

[Guide to the Council Minutes](#)

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

**TUESDAY, MAY 9, 2000,
WEDNESDAY, MAY 10, 2000 AND
THURSDAY, MAY 11, 2000**

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

CALL TO ORDER

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

The meeting opened with O Canada.

7.2 **CONFIRMATION OF MINUTES**

Councillor Disero, seconded by Councillor Palacio, moved that the Minutes of the Council meeting held on the 29th day of February, and the 1st and 2nd days of March, 2000, be confirmed in the form supplied to the Members, which carried.

PRESENTATION OF REPORTS

May 9, 2000:

- 7.3 Councillor Prue presented the following Reports for consideration by Council:

Report No. 9 of The Administration Committee,
Report No. 7 of The Toronto Community Council,
Report No. 6 of The Policy and Finance Committee,
Report No. 4 of The Planning and Transportation Committee,
Report No. 8 of The Works Committee,
Report No. 9 of The Works Committee,

Report No. 10 of The Administration Committee,
Report No. 4 of The Community Services Committee,
Report No. 5 of The Economic Development and Parks Committee,
Joint Report No. 1 of The Works Committee and The Economic Development and
Parks Committee,
Report No. 5 of The Scarborough Community Council,
Report No. 8 of The Toronto Community Council,
Report No. 5 of The York Community Council,
Report No. 4 of The East York Community Council,
Report No. 4 of The Etobicoke Community Council,
Report No. 6 of The North York Community Council, and
Report No. 2 of The Board of Health,

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

- 7.4 Councillor Prue, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 5 of The East York Community Council,

and moved, seconded by Councillor Pitfield, 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.

- 7.5 Councillor Berardinetti, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 11 of The Administration Committee,

and moved, seconded by Councillor Berger, 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.

7.6 **DECLARATIONS OF INTEREST**

Councillor Adams declared his interest in Item (c), entitled "Request for an Exemption from Chapter 400 of The Former City of Toronto Municipal Code to Permit Front Yard Parking at 85 Cottingham Street (Midtown)", as embodied in Clause No. 65 of Report No. 8 of The Toronto Community Council, headed "Other Items Considered by the Community Council", in that he owns property within the vicinity of the subject site.

Councillor Ashton declared his interest in Clause No. 1 of Report No. 11 of The Administration Committee, headed “Memoranda of Agreement Between the City of Toronto and the Canadian Union of Public Employees, Local 79”, in that his wife is employed by the City of Toronto and is a member of CUPE Local 79.

Councillor Balkissoon declared his interest in Clause No. 1 of Report No. 11 of The Administration Committee, headed “Memoranda of Agreement Between the City of Toronto and the Canadian Union of Public Employees, Local 79”, insofar as it relates to the CUPE Local 79 Part-Time, Unit B Agreement, in that his son is a part-time employee of the City of Toronto.

Councillor Feldman declared his interest in Notice of Motion I, moved by Councillor Moscoe, seconded by Councillor Soknacki, regarding the availability of TEELA data to Councillors, in that he receives a pension from the Company to which he sold TEELA.

Councillor Holyday declared his interest in Item (m), entitled “Preliminary Report - Application for Amendments to the Etobicoke Zoning Code, Berkley Developments (Ashbourne) Inc., 3890 Bloor Street West, File No. CMB20000001 (Markland - Centennial)”, as embodied in Clause No. 10 of Report No. 4 of The Etobicoke Community Council, headed “Other Items Considered by the Community Council”, in that he owns property adjacent to 3890 Bloor Street West.

Councillor Miller declared his interest in Clause No. 3 of Report No. 8 of The Toronto Community Council, headed “Ontario Municipal Board Appeal - Committee of Adjustment Decision - 14 Lonsdale Road (Midtown)”, in that his father-in-law resides in the vicinity of the subject site.

Councillor Moscoe declared his interest in Notice of Motion J(11), moved by Councillor Shiner, seconded by Mayor Lastman, respecting the Clean Toronto Campaign and the removal of illegal signs and posters, in that he is in the business of manufacturing and selling signs.

Councillor Shiner declared his interest in Clause No. 6 of Report No. 8 of The Toronto Community Council, headed “Use of 700 King Street West Capital Account Funds for Improvements to George Ben and Fred Hamilton Parks (Trinity-Niagara)”, in that a member of his family owns property in the vicinity of the subject site.

Councillor Valenti declared his interest in Clause No. 26 of Report No. 6 of The North York Community Council, headed “Final Report - Zoning Amendment Application - Gabor + Popper Architects Inc. - 91 Hallsport Crescent, UDZ-99-26 - Black Creek”, in that he has acted on behalf of the property owner in the past.

**CONSIDERATION OF REPORTS
CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION****7.7 The following Clauses were held by Council for further consideration:**

Report No. 9 of The Administration Committee, Clause No. 1.

Report No. 7 of The Toronto Community Council, Clauses Nos. 1, 2 and 3.

Report No. 6 of The Policy and Finance Committee, Clauses Nos. 1, 3, 6, 7 and 9.

Report No. 4 of The Planning and Transportation Committee, Clauses Nos. 1, 2, 3 and 4.

Report No. 8 of The Works Committee, Clauses Nos. 1, 2, 3, 4, 6 and 10.

Report No. 9 of The Works Committee, Clauses Nos. 1 and 3.

Report No. 10 of The Administration Committee, Clauses Nos. 1, 3, 4, 5, 6, 7, 9, 11, 13 and 14.

Report No. 11 of The Administration Committee, Clauses Nos. 1 and 2.

Report No. 4 of The Community Services Committee, Clauses Nos. 1 and 2.

Report No. 5 of The Economic Development and Parks Committee, Clauses Nos. 1, 2, 3, 4, 5, 6, 9, 10 and 11.

Report No. 5 of The Scarborough Community Council, Clauses Nos. 17, 18, 19 and 20.

Report No. 8 of The Toronto Community Council, Clauses Nos. 1, 4, 5, 8, 11, 24, 25 and 40.

Report No. 5 of The York Community Council, Clauses Nos. 1 and 3.

Report No. 4 of The Etobicoke Community Council, Clauses Nos. 2 and 10.

Report No. 6 of The North York Community Council, Clause No. 20.

Report No. 2 of The Board of Health, Clause No. 3.

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

Report No. 6 of The Policy and Finance Committee, Clauses Nos. 7 and 9.

Report No. 8 of The Works Committee, Clause No. 3.

Report No. 10 of The Administration Committee, Clauses Nos. 13 and 14.

Report No. 4 of The Community Services Committee, Clauses Nos. 1 and 2.

Report No. 5 of The York Community Council, Clause No. 3.

Report No. 6 of The North York Community Council, Clause No. 20.

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.**

7.8 Clause No. 1 of Report No. 9 of The Administration Committee, headed “Future Use of the Dempsey Store (Ward 10 - North York Centre)”.

Motion:

Councillor Berardinetti moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on June 7, 2000; and that Council direct that, in the interim, the Archives Association of Ontario be accommodated in the Dempsey Store building, on a temporary basis, subject to terms and conditions satisfactory to the City Clerk, the City Solicitor and the Commissioner of Corporate Services, until Council has decided on a permanent use of the building.

Vote:

The motion by Councillor Berardinetti carried.

7.9 Clause No. 2 of Report No. 7 of The Toronto Community Council, headed “Site Plan Approval - 10 Scrivener Square (Formally Known as 1121 and 1123 Yonge Street) (Midtown)”.

Motion:

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

“It is recommended that the report dated May 5, 2000, from the Commissioner of Urban Development Services, embodying the following recommendations, be adopted:

‘It is recommended that Clause No. 23 of Report No. 5 of The Toronto Community Council, recommending the adoption of my reports on Site Plan Approval Application No. 399075 for 10 Scrivener Square (formally known as 1121 and 1123 Yonge Street), dated March 13, 2000, and March 9, 2000, be amended by replacing all previous report recommendations with the following consolidated recommendations:

- (1) City Council authorize the City Solicitor to amend the Station and Shaftesbury Subdivision Agreement substantially in accordance with the requirements of the Toronto Transit Commission, as set out in their letter of May 2, 2000;
- (2) subject to the Station and Shaftesbury Subdivision Agreement being amended, City Council approve the plans and drawings submitted with this application, namely Plans:

A2.1 Basement Plan
A2.3 Roof Plan
A4.4 Cross Section

date stamped as received on August 17, 1999, prepared by Philip Goldsmith & Company Ltd.;

A1.1 Site Plan (red lined February 29, 2000)
A2.2 Ground Floor Plan (red lined February 29, 2000)
A3.1 North Elevation
A3.2 South Elevation (red lined February 29, 2000)
A3.3 East Elevation
A3.6 West Elevation (red lined February 29, 2000)

date stamped as received on February 3, 2000, prepared by Philip Goldsmith & Company Ltd.; and

L-1 Landscaping Plan
L-2 Landscape Details

date stamped as received on August 17, 1999, prepared by Du Toit Allsopp Hillier Landscape Architecture, Urban Design, Planning, all as on file with the Commissioner of Urban Development Services;

- (3) as a condition of City Council approval, the Owner enter into a Development Agreement under Section 41 of the Planning Act requiring that:

- (a) the proposed development, including all landscaping of the site, shall be undertaken and maintained substantially in accordance with the drawings referred to above;
- (b) the Owner shall provide and maintain a minimum of 117 surface parking spaces to serve the project;
- (c) at least 2 spaces of those parking spaces to be provided shall be located as shown on above-referenced Plan No. A1.1 Site Plan, and shall be clearly designated for the exclusive use by people with disabilities, by means of the International Symbol of Accessibility for the Handicapped;
- (d) the Owner shall, prior to the issuance of a building permit, demonstrate to the satisfaction of the City Solicitor that rights-of-way are in place over the shared driveway so as to enable vehicular access to and egress from the loading space and to the parking spaces serving the project, in favour of the development;
- (e) the Owner shall construct all driveways and passageways providing access to and egress from the Type B/G loading spaces with a minimum width of 3.5 metres (4 metres where enclosed), a minimum vertical clearance of 4.3 metres and minimum inside and outside turning radii of 9 metres and 16 metres;
- (f) the Owner shall provide and maintain private collection services for this project;
- (g) the Owner shall include a clause in the purchase or rental agreements informing prospective purchasers or lessees of the units that refuse and recyclable generated by this building must be collected by a private refuse collection firm;
- (h) prior to any occupancy of buildings, the Owners shall submit the Final Plan of the Urban Square design to the Commissioner of Urban Development Services for approval in consultation with the Commissioner of Works and Emergency Services and the Toronto Transit Commission;
- (i) the Owner shall construct and maintain the Urban Square substantially in accordance with the design approved by the Commissioner of Urban Development Services;

- (j) the Owner shall complete the public art program for the Urban Square, as outlined in the Yonge-Summerhill Private Developer Percent for Public Art Plan, and approved by the Public Art Commission and the former City of Toronto Council in July 1977;
- (k) the Owner shall, upon the completion of the public art program, submit to the Commissioner of Urban Development Services a plan of the Urban Square showing public art features as approved by the Owner's Art Advisory Committee;
- (l) the Owner shall agree that upon completion of the Urban Square, it shall:
 - (i) remain open and accessible to the public at all times such that the public has the right to use this public open space, provided that such right of public access is revocable only in the case of any person who:
 - (1) unreasonably interferes with the ability of other members of the public or lawful occupants to use of such open space;
 - (2) carries on unlawful activities;
 - (3) acts in a manner unreasonably inconsistent with the intended use as a publicly accessible open space;
 - (4) injures or attempts to injure any person, property or property rights;
 - (5) obstructs or injures any lawful business or occupation carried on by the building Owner or person in lawful possession of the premises; and
 - (6) commits or attempts to commit any criminal or quasi-criminal offence; and
 - (ii) be kept free of snow, ice and debris;
- (m) the Owner shall agree to start the revised Three-Year Restoration Plan, dated January 28, 2000, concurrently with the issuance of the building permit for the expansion of the train station and that year one of that Three-Year Plan be completed by December 31, 2000;

