of firms to undertake design/build contracts for the necessary biosolids truck loading and odour control facilities and a plant wide heating system, as well as, authorized the shortlisting of respondents to the Request for Qualifications to receive the RFP.

At its meeting of July 27-29, 1999, City Council, by adoption of Clause No. 18 of Report No. 2 of the Works Committee approved the award of Contract RFP No. 9155-99-01548 to Icon Systems Limited for the design, construction and commissioning of a biosolids truck loading and odour control facility at a lump sum price of \$44,332,992.27, including full GST.

At the same meeting, City Council also approved Contract RFP No. 9155-99-01547 for the design, construction and commissioning of a plant wide heating system to Thorburn-Penny Limited (TPL) at a lump sum price of \$17,847,719.00, including full GST.

Comments:

Shortly after the award of the Plant Wide Heating System but prior to executing the agreement, TPL approached the City with a request to change a mechanical/electrical subcontractor for the project from that originally named in their RFP submission, Sutherland-Schultz Inc. (Sutherland-Schultz) to Comstock Canada Limited (Comstock). TPL assured the City that the proposed change would not have any impact on the project completion schedule originally identified December 31, 2000.

The RFP contained wording allowing a respondent to change its originally chosen subcontractor(s), with consent of the City.

After a thorough review by the City's consultant (R. V. Anderson Associates

Limited/Brown & Caldwell/Aldworth Engineering Inc.) using the approved evaluation criteria, the consultant and City staff concluded that the TPL team, including Comstock, met the requirements of the RFP. The TPL/Comstock team provided the same level of technical qualifications, expertise and experience available from the TPL/Sutherland-Schultz team.

We recommend that we proceed with the change proposed by TPL. Any more delays to this contract will seriously jeopardize the shut down of the incinerators at Ashbridges Bay Treatment Plant by December 31, 2000. However, the City Solicitor has reviewed the issue and is submitting a confidential report to Council in respect thereto.

Conclusions:

In order to comply with Council's targeted date for shutdown of the Ashbridges Bay Treatment Plant sludge incineration, it is recommend to proceed with execution of the agreement with TPL and allow them to change the mechanical subcontractor for the project.

Contact:

Robert M. Pickett  
Director, Water Pollution Control  
Water & Wastewater Division  
Tel. No. (416) 392-8230  
Fax No. (416) 397-0908  
Email: [bpickett@city.toronto.on.ca](mailto:bpickett@city.toronto.on.ca)