- (n) the Owner shall implement the interior restoration outlined in Section 4.2 of the 1995 Restoration Master Plan, on file with the Commissioner of Urban Development Services, as soon as the current tenant, the LCBO, has moved to its new location and work be completed by December 31, 2000;
- (o) the Owner shall complete the work outlined in year two of the Three-Year Plan by the end of 2001, and year three by the end of 2002;
- (p) the Owner shall complete the Future Work identified in the Three-Year Plan, including the canopy lighting and Greek Key motif, by the end of 2002;
- (q) the Owner be advised that the proposed access driveway off Scrivener Square, in its present location, is contingent on the closing and conveyance of the eastern end of Scrivener Square, in order to provide for its transformation from a cul-de-sac to a hammerhead, and that, in the event that the closing and conveyance is not completed, the driveway and parking facilities off Scrivener Square would have to be relocated, at no cost to the City;
- (r) prior to the issuance of a building permit, the Owner shall confirm, in writing, that it has arrangements in place with the abutting property owner so as to enable the adjustments to the driveway/parking facilities as well obtain the necessary Toronto Transit Commission approvals, in the event that the proposed adjustments to the eastern terminus of Scrivener Square from a cul-de-sac to a hammerhead are not implemented;
- (s) if GO Transit decides to construct a new GO passenger station adjacent to the Owner's lands with direct access to the Summerhill Subway Station (the "GO/Subway Access"), the Owner shall co-operate with the Toronto Transit Commission (the "Commission"), GO Transit, Canadian Pacific Limited and the City of Toronto in the planning, design and construction of the GO/Subway Access and shall provide a permanent easement, at no cost, for public pedestrian access through the lands for the GO/Subway Access with the exact location of such easement to be agreed by the Owner, the Commission and GO Transit, acting reasonably;

- (t) if the Commission decides to construct an Entrance Connection, whether for full pedestrian access or as an emergency exit only, the Owner shall co-operate with the Commission in the planning, design and construction of such Entrance Connection, and upon completion, shall provide a permanent easement, at the cost of the Commission, through such Entrance Connection and public access thereto. It is anticipated that the Entrance Connection would be located within the surface and subsurface lands identified as areas "A", "B" and "C" on Exhibit 1, attached to the Toronto Transit Commission's letter of May 2, 2000, on file with the Commissioner of Urban Development Services, and that an emergency exit would only be located in the surface and subsurface lands identified as areas "B" and "C";
- (u) if the Commission decides to proceed only with an emergency exit from the Summerhill Subway Station, the Commission shall give the Owner written notice of such intention and the Owner shall have ninety (90) days after receipt of such notice to elect by written notice to the Commission to construct an Entrance Connection for full pedestrian access and the Commission shall have ninety (90) days after receipt of such notice to indicate to the Owner whether or not the Commission agrees to the construction of such Entrance Connection for full pedestrian access. In the event that the Commission indicates to the Owner that it agrees to the construction of such Connection in accordance with the Commission's then current standards at no cost to the Commission (except for the cost of the Commission's equipment and its installation) within the Owner's lands, with the exact location to be agreed by the Owner and the Commission acting reasonably, and, upon completion, the Owner shall provide a permanent easement, at no cost, through such Entrance Connection and access thereto. It is anticipated that the Entrance Connection would be located within the surface and subsurface lands identified as areas "A", "B", and "C" on Exhibit 1, attached to the Toronto Transit Commission's letter of May 2, 2000, on file with the Commissioner of Urban Development Services and that an emergency exit would only be located in the surface and subsurface lands identified as areas "B" and "C"; and
- (v) the Owner agrees to provide the Commission with an Assignment and Assumption of the Undertaking given by Marathon Realty Company Limited dated January 31, 1996, in respect of its lands and not to transfer, sell or otherwise

assign its interest in the land for any part thereof without first obtaining an Assignment and Assumption of the Undertaking from the transferee, purchaser or assignee;

- (4) the City Solicitor be authorized to prepare a Collateral Agreement between the City and the Owner and, as a condition of City Council approval, the Owner enter into the Collateral Agreement requiring that:
- (a) the Owner shall implement, under the supervision of an on-site qualified environmental consultant, the Soil and Groundwater Management Plan as stipulated in the report approved by the Medical Officer of Health, and upon completion, submit a report from the on-site environmental consultant to the Medical Officer of Health certifying that the remediation has been completed in accordance with the Soil and Groundwater Management Plan;
 - (b) the Owner agrees that, prior to the issuance of any building permit, a Demolition and Excavation Dust Control Plan will be prepared and submitted to the Commissioner of Urban Development Services for approval by the Medical Officer of Health;
 - (c) the Owner shall implement the measures in the Excavation Dust Control Plan approved by the Medical Officer of Health;
 - (d) the Owner shall include a clause in the purchase or rental agreements informing prospective purchasers and lessees about the potential for noise, vibration and/or EMF impacts and that the Toronto Transit Commission accepts no responsibility for any such effects;
 - (e) the Owner shall include a clause in the purchase or rental agreements informing prospective purchasers and lessees about the existence of on-going rail operations and the potential for future commuter rail service on this corridor, with its attendant existing and potential noise and vibration intrusions as well as pedestrian traffic and the railway and /or GO Transit accept no responsibility for any such effects;
 - (f) the Owner shall submit to, and have approved by, the Commissioner of Works and Emergency Services, prior to the issuance of a building permit, a Material Recovery and Waste Reduction Plan addressing the strategies for material recovery and waste reduction within the development; and

- (g) the Owner shall provide, maintain and operate the material recovery and waste reduction measures, facilities and strategies in the Material Recovery and Waste Reduction Plan approved by the Commissioner of Works and Emergency Services; and
- (5) the Owner be advised:
 - (a) of the comments of the Commissioner of Urban Development Services respecting the Ontario Building Code;
 - (b) that containerized refuse collection will not be permitted within the public right-of-way;
 - (c) of the need to receive the approval of the Commissioner of Works and Emergency Services and obtain all necessary permits for all work to be carried out within the abutting public right-of-way;
 - (d) of the need to comply with the requirements of the Station and Shaftesbury Subdivision Agreement; and
 - (e) of the comments of the Toronto Transit Commission respecting the need for agreements and design approvals to ensure that the TTC is protected for future repair, maintenance and liability of its structure associated with the proposed development.’ ”

Votes:

The motion by Councillor Adams carried.

The Clause, as amended, carried.

7.10 Clause No. 1 of Report No. 7 of The Toronto Community Council, headed “Site Plan Approval - 1117 Yonge Street (Midtown)”.

Motion:

Councillor Adams moved that the Clause be amended by striking out Recommendations Nos. (1), (2) and (3) of the Toronto Community Council and inserting in lieu thereof the following:

“It is recommended that the report dated May 5, 2000, from the Commissioner of Urban Development Services, embodying the following recommendations, be adopted:

'It is recommended that Clause No. 24 of Report No. 5 of The Toronto Community Council, recommending the adoption of my report on Site Plan Approval Application No. 399066 respecting 1117 Yonge Street, dated March 9, 2000, be amended by replacing all previous report recommendations with the following consolidated recommendations:

- (1) City Council authorize the City Solicitor to amend the Station and Shaftesbury Subdivision Agreement substantially in accordance with the requirements of the Toronto Transit Commission as set out in their letter of May 2, 2000;
- (2) subject to the Station and Shaftesbury Subdivision Agreement being amended, City Council approve the plans and drawings submitted with this application, namely Plans:

A4 Ground Floor Plan
A15 Part Ground Floor Plan

date stamped as received on July 9, 1999, prepared by Paul Northgrave, Northgrave Architect Inc.;

A1 Site Plan (as redlined March 9, 2000)
A2 1st Level Basement Plan (as redlined May 8, 2000)
A3 2nd Level Basement Plan

date stamped as received on February 9, 2000, prepared by Paul Northgrave, Northgrave Architect Inc.;

A05 2nd Floor Plan
A06 3rd & 4th Floor Plans
A07 5th & 6th Floor Plans
A08 7th Floor Plan
A09 8th Floor Plan
A10 9th Floor Plan
A11 10th Floor Plan
A12 Mechanical Penthouse
A14 South facing Elevation
A15 East Facing Elevation
A16 West Facing Elevation
A17 North Facing Elevation

date stamped as received on July 9, 1999, prepared by Paul Northgrave, Northgrave Architect Inc.;

PW1 Public Walkway

date stamped as received on February 24, 2000, prepared by Du Toit Allsopp Hillier Landscape Architecture, Urban Design, Planning;

- L1 Ground Level Layout/Grading (as red lined March 9, 2000)
- L2 Ground Level Planting
- L3 Retail Parking Layout/Grading
- L4 Ground Level Planting
- L5 Park Zone Grading/Drainage
- L6 Terrace Level Layout
- L7 Terrace Level Paving/Grading
- L8 Terrace Level Planting
- L9 Details 1
- L10 Details 2
- L13 Details Terrace

date stamped as received on February 9, 2000, prepared by Du Toit Allsopp Hillier Landscape Architecture, Urban Design, Planning, all as on file with the Commissioner of Urban Development Services;

- (3) as a condition of City Council approval, the Owner enter into a Development Agreement under Section 41 of the Planning Act requiring that:
- (a) the proposed development, including all landscaping of the site, shall be undertaken and maintained substantially in accordance with the drawings referred to above;
 - (b) the Owner shall provide and maintain the pedestrian walkway as shown on Plan PW1-Public Walkway, date stamped as received on February 24, 2000, prepared by Du Toit Allsopp Hillier Landscape Architecture Urban Design, Planning, and upon completion, that such pedestrian walkway shall:
 - (i) remain open and accessible to the public at all times such that the public has the right to use, provided that such right of public access is revocable only in the case of any person who:
 - (1) unreasonably interferes with the ability of other members of the public or lawful occupants to use of such open space;
 - (2) carries on unlawful activities;

- (3) acts in a manner unreasonably inconsistent with the intended use as a publicly accessible open space;
 - (4) injures or attempts to injure any person, property or property rights;
 - (5) obstructs or injures any lawful business or occupation carried on by the building Owner or person in lawful possession of the premises; and
 - (6) commits or attempts to commit any criminal or quasi-criminal offence;
- (ii) be illuminated to an intensity to the satisfaction of the Commissioner of Urban Development Services in consultation with the Commissioner of Economic Development, Culture and Tourism;
 - (iii) be kept free of snow, ice and debris; and
 - (iv) be monitored at all times by means acceptable to the Commissioner of Urban Development Services;
- (c) the Owner shall provide and maintain a garbage room of at least 25 square metres in size and a recyclable materials storage room of at least 15 square metres in size to serve the project and install and maintain a bag compactor unit in the garbage room;
 - (d) the Owner shall provide and maintain a 20 square metre level concrete pad with a slope not exceeding 2 percent adjacent to the front of the Type G loading space for the storage of at least four (4) compactor containers on collection day;
 - (e) the Owner shall provide and maintain recycling bins of sufficient size that meet the specifications of the Commissioner of Works and Emergency Services;
 - (f) the Owner shall provide and maintain a level service connection between the garbage room/recycling room and the Type G loading space for the transportation of container bins;
 - (g) the Owner shall install and maintain a double or overhead door of sufficient size to accommodate the movement of container bins between the garbage and recycling rooms and the Type G loading space;

- (h) the Owner shall provide and maintain one Type G loading space on the site, with a generally level surface and access designed so that trucks can enter and exit the site in a forward motion;
- (i) the Owner shall construct all driveways and passageways providing access to and egress from the Type G loading space with a minimum width of 3.5 metres (4 metres where enclosed), a minimum vertical clearance of 4.3 metres and minimum inside and outside turning radii of 9 metres and 16 metres;
- (j) the Owner shall, prior to the issuance of a building permit, demonstrate to the satisfaction of the City Solicitor that rights-of-way are in place over the shared driveway so as to enable vehicular access to and egress from the loading space serving the project, in favour of the development;
- (k) the Owner shall construct the Type G Loading space and all driveways and passageways providing access thereto to the requirements of the Ontario Building Code, including allowance for City of Toronto bulk lift and rear bin vehicle loading with impact factors where they are to be built as supported structures;
- (l) the Owner shall provide a fully trained employee to assist truck drivers with back-up manoeuvres onto the driveway by controlling pedestrian and vehicular traffic at the exit from the loading area, at all times during loading and unloading functions;
- (m) the Owner shall provide and maintain a minimum of 236 parking spaces on the site to serve the project, including at least 194 parking spaces for the exclusive use of the residents of the project and at least 42 parking spaces for residential visitors;
- (n) the Owner shall provide and maintain a physical separation between the residents' and the residential visitors/commercial portions of the underground parking garage to secure the availability of the residents' parking;
- (o) the Owner shall install and maintain convex mirrors at the turns in the ramp system;

- (p) at least two parking spaces of those required to be provided by the Zoning By-law shall be located as shown on above referenced Plans Nos. A2 and A3, and shall be clearly designated for the exclusive use by people with disabilities, by means of the International Symbol of Accessibility for the Handicapped;
- (q) the Owner shall provide and maintain 65 parking spaces at grade as shown on Plan A1 Site, date stamped as received February 9, 2000, prepared by Paul Northgrave, Northgrave Architect Inc.;
- (r) the Owner shall provide and maintain sufficient soil depth and load bearing capacity above the roof slab of the parking garage to permit the installation and mature growth of all proposed planting material;
- (s) the Owner shall agree that occupancy of the project will not be permitted unless one of the following conditions has been satisfied:
 - (i) portions of Scrivener Square have been closed and conveyed to the applicant pursuant to the approved closing application; or
 - (ii) in the event that the closing and conveyance of the subject portions of Scrivener Square is not completed, revise the design and construct the driveway system west of the subject site, providing access to the Type G loading space for the project, so that it does not interfere with the approved Scrivener Square bulb design, and in conjunction therewith, provide appropriate rights-of-way, such revised design to be to the satisfaction of the Commissioner of Works and Emergency Services, in consultation with the Commissioner of Urban Development Services and the Toronto Transit Commission;
- (t) the Owner acknowledges and agrees that the subsurface lands bounded by the CP right-of-way on the north, Gridline 202 on Plan A2 1st Level Basement Plan and A3 2nd Level Basement Plan, date stamped as received February 9, 2000, prepared by Paul Northgrave, Northgrave Architect Inc., the Owner's Drawings A2 and A3 on the east, Gridline BR on the said drawings on the south, and the most easterly limit of the TTC subway easement on the west, together with the surface

lands above to a height of four metres, will be required by the Commission in the event the Commission constructs an emergency exit or pedestrian access for the Summerhill Subway Station on the lands. The Owner acknowledges and agrees that the structures to be constructed on such lands can be subsequently modified to construct such exit or access. The Owner agrees to provide, at nominal cost, a permanent easement through and over the above-described lands for the future construction, operation and maintenance of such exit or access by the Commission, reserving to itself or subsequent Owner a right to support for its proposed structures. In the event the Commission decides to construct such exit or access pursuant to such easement, it shall pay the Owner the fair market value of the parking spaces eliminated thereby (presuming a willing buyer and a willing seller);

- (u) if GO Transit decides to construct a new GO passenger commuter station adjacent to the Owner's lands with direct access to the Summerhill Subway Station (the "GO/Subway Access"), the Owner shall co-operate with the Toronto Transit Commission, GO Transit, Canadian Pacific Limited and the City of Toronto in the planning, design and construction of the GO/Subway Access and shall provide a permanent easement, at no cost, for public pedestrian access through the lands for the GO/Subway Access with the exact location of such easement to be agreed by the Owner, the Commission and GO Transit, acting reasonably;
- (v) if the Commission decides to construct an Entrance Connection, whether for full pedestrian access or as an emergency exit only, the Owner shall co-operate with the Commission in the planning, design and construction of such Entrance Connection and, upon completion, will provide a permanent easement, at the cost of the Commission, through such Entrance Connection and public access thereto and therefrom. It is anticipated that the Entrance Connection would be located within the surface and subsurface lands identified as areas "A", "B" and "C" on Exhibit 1, attached to the Toronto Transit Commission's letter of May 2, 2000, on file with the Commissioner of Urban Development Services, and that an emergency exit would only be located in the surface and subsurface lands identified as areas "B" and "C";

- (w) if the Commission decides to proceed only with an emergency exit from the Summerhill Subway Station, the Commission shall give the Owner written notice of such intention and the Owner shall have ninety (90) days after receipt of such notice to elect by written notice to the Commission to construct an Entrance Connection for full pedestrian access and the Commission shall have ninety (90) days after receipt of such notice to indicate to the Owner whether or not the Commission agrees to the construction of such Entrance Connection for full pedestrian access. In the event that the Commission indicates to the Owner that it agrees to the construction of such Entrance Connection for full pedestrian access, the Owner will build such Entrance Connection in accordance with the Commission's then current standards at no cost to the Commission (except for the cost of the Commission's equipment and its installation) within the Owner's lands, with the exact location to be agreed by the Owner and the Commission acting reasonably, and, upon completion, will provide a permanent easement, at no cost, through such Entrance Connection and access thereto. It is anticipated that the Entrance Connection would be located within the surface and subsurface lands identified as areas "A", "B", and "C" on Exhibit 1 attached to the Toronto Transit Commission's letter of May 2, 2000, on file with the Commissioner of Urban Development Services, and that an emergency exit would only be located in the surface and subsurface lands identified as areas "B" and "C"; and
- (x) the Owner shall agree to relocate the required parking spaces located on the lands bounded by the CP right-of-way on the north, Gridline 202 on Plan A2 1st Level Basement Plan and A3 2nd Level Basement Plan, date stamped as received February 9, 2000, prepared by Paul Northgrave, Northgrave Architect Inc., the Owner's Drawings A2 and A3 on the east, Gridline BR on the said drawings on the south, and the most easterly limit of the TTC subway easement on the west, at the earlier of the following:
- (1) the Toronto Transit Commission decides to proceed with the construction of the second entrance or emergency exit; or
 - (2) the occupancy of the building on Block C3 as shown on Map 3 of the Zoning By-law amendment for Yonge-Summerhill;

- (4) the City Solicitor be authorized to prepare a Collateral Agreement between the City and the Owner and that as a condition of City Council approval, the Owner enter into the Collateral Agreement requiring that:
- (a) the Owner shall implement, under the supervision of an on-site qualified environmental consultant, the Soil and Groundwater Management Plan as stipulated in the report approved by the Medical Officer of Health, and upon completion, submit a report from the on-site environmental consultant to the Medical Officer of Health certifying that the remediation has been completed in accordance with the Soil and Groundwater Management Plan;
 - (b) the Owner shall implement the measures in the Excavation Dust Control Plan approved by the Medical Officer of Health;
 - (c) the Owner shall agree that, prior to substantial completion of the building, a qualified consulting engineer/specialist certify, in writing, to the Medical Officer of Health that the recommendations, if any, in the Air Quality Assessment approved by the Medical Officer of Health, have been incorporated in the design of said building and that the building has been constructed in accordance with these requirements;
 - (d) the Owner shall agree to have a qualified Architect/Acoustical Consultant certify, in writing, to the Commissioner of Urban Development Services that the development has been designed and constructed in accordance with the Noise Impact Statement and Railway Vibration Analysis approved by the Commissioner of Urban Development Services;
 - (e) the Owner shall agree to provide, maintain and operate the noise impact and vibration mitigation measures, facilities and strategies stipulated in the Noise Impact Statement and Railway Vibration Analysis approved by the Commissioner of Urban Development Services;
 - (f) the Owner shall include a clause in the purchase or rental agreements informing prospective purchasers and lessees about the potential for noise and vibration intrusions and that the Toronto Transit Commission accepts no responsibility for any such effects;

- (g) the Owner shall include a clause in the purchase or rental agreements informing prospective purchasers and lessees about the existence of ongoing rail operations and the potential for future commuter rail service on this corridor, with its attendant existing and potential additional noise and vibration intrusions as well as pedestrian traffic, and that the railway and/or GO Transit accepts no responsibility for any such effects;
- (h) the Owner shall agree to, prior to the issuance of a building permit, have a qualified engineer certify, in writing, to the Commissioner of Urban Development Services that the development has been designed in accordance with the requirements of Canadian Pacific Railway;
- (i) the Owner shall agree, in connection with the proposed closing and conveyance of portions of Scrivener Square, to the following, in addition to any other terms and conditions which may be appropriate as a result of the Departmental review of the closing application:
 - (1) clear snow from the north end of the hammerhead (which may be deposited by City ploughs);
 - (2) provide and maintain a circular driveway on private property at the east end of the proposed hammerhead;
 - (3) provide and maintain additional pedestrian rights-of-way as required by the Commissioner of Urban Development Services;
 - (4) submit and have approved by the Commissioner of Works and Emergency Services, in consultation with the Commissioner of Urban Development Services and the Toronto Transit Commission, proposed pavement treatments/curb designs/drainage facilities/service adjustments within the lands to be closed and conveyed, and the portion of Scrivener Square to remain open, such treatments to adequately define the separation between the traveled portion of the roadway and the private driveway and be approved and constructed prior to occupancy of the project;
 - (5) pay the cost of all pavement and/or service alterations/adjustments necessitated by the proposal;

- (6) provide securities in the amount of 120 percent of the estimated cost of work or such lesser amount, as may be determined by the Commissioner of Works and Emergency Services and Consulting Engineer for the proposed work noted in condition (i)(4); and
- (7) provide, in writing, an agreement from the property Owner of 1121-1123 Yonge Street who is responsible for the road construction and its ongoing maintenance, that they are in agreement with these modifications and will implement them;
- (j) the Owner shall agree to revise the design and construct the island and the proposed private circular driveway at the proposed eastern terminus of Scrivener Square, in accordance with condition (i)(4);
- (k) the Owner shall, prior to the issuance of a building permit, enter into a limiting distance agreement with the City as a result of the proposed number of window openings on the east wall of the building and its impact on Pricefield Playground. The agreement will outline the details of the park occupancy, restoration and associated fees;
- (l) the Owner shall agree to indemnify the City against any claim during any interim use of or work carried out by the applicant;
- (m) the Owner shall, prior to the issuance of a building permit, obtain a Park Occupation Permit for the use of 663 square metres of the westerly portion of Pricefield Playground (6.2 metres by 107 metres) as a “construction staging” area from the Policy and Development Division of the Economic Development, Culture and Tourism Department. The agreement will outline the details of the park occupancy, restoration and associated fees;
- (n) the Owner shall agree to indemnify the City against any claim during any interim use of or work carried out by the applicant on Pricefield Playground;
- (o) the Owner shall, prior to the issuance of a building permit, take out and keep in force until the occupancy of the final dwelling unit on the site, comprehensive general liability insurance, in an insurance policy in the amount of \$5,000,000.00 and in a form satisfactory to the Chief

Financial Officer and Treasurer, for the joint benefit of the developer and the City, against any liability for claims respecting personal injury, death or property damage resulting from any accident or occurrence on Pricefield Playground and that such insurance policy shall name the City as an insured party and shall contain a clause protecting the City against claims by the developer as if the City were separately insured and a clause providing that the insurer will not cancel nor refuse to renew the said insurance without first having given the City thirty (30) days prior written notice thereof;

- (p) the Owner shall, prior to the issuance of a building permit, deliver to the Chief Financial Officer and Treasurer a Certificate of Insurance in respect of the insurance policy referred to above;
- (q) the Owner shall, during the construction of the residential development, erect and maintain to the satisfaction of the Commissioner of Economic Development, Culture and Tourism, hoarding along the entire westerly park edge, being the interim 6.2-metre by 107-metre in length as described in the Park Occupation Permit and the solid wood hoarding should be 3.05 metres (10 feet) high, painted “white” and be maintained, kept free of posted bills and advertisements at all times;
- (r) the Owner shall implement, at their cost, all the hard and soft landscape treatment and any related costs of the westerly 6.2 metres of Pricefield Playground from the south limit to the north limit of the park as per the approved design drawings to the satisfaction of the Commissioner of Economic Development, Culture and Tourism and this implementation is to be carried out efficiently with minimal disruption to the community and to merge with the new park development in a “seamless” manner;
- (s) the Owner shall provide and install (2) two catch basins within the 6.2-metre “construction staging” area including all connections to the parks storm water management system and to be located in accordance with the approved construction drawings as provided by the City;
- (t) the Owner shall, prior to the issuance of a Park Occupation Permit, provide to the City, in a form and with content to the satisfaction of the City Solicitor, the Chief Financial Officer and Treasurer and the Commissioner of Economic

Development, Culture and Tourism an unconditional and irrevocable Letter of Credit from a bank and in a form acceptable to the Chief Financial Officer and Treasurer, automatically renewable in the amount of \$72,000.00 (\$60,000.00 to cover the cost of proposed Park Improvements plus 20 percent administrative/management fee) for the Park Improvements on the westerly 6.2 metres of Pricefield Playground, Park Improvements include but are not limited to: mechanical infrastructure, irrigation, lighting, grading, sod and planting to the satisfaction of the Commissioner of Economic Development, Culture and Tourism as shown on the approved Pricefield Playground drawings as prepared by Johnson Sustronk Weinstein and Associates for the City of Toronto;

- (u) the Owner shall, prior to the issuance of a Park Occupation Permit, submit to the Commissioner of Economic Development, Culture and Tourism a construction schedule for the work to be completed on Pricefield Playground for approval;
- (v) upon the completion of the park improvement work, the Owner shall warrant the park improvement work for a period of two years commencing once the Commissioner of Economic Development, Culture and Tourism is satisfied that the work is satisfactorily and substantially completed and the City has the right to advise of any deficiencies or default and can stipulate the manner in which such may be remedied and the applicant shall promptly remedy the deficiencies, at no expense to the City;
- (w) the Owner shall request the Commissioner of Economic Development, Culture and Tourism to make final inspection and upon receipt of a final acceptance certificate, provided the Commissioner of Economic Development, Culture and Tourism is satisfied there are no defects, the Commissioner shall advise the applicant and the warranty shall expire;
- (x) if direct pedestrian connections are provided from the ground floor dwelling units on the east face of the building to Pricefield Playground, the Owner agrees that access will be permitted conditional upon the gates being designed to the satisfaction of the Commissioner of Economic Development, Culture and Tourism;

- (y) the Owner shall agree that the gates and the manner in which they open from these four units will not encumber upon the park and that the gates will be the responsibility of the unit Owner;
- (z) the Owner shall agree that the City is not and will not be responsible for any mishaps to the property as a result of being adjacent to the park;
- (aa) the Owner shall agree that the gate access will not be used for any other purpose than passive access to the park;
- (bb) the Owner shall agree to limit the overhead intrusion of the crane to the easterly limit of the “construction staging” area as described within the Park Occupancy Permit;
- (cc) the Owner shall provide to the City all technical data regarding the proposed “tiebacks” that will impact the sub-strata of the Pricefield Playground;
- (dd) the Owner shall provide the nature of and construction methods of the use of tiebacks to the Commissioner of Economic Development, Culture and Tourism for perusal and acceptance and agrees to make adjustments as requested by the City and resubmit written documentation illustrating the adjustments prior to commencement of construction;
- (ee) the Owner shall agree to complete the park improvements prior to the occupancy of the first dwelling unit, or in the event such occupancy is intended to occur between November 15 and April 15, the park improvements must be completed no later than June 15 of the same calendar year as April 15, noted above;
- (ff) the Owner shall agree that, if the Owner fails to complete their portion of the required work to Pricefield Playground by June 15, 2001, then the City will have the authority to draw upon the Letter of Credit, as noted above, to proceed with the completion of Pricefield Playground;
- (gg) the Owner shall undertake and maintain terrace level landscaping substantially in accordance with Plans L6-Terrace Level Layout, L7-Terrace Level Paving/Grading, L8-Terrace Level Planting and L13-Details Terrace, date stamped as received on February 9, 2000, prepared by Du Toit Allsopp Hillier Landscape Architecture, Urban

Design, Planning, all as on file with the Commissioner of Urban Development Services and said landscaped terrace shall be accessible at all times to all residents of the development; and

- (hh) the Owner shall provide and maintain sufficient soil depth and load bearing capacity above the slab of the second-storey terrace to permit the installation and mature growth of all proposed planting material; and
- (5) the Owner be advised:
- (a) of the comments of the Commissioner of Urban Development Services respecting the Ontario Building Code;
 - (b) of the need to apply for revised municipal numbering prior to the issuance of a building permit;
 - (c) to submit a servicing plan of the site, prior to the issuance of a building permit, for the review and approval of the Commissioner of Works and Emergency Services;
 - (d) of the City's requirement for payment of a service charge associated with the provision of containerized garbage collection;
 - (e) of the need to receive the approval of the Commissioner of Works and Emergency Services for any work to be carried out within the public right-of-way;
 - (f) of the need to comply with the requirements of the Station and Shaftesbury Subdivision Agreement;
 - (g) of the need to provide and maintain a minimum of 42 Affordable Housing Units on the site in accordance with the Approved Affordable Housing Plan on file with the Commissioner of Urban Development Services;
 - (h) of the comments of the Toronto Transit Commission respecting the need for agreements and design approvals to ensure that the TTC is protected for future repair, maintenance and liability of its structure associated with the proposed development; and

- (i) of the comments of the Toronto Transit Commission respecting the subway ventilation program and the need for vents exhausting through grating in the road allowance adjacent to the proposed building; the potential for noise and vibrations that may arise with future installation; and that attenuation measures may need to be applied in addition to those associated with the existing operations.’ ”

Votes:

The motion by Councillor Adams carried.

The Clause, as amended, carried.

7.11 Clause No. 5 of Report No. 8 of The Toronto Community Council, headed “Approval Under the Cemeteries Act (Revised) for a Second Mausoleum Within the Prospect Cemetery at 1450 St. Clair Avenue West (Davenport)”.

Motion:

Councillor Disero moved that the Clause be amended by deleting from Recommendation No. (1) embodied in the report dated April 18, 2000, from the Commissioner of Urban Development Services, the figure “800”, and inserting in lieu thereof the figure “1,110”, so that such recommendation shall now read as follows:

- “(1) City Council, by resolution, grant approval of an 1,110 crypt mausoleum to be located within the Prospect Cemetery at 1450 St. Clair Avenue West;”.

Votes:

The motion by Councillor Disero carried.

The Clause, as amended, carried.

7.12 Clause No. 25 of Report No. 8 of The Toronto Community Council, headed “Conversion from Two-Way to One-Way Northbound Operation - Ravina Crescent, Between Baird Avenue and Jones Avenue (East Toronto)”.

Motion:

Councillor Bussin moved that the Clause be amended by adding to the recommendation of the Toronto Community Council the words “subject to the Director, Transportation Services, District 1, conducting a poll of affected residents, with such poll indicating support for this conversion”, so that such recommendation shall now read as follows:

“The Toronto Community Council recommends the adoption of the following report (April 12, 2000) from the Director, Transportation Services, District 1, subject to the Director, Transportation Services, District 1, conducting a poll of affected residents, and the results of such poll indicating support for this conversion.”.

Votes:

The motion by Councillor Bussin carried.

The Clause, as amended, carried.

7.13 **Clause No. 6 of Report No. 8 of The Works Committee, headed “Proposed Pedestrian Refuge Island, Warden Avenue Between Cass Avenue/Palmdale Drive and Lowcrest Boulevard (Scarborough Wexford)”.**

Motion:

Councillor Kelly moved that the Clause be amended by deleting Recommendation No. (2) embodied in the report dated March 27, 2000, from the Commissioner of Works and Emergency Services, viz.:

“(2) authority be granted to commence advertising for the highway alteration, and that deputations with respect thereto be made to the Scarborough Community Council.”

Votes:

The motion by Councillor Kelly carried.

The Clause, as amended, carried.

7.14 **Clause No. 1 of Report No. 4 of The Planning and Transportation Committee, headed “Free Transit on Air Quality Advisory Days”.**

Motion:

Councillor Moscoe moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on June 7, 2000.

Permission to Withdraw Motion:

Councillor Moscoe, with the permission of Council, withdrew his foregoing motion.

Motion:

Councillor Moscoe moved that the Clause be struck out and referred back to the Planning and Transportation Committee for further consideration.

Vote:

Adoption of motion by Councillor Moscoe:

Yes - 28	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Bossons, Brown, Cho, Chow, Feldman, Filion, Giansante, Jones, Kinahan, Layton, Mahood, Minnan-Wong, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Prue, Soknacki, Valenti
No - 6	
Councillors:	Duguid, Gardner, Holyday, Lindsay Luby, O'Brien, Ootes

Carried by a majority of 22.

7.15 Clause No. 3 of Report No. 4 of The Planning and Transportation Committee, headed “Waterfront Consultation Strategy”.

Motions:

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

“It is further recommended that the Commissioner of Urban Development Services be requested to:

- (1) organize a meeting with the Waterfront residents as part of the consultation process; and
- (2) complete all consultation meetings in June 2000.”

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

- (1) inserting in Recommendations No. (3)(b) of the Planning and Transportation Committee, after the word “governance”, the words “including historical relationships between senior levels of government and City governments,”, so that such recommendation shall now read as follows:

“(3) that the Commissioner of Urban Development Services be requested to:

(b) report to the Planning and Transportation Committee on models of governance, including historical relationships between senior levels of government and City governments, which have been successful in other Cities which have undergone improvements by all levels of government and what level of involvement has been appropriate for the local level.”; and

(2) adding thereto the following:

“It is further recommended that the Commissioner of Urban Development Services be requested to ensure that the East meeting is convened in a geographical area close to the Waterfront Community.”

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

“It is further recommended that the Chief Planner be requested, in the consultation process, to request residents to comment on the basic principle that lands west of Bathurst Street should remain as public lands for use by the people.”

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

“It is further recommended that the consultation process include discussion on new waterfront initiatives west of Dufferin Street in the Western Beaches.”

Votes:

Adoption of motions (a), (b), (c) and (d) by Councillors Chow, Ashton, Miller and Korwin-Kuczynski, respectively:

Yes - 40	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chow, Disero, Duguid, Feldman, Filion, Flint, Giansante, Holyday, Johnston, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Miller, Moscoe, Nunziata, O'Brien, Ootes, Palacio, Pantalone, Pitfield, Prue, Rae, Soknacki, Valenti
No - 1	
Councillor:	Walker

Carried by a majority of 39.

The Clause, as amended, carried.

7.16 **Clause No. 4 of Report No. 4 of The Planning and Transportation Committee, headed “GTSB Strategic Transportation for the Greater Toronto Area and Hamilton-Wentworth”.**

Motion:

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

“It is further recommended that the acquisition and/or preservation of rail corridors should also apply to pedestrian and bicycle pathway uses.”

Votes:

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

7.17 **Clause No. 1 of Report No. 8 of The Works Committee, headed “Dedicated Motorcycle Parking on City Streets”.**

Motion:

Councillor Rae moved that the Clause be amended by striking out Recommendation No. (1) of the Works Committee and inserting in lieu thereof the following new Recommendation No. (1):

“(1) that Toronto City Council amend all necessary by-laws to permit up to a maximum of three motorcycles to park in one metered on-street space and that motorcycles be permitted to park at no greater than a 45-degree angle to the curb. Each parking space will be controlled by one parking meter. If the posted parking fee at the meter is not paid, all motorcycles parked in that space will receive a Parking Infraction Notice. No spaces in a parking meter controlled area will be designated for the exclusive use of motorcycles;”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

7.18 Clause No. 2 of Report No. 8 of The Works Committee, headed “Construction Effects on Small Businesses”.*Motion:*

Councillor Mihevc moved that the Clause be amended by adding to Recommendation No. (3) of the Works Committee, the words “and in areas where no Business Improvement Areas exist, that such monies collected be held in accounts to be used for local improvements”, so that such recommendation shall now read as follows:

- “(3) that the Commissioner of Works and Emergency Services, in consultation with any relevant staff, examine the proposal that all or a portion of non-performance penalties collected in the execution of a contract be forwarded to the Business Improvement Area for the Business Improvement Areas in total, and report back thereon to the Committee, and in areas where no Business Improvement Areas exist, that such monies collected be held in accounts to be used for local improvements;”.

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

7.19 Clause No. 4 of Report No. 8 of The Works Committee, headed “Public Meeting Respecting Solid Waste Management Service Level Changes in the North York Community”.*Motion:*

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

- “It is further recommended that the Automated ‘Flower Pot’ Waste Collection System Working Group be requested to bring forward its report to the October 3, 4 and 5, 2000 meeting of City Council, through the North York Community Council.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

7.20 **Clause No. 10 of Report No. 8 of The Works Committee, headed “Speed Limit on Kipling Avenue, Between Albion Road and Steeles Avenue West”.**

Motion:

Councillor Brown moved that the Clause be amended by striking out the recommendations of the Works Committee and inserting in lieu thereof the following:

“It is recommended that the report dated May 2, 2000, from the Commissioner of Works and Emergency Services, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) the speed limit on Kipling Avenue, between Annabelle Drive/Rowntree Road and Steeles Avenue West, be reduced from 60 kilometres per hour to 50 kilometres per hour;
- (2) the appropriate by-laws be amended accordingly; and
- (3) the Toronto Police Service be requested to enforce the new 50 kilometres per hour speed limit on Kipling Avenue.’ ”

Votes:

Adoption of motion by Councillor Brown:

Yes- 30
Mayor: Lastman
Councillors: Adams, Augimeri, Berardinetti, Bossons, Brown, Duguid, Feldman, Gardner, Giansante, Holyday, Kinahan, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Valenti, Walker
No - 0

Carried, without dissent.

The Clause, as amended, carried.

Deputy Mayor Ootes in the Chair.

7.21 Clause No. 3 of Report No. 6 of The Policy and Finance Committee, headed "PATH Walkway System (Downtown)".*Motions:*

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

"It is further recommended that the communication dated May 8, 2000, from Mr. Michael Homsy, be received and referred to the Commissioner of Economic Development, Culture and Tourism for further consideration in the negotiations pertaining to the details of the access component of this project."

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

"It is further recommended that the Chief Administrative Officer, through the Executive Lead on Telecommunications, be requested to submit a report to the Telecommunications Steering Committee on the policy issues raised by the licensing and access agreement application from Promotions Link Inc."

Votes:

Motion (a) by Councillor Moscoe carried.

Motion (b) by Councillor Adams carried.

The Clause, as amended, carried.

7.22 Clause No. 3 of Report No. 9 of The Works Committee, headed "Removal of Waste Material from 75 Commissioners Street".

Having regard that the Clause was submitted without recommendation:

Motions:

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

"It is recommended that TEDCO, with assistance from the Works and Emergency Services Department, be urged to expedite the removal of the waste from 75 Commissioners Street; and be requested to submit a timetable for the completion of the work to the next meeting of the Works Committee scheduled to be held on May 17, 2000."

- (b) Councillor Saundercook moved that Council adopt the following recommendation:

“It is recommended that the report dated May 8, 2000, from the Commissioner of Works and Emergency Services, embodying the following recommendation, be adopted:

‘It is recommended that the Ministry of the Environment be requested to realize upon any financial assurance filed by Harkow Recycling Ltd. and/or Harbour Front Recycling Ltd. under the Certificate of Approval for the premises at 75 Commissioners Street and apply it to the cost of removal by TEDCO of waste materials at the site.’ ”

- (c) Councillor Ootes, with the permission of Council, moved that Council adopt the following recommendation:

“It is recommended that the Ministry of the Environment be requested to provide to the Commissioner of Works and Emergency Services, information pertaining generally to the standards, including frequency of inspection, applicable in the Ministry for monitoring compliance by any private waste processing facilities in the City of Toronto with the terms of their certificate of approvals, as well as information pertaining specifically to such monitoring standards and activities as they related to 75 Commissioners Street prior to the fire at that location, and the Commissioner of Works and Emergency Services be requested to submit a report thereon to the Works Committee.”

Votes:

Motion (a) by Councillor Layton carried.

Motion (b) by Councillor Saundercook carried.

Motion (c) by Councillor Ootes carried.

The Clause, as amended, carried.

7.23 Clause No. 1 of Report No. 8 of The Toronto Community Council, headed “St. Clair West Village Tree Lighting Project - 2000 Capital Budget”.

Motion:

Councillor Disero moved that the Clause be amended in accordance with the following motion:

“**WHEREAS** in its consideration of the City’s 2000 Capital Budget, Toronto Community Council recommended that \$10,000.00 be added to the Economic Development Division’s Capital Budget, conditional on the St. Clair West project raising matching funds; and

WHEREAS the intent of that motion was to add a total of \$20,000.00 to the Economic Development Division's Capital Budget, with \$10,000.00 to come from City funds and \$10,000.00 to be raised by the Community; and

WHEREAS the effect of Council's earlier decisions increased the allowable expenditure of the Economic Development Division's Capital Budget by the net amount required rather than the total amount;

NOW THEREFORE BE IT RESOLVED THAT the first Operative Paragraph of the motion by Councillor Disero embodied in the Clause be amended by deleting the figure '\$5,000.00', and inserting in lieu thereof the words and figures '\$10,000.00 gross and \$5,000.00 net', and inserting the word 'Capital', prior to the word 'Budget', so that such Operative Paragraph shall now read as follows:

'NOW THEREFORE BE IT RESOLVED THAT a further \$10,000.00 gross and \$5,000.00 net be added to the Economic Development Division's 2000 Capital Budget;.'

Votes:

The motion by Councillor Disero carried.

The Clause, as amended, carried.

7.24 **Clause No. 6 of Report No. 5 of The Economic Development and Parks Committee, headed "2000 Budgets – Business Improvement Areas: Report No. 3".**

Motion:

Councillor Palacio 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 next meeting of the Assessment and Tax Policy Task Force on:

- (1) possible legislative amendments, or other alternate systems which could be put in place in order to cap Business Improvement Area (BIA) levies; and
- (2) details of the intent of the 'delinquent BIA charges' and the reserve account in this regard;

and that the City's BIAs and the Toronto Association of Business Improvement Areas (TABIA) be notified when the Assessment and Tax Policy Task Force will be considering this report and that deputations will be heard in this regard."

Votes:

The motion by Councillor Palacio carried.

The Clause, as amended, carried.

7.25 Clause No. 10 of Report No. 4 of The Etobicoke Community Council, headed “Other Items Considered by the Community Council”.

Motion:

Councillor Lindsay Luby moved that the Clause be received as information, subject to striking out and referring Item (d), entitled “Proposed Residential Solid Waste Collection By-law”, back to the Etobicoke Community Council for further consideration.

Votes:

The motion by Councillor Lindsay Luby carried.

The Clause, as amended, was received as information.

7.26 Clause No. 4 of Report No. 5 of The Economic Development and Parks Committee, headed “Pedicabs on Toronto Island - Pilot Project (Downtown)”.

Motion:

Councillor McConnell moved that the Clause be amended by inserting in Recommendation No. (2) embodied in the report dated March 28, 2000, from the Commissioner of Economic Development, Culture and Tourism, after the words “Toronto Island”, the words “outside of the residential community”, so that such recommendation shall now read as follows:

“(2) staff be authorized to negotiate and execute a license agreement for the operation of pedicabs at Toronto Island outside of the residential community by Orient Express Rickshaws;”.

Votes:

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

7.27 Clause No. 20 of Report No. 5 of The Scarborough Community Council, headed “Berner Trail Community Centre (Ward 18 - Scarborough Malvern)”.*Vote:*

Adoption of Clause, without amendment:

Yes - 37	
Mayor:	Lastman
Councillors:	Adams, Altobello, Berardinetti, Berger, Bossons, Bussin, Cho, Chow, Disero, Feldman, Flint, Gardner, Giansante, Holyday, Johnston, Kelly, Kinahan, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Prue, Rae, Sinclair, Soknacki, Valenti
No - 2	
Councillors:	Augimeri, Moscoe

Carried by a majority of 35.

7.28 Clause No. 19 of Report No. 5 of The Scarborough Community Council, headed “Official Plan Amendment Application SC-P19990011, Village Securities Ltd., c/o Neamsby Investments Inc., Morningside Heights Community (Formerly Tapscott Employment District) (Ward 18 - Scarborough Malvern)”.*Vote:*

Adoption of Clause, without amendment:

Yes - 32	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Berger, Bossons, Bussin, Chow, Disero, Duguid, Feldman, Flint, Gardner, Giansante, Johnston, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, Mihevc, Minnan-Wong, Nunziata, Ootes, Palacio, Pantalone, Prue, Rae, Shiner, Sinclair, Soknacki, Valenti
No - 7	
Councillors:	Adams, Augimeri, Cho, Holyday, Kinahan, Moscoe, Pitfield

Carried by a majority of 25.

7.29 Clause No. 8 of Report No. 8 of The Toronto Community Council, headed “Requests for Endorsement of Events for Liquor Licensing Purposes”.

Motions:

- (a) Councillor Chow, seconded by Councillor Rae, moved that the Clause be amended by adding thereto the following:

“It is further recommended that City Council advise the Alcohol and Gaming Commission of Ontario that it is aware of the 11th Annual Dinner and Silent Auction to raise funds for the Huntington Society of Canada, taking place at the Adelaide Club located at 1 First Canadian Place, Toronto, on June 7, 2000, from 5:30 p.m. to 11:30 p.m., and has no objection to such event taking place.”

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

“It is further recommended that City Council advise the Alcohol and Gaming Commission of Ontario that it is aware of the following events and has no objection to such events taking place:

- (1) the YMCA Corporate Run on June 7, 2000, Better Living Centre, Exhibition Place, 7:00 p.m. to 12:00 midnight; and
- (2) the CHIN International Picnic, Bandshell Park, Exhibition Place, June 30, 2000, to July 3, 2000; from 4:00 p.m. to 12:00 midnight on June 30, 2000, and from 12:00 noon to 12:00 midnight on July 1, 2 and 3, 2000.”

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

“It is further recommended that City Council advise the Alcohol and Gaming Commission of Ontario that it is aware of the White Ribbon Campaign ‘Dad Walk’ taking place on June 10, 2000, at Sunnybrook Park, and has no objection to such event taking place (in the event an application for liquor or alcohol sales is submitted).”

Votes:

Motion (a) by Councillor Chow, seconded by Councillor Rae, carried.

Motion (b) by Councillor Pantalone carried.

Motion (c) by Councillor Layton carried.

The Clause, as amended, carried.

7.30 Clause No. 1 of Report No. 10 of The Administration Committee, headed “Green Roofs Infrastructure - Demonstration Project”.*Motion:*

Councillor Layton moved that the Clause be struck out and referred back to the Administration Committee for further consideration, together with the report dated May 8, 2000, from the Chief Financial Officer and Treasurer.

Vote:

The motion by Councillor Layton carried.

Motion to Re-Open:

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

Motion:

Councillor Layton moved that the Clause be amended by striking out and referring the following portion of the recommendation of the Administration Committee back to the Administration Committee for further consideration, together with the report dated May 8, 2000, from the Chief Financial Officer and Treasurer:

“and further, that the proposal to demonstrate green roof infrastructure technology on the City Hall podium roof as described in the aforementioned report be approved, subject to the following conditions:

- (a) that City Council amend the 2000-2004 Capital Budget to provide \$165,000.00 in funding to repair a portion of the City Hall podium roof in 2000 rather than 2004 as provided in the Capital Budget; and
- (b) that the additional funds required to implement the City Hall podium roof demonstration project as outlined in the aforementioned report (approximately \$135,000.00) be secured from the Toronto Atmospheric Fund, the Green Roofs for Healthy Cities Coalition, the federal government, or other funding sources, before the City Hall podium green roof project proceeds.”

Votes:

The motion by Councillor Layton carried.

The Clause, as amended, carried.

7.31 **Clause No. 9 of Report No. 5 of The Economic Development and Parks Committee, headed “Main Street Ontario Millennium Funding – Healthy City Principles”.**

Motion:

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

“It is further recommended that the Director of the Healthy City Office be requested to submit a report to the Policy and Finance Committee on how other cities around the world are incorporating initiatives of the Toronto Healthy City Office in their cities.”

Votes:

The motion by Councillor Layton carried.

The Clause, as amended, carried.

7.32 **Clause No. 11 of Report No. 5 of The Economic Development and Parks Committee, headed “Other Items Considered by the Committee”.**

Motion:

Councillor Pantalone moved that the Clause be received as information, subject to striking out and referring Item (f), entitled “Official Plan of the ‘Concentration Camp’ Location Now Sited in the CNE Grounds”, back to the Economic Development and Parks Committee for further consideration.

Votes:

The motion by Councillor Pantalone carried.

The Clause, as amended, was received as information.

7.33 **Clause No. 2 of Report No. 4 of The Planning and Transportation Committee, headed “School Closures”.**

Motions:

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

“It is further recommended that the joint report dated May 5, 2000, from the Commissioner of Urban Development Services, the Commissioner of Economic Development, Culture and Tourism, and the Commissioner of Corporate Services, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) the Commissioner of Corporate Services, in conjunction with other appropriate City staff, be directed to meet with representatives of the Toronto District School Board to:
 - (a) ensure that any lease agreements entered into with outside parties with respect to surplus school facilities include provisions which secure continued community access to the open space, including on-site childcare operators’ right to access and use of dedicated outdoor space during operating hours; and
 - (b) begin negotiations to protect the City’s interest in Capital investments that have been made to school facilities, in accordance with the principles contained therein; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

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

“It is further recommended that:

- (1) having regard that the City of Toronto, the Toronto District School Board and the Toronto Catholic District School Board recognize that, based on the many services and facilities housed and provided by local schools which go well beyond direct instructional programs, each school is serving a whole community, supporting not just students but all families in the community in a variety of ways, the Toronto District School Board and the Toronto Catholic District School Board be requested:
 - (a) to work with the City of Toronto in a process of community- and neighbourhood-wide consultation (beyond parent input) in each of the communities affected by any proposed school closures, such consultation to consider the full range of services and facilities provided by the schools;
 - (b) before any further schools are approved for closure, to join the City of Toronto in presenting the full impact of the new provincial funding formula on City- and community-related services and resources to the provincial government for its re-evaluation of the adequacy of the funding formula and the current narrow definition of ‘use’ in the funding formula;

- (c) prior to any school closures, to join the City of Toronto in establishing a joint task force to work on ensuring that the existing community and City services will be adequately maintained in each of the neighbourhoods;
 - (d) given that a number of the schools slated for possible closure, such as Frank Oak and Bathurst Heights, have an important role in serving high risk areas and providing significant special education programs, and that some of those facilities were designed specifically for those purposes, to delay any closures until all such services and facilities are secured for the provision of those programs; and
 - (e) to provide the City of Toronto with the right of first refusal with respect to the Phase I surplus school sites; and
- (2) the Commissioner of Urban Development Services be requested to take all action possible to lease the school sites for community uses and submit a status update report to the Planning and Transportation Committee and the Economic Development and Parks Committee.”
- (c) Councillor Ashton moved that the Clause be amended by adding thereto the following:
- “It is further recommended that:
- (1) the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on the condition, ownership and options for future use, including to the broader community, of the Midland Avenue Collegiate and Bathurst Heights Collegiate pools; and
 - (2) the Toronto District School Board and the Toronto Catholic District School Board be requested to entertain proposals that express interest for only a component of any site.”
- (d) Councillor Mihevc moved that the Clause be amended by adding thereto the following:
- “It is further recommended that:
- (1) the City identify and pursue its legal rights, in cases where an agreement with the School Boards is affected by a school closure;
 - (2) the City’s position for relocating existing facilities be that the School Boards or the Province of Ontario pick up 100 percent of the costs incurred; and

- (3) any future capital expenditures by the City of Toronto on school land be subject to a condition in the agreement that the School Board is required to refund the funds expended if the school closes.”

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

“It is further recommended that:

- (1) City Council indicate to the Toronto District School Board its intention to contract for infant/toddler child care facilities through a partnership involving the Woodgreen Community Centre, in both the Bruce Public School and the Morse Public School, and the Toronto District School Board be requested to take this information into account in its deliberations;
- (2) City Council confirm its intention to facilitate the continued operation of the City-financed, state-of-the-art community kitchen at Bruce Public School, and the Toronto District School Board be informed that the City of Toronto wishes to both ensure that the community kitchen at Bruce Public School continues to function and enter into discussions concerning how this can be accomplished;
- (3) the Toronto District School Board and the Toronto Catholic District School Board be requested to draw the Area Review Committee (ARC) boundaries in such a way as to avoid overcrowding in the adjacent schools just outside those boundaries in the balance of the school closure process; and
- (4) the Mayor, or his representative, and interested Members of Council, accompanied by appropriate staff, and with supporting documentation, appear as a delegation at the Toronto District School Board on Monday, May 15, 2000, at 6:30 p.m., to present the City of Toronto’s position to Chair Gail Nyberg and her colleagues.”

- (f) Councillor Shiner 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 include McNicoll Public School as an opportunity to meet or offset community recreation and child care needs as part of studies which are being undertaken and report thereon as soon as possible to the Economic Development and Parks Committee.”

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

“It is further recommended that the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on the impact of the closure of the Corpus Christi Catholic School on enrolment in the surrounding public schools.”

- (h) Councillor King moved that the Clause be amended by adding thereto the following:

“It is further recommended that a Committee be established, with representatives from the Toronto District School Board, the Toronto Catholic District School Board and the City of Toronto, to determine how the City of Toronto can ensure these facilities are used to meet the needs of the community.”

Votes:

Motion (a) by Councillor McConnell carried.

Motion (b) by Councillor Chow carried.

Motion (c) by Councillor Ashton carried.

Motion (d) by Councillor Mihevc carried.

Motion (e) by Councillor Layton carried.

Motion (f) by Councillor Shiner carried.

Motion (g) by Councillor Bussin carried.

Motion (h) by Councillor King carried.

The Clause, as amended, carried.

7.34 **Clause No. 3 of Report No. 10 of The Administration Committee, headed “Declaration as Surplus, 1978 Lake Shore Boulevard West and Adjoining Lands (Ward 19 - High Park)”.**

Motions:

- (a) Councillor Korwin-Kuczynski moved that the Clause be received and that no further action be taken with respect to the proposal to develop housing on this site.

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

“It is further recommended that the consultation process for the development at 1978 Lake Shore Boulevard West include the residents within the Palace Pier neighbourhood.”

Votes:

Adoption of motion (a) by Councillor Korwin-Kuczynski:

Yes - 8	
Councillors:	Altobello, Flint, Holyday, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Saundercook
No - 36	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Brown, Bussin, Cho, Chow, Disero, Duguid, Feldman, Giansante, Johnston, Kinahan, King, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Prue, Rae, Silva, Soknacki, Tzekas, Valenti, Walker

Lost by a majority of 28.

Motion (b) by Councillor Jones carried.

The Clause, as amended, carried.

7.35 **Clause No. 4 of Report No. 10 of The Administration Committee, headed “Declaration as Surplus, 2350 Finch Avenue West (Ward 6 - North York Humber)”.***Vote:*

Adoption of Clause, without amendment:

Yes - 41	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Brown, Bussin, Cho, Chow, Disero, Duguid, Feldman, Flint, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Prue, Rae, Saundercook, Silva, Soknacki, Tzekas, Valenti, Walker
No - 2	
Councillors:	Holyday, Kelly

Carried by a majority of 39.

7.36 Clause No. 5 of Report No. 10 of The Administration Committee, headed “Declaration as Surplus, 419-425 Coxwell Avenue (Ward 26 - East Toronto)”.

Vote:

Adoption of Clause, without amendment:

Yes - 42	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Brown, Bussin, Cho, Chow, Disero, Duguid, Feldman, Flint, Giansante, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Prue, Rae, Saundercook, Silva, Soknacki, Tzekas, Valenti, Walker
No - 2	
Councillors:	Holyday, Kelly

Carried by a majority of 40.

7.37 Clause No. 6 of Report No. 10 of The Administration Committee, headed “Expropriation of Interests in Land, Sheppard Subway/Sheppard Avenue East Widening Project, Multiple Partial Interests in the Vicinity of Bayview Avenue and Sheppard Avenue East (Wards 9, 10 and 12 – North York Centre South, North York Centre, Seneca Heights)”.

Vote:

The Clause was adopted, without amendment.

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

7.38 Clause No. 7 of Report No. 10 of The Administration Committee, headed “Expropriation of Interests in Land, Sheppard Subway/Sheppard Avenue East Widening Project, 333 and 337 Sheppard Avenue East in the Vicinity of Bayview Avenue and Sheppard Avenue East (Ward 10 - North York Centre)”.

Vote:

The Clause was adopted, without amendment.

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

- 7.39 **Clause No. 9 of Report No. 10 of The Administration Committee, headed “Layout and Dedication of Lands for Widening the Public Highways - Bayview Avenue and Sheppard Avenue East Near Their Intersection, in Conjunction with the Sheppard Subway Project, (Ward 9 - North York Centre South/Ward 10 - North York Centre/Ward 12 - Seneca Heights)”.**

Vote:

The Clause was adopted, without amendment.

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

- 7.40 **Clause No. 2 of Report No. 5 of The Economic Development and Parks Committee, headed “Extension of High Park Trackless Train Contract With Carla Construction and Maintenance Ltd. (Ward 19)”.**

Motion:

Councillor Miller moved that the Clause be amended by adding to Recommendation No. (1) embodied in the report dated March 28, 2000, from the Commissioner of Economic Development, Culture and Tourism, the words “and the Commissioner of Economic Development, Culture and Tourism be requested to review safety procedures and staff training with the proponent”, so that such recommendation shall now read as follows:

“(1) the current agreement between the City and Carla Construction and Maintenance Ltd. to operate the Trackless Train Concession in High Park be extended for one year and the Commissioner of Economic Development, Culture and Tourism be requested to review safety procedures and staff training with the proponent;”.

Votes:

The motion by Councillor Miller carried.

The Clause, as amended, carried.

- 7.41 **Clause No. 17 of Report No. 5 of The Scarborough Community Council, headed “City-Initiated Official Plan Amendment 1994073, Deletion of East Metro Transportation Corridor, Modifications to Scarborough Official Plan Amendment 722, Malvern, Rouge and Upper Rouge Communities and Rouge Employment District (Ward 18 - Scarborough Malvern)”.**

Motion:

Councillor Cho moved that the Clause be struck out and referred back to the Scarborough Community Council for further consideration, and the Rouge Park Alliance be requested to submit comments thereon to the Community Council.

Votes:

Adoption of motion by Councillor Cho:

Yes - 5 Councillors: Cho, Holyday, Li Preti, Mammoliti, Moeser
No - 32 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bossons, Bussin, Chow, Duguid, Feldman, Flint, Giansante, Johnston, Kelly, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Minnan-Wong, Nunziata, O'Brien, Ootes, Pantalone, Pitfield, Prue, Saundercook, Shiner, Silva, Soknacki, Valenti, Walker

Lost by a majority of 27.

The Clause was adopted, without amendment.

- 7.42 **Clause No. 18 of Report No. 5 of The Scarborough Community Council, headed "Preliminary Evaluation Report, Zoning By-law Amendment Application SC-Z19990045, Draft Plan of Subdivision SC-T19990014, Anndale Properties Limited, South of Old Finch Avenue, East of EMTC Corridor (Ward 18 - Scarborough Malvern)".**

Motion:

Councillor Cho moved that the Clause be amended by deferring consideration of Recommendation No. (2) embodied in the report dated November 25, 1999, from the Director of Community Planning, East District, to the next regular meeting of City Council scheduled to be held on June 7, 2000, viz.:

- “(2) request that the Province of Ontario consider the acquisition of the Anndale lands and their conveyance to the Toronto and Region Conservation Authority as part of the Rouge Park.”

Votes:

Adoption of motion by Councillor Cho:

Yes - 5 Councillors: Berger, Cho, Li Preti, Mammoliti, Moeser
No - 35 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bossons, Bussin, Disero, Duguid, Flint, Giansante, Holyday, Johnston, Kelly, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Palacio, Pantalone, Pitfield, Prue, Saundercook, Silva, Soknacki, Valenti

Lost by a majority of 30.

The Clause was adopted, without amendment.

7.43 Clause No. 24 of Report No. 8 of The Toronto Community Council, headed "Draft By-laws - Official Plan Amendment and Rezoning - 100, 120 and 130 Adelaide Street West, 12 and 22 Sheppard Street and 85 and 111 Richmond Street West (Downtown)".

Motions:

(a) Councillor Prue moved that:

- (1) the Clause be struck out and referred back to the Toronto Community Council for further consideration; and
- (2) Council adopt the following recommendation:

"It is recommended that any development on this site shall incorporate the provision that the Concourse Building should be preserved in its entirety."

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

"It is further recommended that the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on the feasibility of requiring any developer proposing to demolish any heritage building(s) to conduct an international design competition with respect to the replacement structure."

Councillor Chong in the Chair.

Deputy Mayor Ootes in the Chair.

- (c) Councillor Kelly moved that the Clause be struck out and referred to the Planning and Transportation Committee for further consideration.

Votes:

Adoption of motion (c) by Councillor Kelly:

Yes - 13	
Councillors:	Adams, Bossons, Bussin, Davis, Jones, Kelly, Kinahan, Layton, McConnell, Moeser, Pitfield, Prue, Tzekas
No - 37	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Berger, Brown, Chow, Disero, Duguid, Feldman, Filion, Gardner, Giansante, Holyday, Johnston, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Mammoliti, Mihevc, Miller, Moscoe, Nunziata, O'Brien, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Sinclair, Soknacki, Walker

Lost by a majority of 24.

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

Yes - 21	
Councillors:	Adams, Ashton, Augimeri, Berger, Bossons, Bussin, Chow, Filion, Johnston, Jones, Kelly, Kinahan, Layton, McConnell, Mihevc, Moeser, Nunziata, Pitfield, Prue, Tzekas, Walker
No - 30	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Brown, Chong, Davis, Disero, Duguid, Feldman, Gardner, Giansante, Holyday, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Mammoliti, Miller, Moscoe, O'Brien, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Sinclair, Soknacki

Lost by a majority of 9.

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

Yes - 20	
Councillors:	Adams, Augimeri, Berger, Bossons, Bussin, Chow, Filion, Jones, Kelly, Kinahan, Layton, McConnell, Mihevc, Moeser, Moscoe, Nunziata, Pitfield, Prue, Tzekas, Walker
No - 31	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Berardinetti, Brown, Chong, Davis, Disero, Duguid, Feldman, Gardner, Giansante, Holyday, Johnston, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Mammoliti, Miller, O'Brien, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Sinclair, Soknacki

Lost by a majority of 11.

Ruling by Deputy Mayor:

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

Councillor Miller challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 38	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Berardinetti, Berger, Brown, Bussin, Chong, Chow, Disero, Duguid, Feldman, Gardner, Giansante, Holyday, Jones, Kelly, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Mammoliti, Mihevc, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Palacio, Pantalone, Saundercook, Shiner, Silva, Sinclair, Soknacki, Tzekas
No - 13	
Councillors:	Augimeri, Bossons, Davis, Filion, Johnston, Kinahan, Layton, McConnell, Miller, Pitfield, Prue, Rae, Walker

Carried by a majority of 25.

Vote:

Adoption of Clause, without amendment:

Yes - 38	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Berardinetti, Berger, Brown, Chong, Chow, Davis, Disero, Duguid, Feldman, Gardner, Giansante, Holyday, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Mammoliti, Miller, Moeser, Moscoe, O'Brien, Ootes, Palacio, Pantalone, Rae, Saundercook, Shiner, Silva, Sinclair, Soknacki, Tzekas
No - 12	
Councillors:	Adams, Augimeri, Bossons, Bussin, Filion, Layton, McConnell, Mihevc, Nunziata, Pitfield, Prue, Walker

Carried by a majority of 26.

7.44 **Clause No. 11 of Report No. 8 of The Toronto Community Council, headed "Toronto Outdoor Art Exhibition - Nathan Phillips Square".**

Motion:

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

"It is further recommended that a grant of \$20,000.00 be provided from the Corporate Contingency Account to support the Toronto Outdoor Art Exhibition."

Permission to Withdraw Motion:

Councillor Moscoe, with the permission of Council, withdrew his foregoing motion.

Motion:

Councillor Moscoe, with the permission of Council, moved that the Clause be amended by adding thereto the following:

"It is further recommended that the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Corporate Services be requested to review the matter of support for art shows at various public locations, and submit a joint report thereon to Council, through the appropriate Committee, prior to the art show events for 2001."

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

7.45 **Clause No. 5 of Report No. 5 of The Economic Development and Parks Committee, headed “Standardized Forestry Policies (All Wards)”.**

Motion:

Councillor Moscoe moved that the Clause be amended by adding to Recommendation No. (4)(b)(ii) embodied in the report dated March 28, 2000, from the Commissioner of Economic Development, Culture and Tourism, the words “or as otherwise directed by the Community Council”, so that such recommendation shall now read as follows:

“(4)(b) any request for healthy tree removal which is approved be conditional on:

- (ii) the applicant planting replacement tree(s), if, in the opinion of Forestry staff, space is available on private or public property or on either property adjacent to the applicant’s property, or as otherwise directed by the Community Council.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

7.46 **Clause No. 1 of Report No. 5 of The Economic Development and Parks Committee, headed “Asian Long-Horned Beetle and Other Alien Forest Pests (All Wards)”.**

Motions:

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

- (1) adding to Recommendation No. (1) embodied in the report dated March 28, 2000, from the Commissioner of Economic Development, Culture and Tourism, the words “such by-law to take effect when the President of the Canadian Food Inspection Agency designates City Forestry staff, under the Canadian Food Inspection Agency Act, for the purposes of the Plant Protection Act”, so that such recommendation shall now read as follows:

“(1) the appropriate Civic officials be authorized to prepare a by-law which will allow City staff to enter private property to inspect for the presence of Asian Long-Horned Beetle or other alien pests that threaten our urban forests, or to remove infested trees as may be required, such by-law to take effect when the President of the Canadian Food Inspection Agency designates City Forestry staff, under the Canadian Food Inspection Agency Act, for the purposes of the Plant Protection Act;” and

- (2) adding thereto the following:

“It is further recommended that the report dated May 8, 2000, from the City Solicitor, embodying the following recommendation, be adopted:

‘It is recommended that City Forestry staff consult further with the Canadian Food Inspection Agency to determine an appropriate role for the City, in order to ensure that the City’s urban forest is protected from potential pest infestations.’ ”

- (b) Councillor O’Brien moved that Part (1) of motion (a) by Councillor Pantalone be amended by adding thereto the words “and that the Canadian Food Inspection Agency continue to work with City Forestry staff up to and after such designation”.

Votes:

Motion (b) by Councillor O’Brien carried.

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

The Clause, as amended, carried.

In summary, Council amended this Clause by:

- (a) adding to Recommendation No. (1) embodied in the report dated March 28, 2000, from the Commissioner of Economic Development, Culture and Tourism, the words “such by-law to take effect when the President of the Canadian Food Inspection Agency designates City Forestry staff, under the Canadian Food Inspection Agency Act, for the purposes of the Plant Protection Act, and that the Canadian Food Inspection Agency continue to work with City Forestry staff up to and after such designation”, so that such recommendation shall now read as follows:

“(1) the appropriate Civic officials be authorized to prepare a by-law which will allow City staff to enter private property to inspect for the presence of Asian Long-Horned Beetle or other alien pests that threaten our urban forests, or to remove infested trees as may be required, such by-law to take effect when the President of the Canadian Food Inspection Agency designates City Forestry staff, under the Canadian Food Inspection Agency Act, for the purposes of the Plant Protection Act, and that the Canadian Food Inspection Agency continue to work with City Forestry staff up to and after such designation;”; and

- (b) adding thereto the following:

“It is further recommended that the report dated May 8, 2000, from the City Solicitor, embodying the following recommendation, be adopted:

‘It is recommended that City Forestry staff consult further with the Canadian Food Inspection Agency to determine an appropriate role for the City, in order to ensure that the City’s urban forest is protected from potential pest infestations.’ ”

7.47 Clause No. 3 of Report No. 5 of The Economic Development and Parks Committee, headed “Commemorative Tree and Bench Program (All Wards)”.

Motions:

- (a) Councillor Shiner moved that the Clause be amended by:
- (1) amending the report dated March 28, 2000, from the Commissioner of Economic Development Culture and Tourism, by:
- (a) adding to Recommendation No. (1) the words “the cost for commemorative trees and benches to be implemented on an interim basis, and the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee outlining a detailed breakdown of the cost for the trees, benches and installation”, so that such recommendation shall now read as follows:
- “(1) the Commemorative Tree and Bench Program be full cost recovery with an application fee of \$600.00 for a commemorative tree and an application fee ranging from \$1,525.00 to \$2,050.00 for a commemorative bench, depending on its style and length, the cost for commemorative trees and benches to be implemented on an interim basis, and the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee outlining a detailed breakdown of the cost for the trees, benches and installation;”; and
- (b) deleting Recommendation No. (2) and inserting in lieu thereof the following new Recommendation No. (2):
- “(2) commemorative certificates and plaques be provided for both commemorative trees and benches at no additional cost;”; 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, in one year’s time, on the experience of this program.”

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

“It is further recommended that the City of Toronto initiate a program that allows residents to contribute \$20.00 towards the City’s reforestation program, and that a certificate be issued accordingly.”

Votes:

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

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

Motion (b) by Councillor Moscoe carried.

The Clause, as amended, carried.

7.48 **Clause No. 10 of Report No. 5 of The Economic Development and Parks Committee, headed “Draft By-law - City Street Trees (All Wards)”.**

Motion:

Councillor Pantalone moved that the Clause be amended by inserting in the definition for “Tree”, embodied in Section 1, entitled “Definitions”, of the Draft By-law appended to the report dated April 12, 2000, from the Commissioner of Economic Development, Culture and Tourism, after the words “or ornamental tree”, the words “(not a shrub, shrub-like bush or ornamental plantings)”, so that such definition shall now read as follows:

“ **Tree**’ means any shade or ornamental tree (not a shrub, shrub-like bush or ornamental plantings), all or part of which is located on, above or below a City Street. Ownership – as determined by the Commissioner of Economic Development, Culture and Tourism – and maintenance of trees which have 50% or more of their main stem situated on the City road allowance will be the responsibility of the City.”

Votes:

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

7.49 Clause No. 4 of Report No. 8 of The Toronto Community Council, headed “Bill 62 - Direct Democracy Through Municipal Referendums Act”.*Motions:*

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

“It is further recommended that the joint report dated May 8, 2000, from the Chief Administrative Officer, the City Solicitor and the City Clerk, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) the Minister of Municipal Affairs and Housing be urged to move forward with a comprehensive approach to municipal-provincial relations, rather than the ad hoc approach represented by recent legislative changes, such as Bill 62;
- (2) the Minister of Municipal Affairs and Housing be requested to amend Bill 62 to delete the provision in the proposed new section 8.1 of the Municipal Elections Act, 1996, which allows the Minister to override a municipal question by declaring a provincial interest;
- (3) the Minister of Municipal Affairs and Housing be requested to amend Bill 62 to include the ability of a campaign period to recommence if a candidate incurs recount or controverted election expenses after his or her campaign has ended under the proposed paragraph 2 of subsection 68(1) of the Municipal Elections Act, 1996; and
- (4) the Minister of Municipal Affairs and Housing be requested to amend Bill 62 to provide for corresponding delays in the Clerk’s duties under subsection 23(2) of the Municipal Elections Act, 1996, to reproduce and make available the voters’ list by September 1st, if the Minister extends the date by which the Ontario Property Assessment Corporation must deliver the list to municipalities beyond July 31st.’”

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

“It is further recommended that:

- (1) a delegation of Council, led by the Mayor or his designate, be sent to the Public Hearing(s) on Bill 62 to present City Council’s concerns and the City Solicitor and the appropriate staff from Legal Services be requested to assist in the preparation of City Council’s brief; and
- (2) the date(s) of the Public Hearing(s) on Bill 62, City Council’s concerns and City Council’s brief be posted on the City’s web site.”

Votes:

Adoption of motion (b) by Councillor McConnell:

Yes - 36	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Brown, Cho, Chong, Chow, Disero, Duguid, Feldman, Giansante, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Prue, Rae, Shiner, Silva, Soknacki, Walker
No - 3	
Councillors:	Gardner, Holyday, O'Brien

Carried by a majority of 33.

Motion (a) by Councillor Moscoe carried.

The Clause, as amended, carried.

7.50 **Clause No. 1 of Report No. 5 of The York Community Council, headed "3715 Dundas Street West, Site Plan Approval, Redevelopment of Loblaws Grocery Store Parking Lot, File SPA98-005 - Ward 27, York Humber".**

Vote:

The Clause was adopted, without amendment.

Motion to Re-Open:

Councillor Davis, 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, the vote upon which was taken as follows:

Yes - 22	
Mayor:	Lastman
Councillors:	Adams, Augimeri, Balkissoon, Berardinetti, Brown, Davis, Disero, Duguid, Gardner, Giansante, Holyday, Kelly, Layton, Lindsay Luby, Minnan-Wong, O'Brien, Ootes, Rae, Shiner, Silva, Soknacki
No - 15	
Councillors:	Altobello, Ashton, Berger, Cho, Chow, Feldman, Johnston, Jones, Kinahan, Korwin-Kuczynski, Moscoe, Nunziata, Pantalone, Prue, Walker

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

7.51 Clause No. 6 of Report No. 6 of The Policy and Finance Committee, headed “Toronto Housing Company – Revenue from License Agreements”.

Motion:

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

“It is further recommended that the Chief Administrative Officer and the City Solicitor be requested to submit a joint report to the Telecommunications Steering Committee for further consideration of this matter as it relates to future Calls for Proposals, Bids and Tenders.”

Votes:

The motion by Councillor Adams carried.

The Clause, as amended, carried.

7.52 Clause No. 3 of Report No. 7 of The Toronto Community Council, headed “Installation of Speed Humps - Windermere Avenue, from Bloor Street West to Annette Street (High Park)”.

Motion:

Councillor Miller moved that the Clause be amended by adding the following words to the recommendations of the Toronto Community Council:

“subject to:

- (a) the installation of speed humps on Windermere Avenue, between Bloor Street West and Annette Street, being installed at the same time as any measures required and supported on Durie Street and Willard Avenue, to ensure that the speed humps operate to slow traffic on Windermere Avenue, as intended, and not to direct traffic to neighbouring streets, including Runnymede Road, south of Bloor Street West;
- (b) the Toronto Police Service being requested to use every possible effort to enforce speed limits on Windermere Avenue and other streets in the Bloor West Village, together with enforcement of stop signs, particularly at the intersections of the north/south streets with Colbeck Street and Ardagh Street;
- (c) the Parking Enforcement Unit being requested to enforce parking regulations at the Bloor Street West corner of all intersections in Bloor West Village;

- (d) the Commissioner of Works and Emergency Services being requested to expedite:
 - (i) traffic studies on Runnymede Road, south of Bloor Street West, to determine speed and volume and appropriate solutions to issues raised by the speed and volume studies;
 - (ii) the current plan for lane narrowing on Runnymede Road, north of Bloor Street West, as a traffic-calming measure; and
 - (iii) studies currently underway on traffic issues in Bloor West Village, in order to develop options that can be considered by the community to address traffic safety issues raised by residents with the Ward Councillors.”

Votes:

The motion by Councillor Miller carried.

The Clause, as amended, carried.

7.53 IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE

May 9, 2000:

Motion:

Deputy Mayor Ootes, at 5:50 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the Municipal Act:

- (a) Clause No. 11 of Report No. 10 of The Administration Committee, headed “Proposed Pay Equity Settlement, City of Toronto/Toronto Public Library Board and the Toronto Civic Employees, Local 416, Canadian Union of Public Employees”, in that such Clause pertains to labour relations issues;
- (b) Clause No. 1 of Report No. 11 of The Administration Committee, headed “Memoranda of Agreement Between the City of Toronto and the Canadian Union of Public Employees, Local 79”, in that such Clause pertains to labour relations issues;
- (c) Clause No. 1 of Report No. 6 of The Policy and Finance Committee, headed “Woodbine Racetrack Slot Machines and Financial Impacts (Ward 5 - Rexdale Thistletown)”, in that such Clause pertains to the security of property interests of the municipality; and

- (d) Clause No. 40 of Report No. 8 of The Toronto Community Council, headed “Evaluation Report - 340 College Street, 15, 25 and 45 Brunswick Avenue, 10, 12, 14, 16, 18, 24, 26 Major Street - Application 399039 for Site Plan Approval for Redevelopment of Long-Term Care Facility – former Doctors Hospital Site (Phase 2) (Downtown)”, in that such Clause is subject to Solicitor/Client privilege.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 5:55 p.m., to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 6:43 p.m., and met in public session in the Council Chamber.

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

- 7.54 **Clause No. 1 of Report No. 11 of The Administration Committee, headed “Memoranda of Agreement Between the City of Toronto and the Canadian Union of Public Employees, Local 79”.**

Report of the Committee of the Whole:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause.

Vote:

Adoption of Clause, without amendment:

Yes - 37 Councillors: Altobello, Augimeri, Berardinetti, Berger, Brown, Bussin, Chong, Chow, Disero, Duguid, Feldman, Flint, Giansante, Holyday, Jones, Kinahan, King, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Prue, Rae, Soknacki, Valenti, Walker
No - 0

Carried, without dissent.

7.55 **Clause No. 1 of Report No. 6 of The Policy and Finance Committee, headed “Woodbine Racetrack Slot Machines and Financial Impacts (Ward 5 - Rexdale Thistletown)”.**

Having regard that the Clause was submitted without recommendation:

Motions:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

- (a) Councillor Moscoe moved that Council adopt the following recommendations:

“It is recommended that:

- (1) the confidential joint report dated March 31, 2000, from the Chief Administrative Officer and the Chief Financial Officer and Treasurer, be adopted, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the security of property interests of the municipality, save and except the following recommendations embodied therein:

‘It is recommended that:

- (a) Council authorize the City Solicitor to prepare an application to the Minister of Municipal Affairs and Housing to amend the Minister’s zoning order with respect to the Woodbine slot machines by including provisions in the zoning order which:
- (i) limit the location of the slot machines to the existing grandstand building;
 - (ii) establish a parking standard per slot machine; and
 - (iii) limit the total number of slot machines on site based on the traffic capacity of the area, established through the undertaking of a traffic study completed to the City of Toronto’s standards and satisfaction;
- (b) Council request the Minister of Municipal Affairs and Housing and/or the Ontario Lottery Corporation to ensure that the Ontario Jockey Club submits a site plan application or other measures to ensure that appropriate landscaping is provided on the Woodbine lands at the expense of the proponent, to the satisfaction of the City of Toronto;

- (c) the City's Economic Development Division ensure that the Woodbine Racetrack & Slots is recognized as a tourist destination and be included, to the extent possible, in the City's tourism promotional activities; and
 - (d) the appropriate City Officials be authorized and directed to take necessary action to give effect thereto.';
- (2) the confidential report dated April 5, 2000, from the Chief Financial Officer and Treasurer, be adopted, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the security of property interests of the municipality, save and except the recommendations embodied therein, subject to amending Recommendation No. (5) by inserting, between the words 'any' and 'revenues', the word 'net', so that the recommendations embodied in such report shall now read as follows:

'It is recommended that:

- (a) the City of Toronto enter into a revenue-sharing agreement with the Ontario Lottery Corporation with respect to the operation of slot machines at the Woodbine Racetrack;
- (b) Council request the Province of Ontario to provide funding for capital infrastructure requirements associated with the introduction of slot machines at the Woodbine Racetrack;
- (c) charities negatively impacted by the introduction of the Woodbine slot machines be requested to apply to the Ontario Trillium Foundation for ongoing funding to make up any shortfalls;
- (d) Toronto Public Health be requested to seek funding from the Ontario Ministry of Health for the additional City costs related to public education on problem gambling, estimated at \$340,000.00 annually;
- (e) any net revenues received from the Province relating to the Woodbine Racetrack slot machines project be contributed to the City's Capital Financing Reserve Fund;
- (f) the City's programs and services impacted by the introduction of the Woodbine Racetrack slot machines:
 - (i) report to the Chief Financial Officer and Treasurer on a quarterly basis as part of the corporate variance reporting. In particular, Toronto Police Services are requested to report on operating statistics, including staff hours, salary and other costs and crime statistics associated with the Woodbine Racetrack slot machines; and

- (ii) send all requests for additional ongoing costs to the Budget Advisory Committee for review as part of the 2001 Operating Budget process;
 - (g) the requirements for a new police station and a new fire station in Ward 5, Rexdale Thistletown, be reviewed as part of the 2001 Capital Budget process;
 - (h) the Toronto Transit Commission (TTC) be requested to provide service to the Woodbine Racetrack which meets current TTC financial and customer service standards, and that the Ontario Jockey Club (OJC) and/or the Ontario Lottery Corporation (OLC) be requested to fully fund any additional service which is required; and
 - (i) the appropriate City Officials be authorized and directed to take necessary action to give effect thereto.;
- (3) the Chief General Manager of the Toronto Transit Commission be requested to submit a report to the Planning and Transportation Committee, through the Toronto Transit Commission, on possible enhanced transit service to the Woodbine Racetrack & Slots;
- (4) the City seek:
- (a) quick approval of assessment revisions regarding the Woodbine Racetrack & Slots site and, if necessary, appeal the assessment to the Assessment Review Board; and
 - (b) an amended template agreement so that the revenue to the municipality from slot machines in excess of 1,300 machines be at least equivalent to the revenues received and paid for the first 450 machines;
- (5) revenues to the municipality be retroactive to opening day and the agreement be signed as soon as possible;
- (6) the Toronto Police Services Board be requested to impose a condition that policing for the Woodbine Racetrack & Slots facility (apart from emergency situations) be provided on a pay duty basis; and
- (7) the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on amendments to the Official Plan to define such terms as 'casino' and other gaming-related terms."

(b) Councillor Chow moved that:

- (1) the confidential report dated April 5, 2000, from the Chief Financial Officer and Treasurer, be amended by deleting Recommendation No. (4) and inserting in lieu thereof the following new Recommendation No. (4):

“(4) the City of Toronto set aside \$500,000.00 for Public Health and Community and Neighbourhood Services, in order to cost-share, with the Ontario Ministry of Health and Long-Term Care, the additional costs related to public education and counselling/prevention programs for problem gambling;” and

- (2) Council adopt the following recommendation:

“It is recommended that the Chief Financial Officer and Treasurer, in consultation with the appropriate City Officials, be requested to submit a report to the Policy and Finance Committee, if and when charities that receive revenues through bingo halls are denied funding from the Ontario Trillium Foundation.”

(c) Councillor Walker moved that Council adopt the following recommendations:

“It is recommended that:

- (1) City Council re-affirm to the Province of Ontario the results of the following referendum questions posed by the former Cities and Borough of the new City of Toronto as part of the municipal election held in November 1997, that casinos, charity gaming casinos and video lottery terminals not be established in the City of Toronto, the results of this referendum having been endorsed by City Council at its meeting held on March 4, 5 and 6, 1998:

‘Gambling:

(a) Casinos:

East York: Do you support the establishment of a permanent gaming casino site within the Borough of East York to replace the temporary charity Monte Carlo three-day events that currently take place?

Yes	8,323	25.9%
No	23,757	74.1%

Etobicoke: Are you in favour of the opening and operation of a casino in the City of Etobicoke?

Yes	25,985	27.9%
No	67,255	72.1%

Toronto: Are you in favour of the opening and operation of a casino in the City of Toronto?

Yes	58,928	29.4%
No	141,353	70.6%;

(b) Charity Casinos:

North York: Do you support the establishment of a permanent charitable casino in North York?

Yes	56,519	33.4%
No	112,622	66.6%

Scarborough: Do you support the establishment of a permanent charitable gaming casino site within the City of Scarborough to replace the temporary charity Monte Carlo Casino three-day events that currently take place?

Yes	49,395	35.2%
No	90,749	64.8%

Toronto: Are you in favour of the opening of permanent charity gaming casinos in the City of Toronto?

Yes	66,487	33.5%
No	131,786	66.5%

York: Do you support the establishment of a permanent charitable casino within the City of York boundaries?

Yes	10,201	31.4%
No	22,236	68.6%; and

(c) Video Lottery Terminals:

East York: Are you in favour of the operation of video lottery terminals in the Borough of East York?

Yes	6,400	20.1%
No	25,460	79.9%

Toronto: Are you in favour of the operation of video lottery terminals in the City of Toronto?

Yes	44,181	22.2%
No	154,449	77.8%'; and

- (2) the confidential joint report dated March 31, 2000, from the Chief Administrative Officer and the Chief Financial Officer and Treasurer, and the confidential report dated April 5, 2000, from the Chief Financial Officer and Treasurer, be received.”
- (d) Councillor Mammoliti moved that Council adopt the following recommendation:
“It is recommended that the Chief Financial Officer and Treasurer be requested to conduct a study at the Woodbine Racetrack & Slots, such study to include:
- (1) the number of patrons per month;
 - (2) the age of patrons;
 - (3) the income bracket of patrons;
 - (4) the municipal address of patrons; and
 - (5) the marital status of patrons.”
- (e) Councillor Nunziata moved that Council adopt the following recommendations:
“It is recommended that:
- (1) Chief Administrative Officer, in consultation with the Chief Financial Officer and Treasurer, be requested to submit a report to the Policy and Finance Committee, in three months’ time, on:
 - (a) the loss of revenue to other charities, including Bingos, since the Woodbine Racetrack & Slots has opened, and that such losses continue to be monitored; and
 - (b) whether or not any tables are being stored on the second floor of the Woodbine Racetrack & Slots; and
 - (2) the Chief of Police be requested to submit a report to the Policy and Finance Committee, in three months’ time, through the Toronto Police Services Board, on the additional costs incurred by 23 Division resulting from calls and incidents at the Woodbine Racetrack & Slots.”
- (f) Councillor Giansante moved that Council adopt the following recommendations:
“It is recommended that:
- (1) the Ontario Lottery Corporation and the Ontario Jockey Club be requested to share the cost of the 16 additional police officers required annually due to the introduction of slot machines at the Woodbine Racetrack & Slots; and
 - (2) \$1.6 million from the revenues received from the Ontario Lottery Corporation be set aside to hire the 16 additional police officers.”

Permission to Withdraw Motion:

Councillor Giansante, with the permission of Council, withdrew Part (2) of his motion (f).

Ruling by Deputy Mayor:

Councillor Mahood requested Deputy Mayor Ootes to rule on whether motion (d) by Councillor Mammoliti was in order.

Deputy Mayor Ootes, having regard to the nature of motion (d) by Councillor Mammoliti, ruled such motion in order.

Votes:

Adoption of Part (2) of motion (c) by Councillor Walker:

Yes - 17 Councillors:	Altobello, Augimeri, Berger, Disero, Jones, Kinahan, Li Preti, Lindsay Luby, Mahood, McConnell, Miller, Nunziata, Pitfield, Prue, Rae, Valenti, Walker
No - 22 Councillors:	Berardinetti, Brown, Bussin, Chong, Chow, Duguid, Feldman, Flint, Giansante, Holyday, King, Layton, Mammoliti, Mihevc, Minnan-Wong, Moeser, Moscoe, Ootes, Palacio, Pantalone, Silva, Soknacki

Lost by a majority of 5.

Adoption of Part (1) of motion (c) by Councillor Walker:

Yes - 31 Councillors:	Altobello, Augimeri, Berger, Brown, Bussin, Chong, Chow, Disero, Duguid, Feldman, Flint, Giansante, Jones, Kinahan, King, Layton, Li Preti, Lindsay Luby, Mahood, McConnell, Mihevc, Miller, Minnan-Wong, Nunziata, Ootes, Palacio, Pitfield, Prue, Rae, Soknacki, Walker
No - 8 Councillors:	Berardinetti, Holyday, Mammoliti, Moeser, Moscoe, Pantalone, Silva, Valenti

Carried by a majority of 23.

Adoption of Parts (1) and (2) of motion (a) by Councillor Moscoe:

Yes - 30 Councillors: Augimeri, Berardinetti, Berger, Brown, Chong, Chow, Disero, Duguid, Feldman, Flint, Giansante, Holyday, Jones, King, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moeser, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Rae, Silva, Soknacki, Valenti
No - 9 Councillors: Altobello, Bussin, Kinahan, Mahood, McConnell, Miller, Minnan-Wong, Prue, Walker

Carried by a majority of 21.

Adoption of Parts (3) and (4)(a) of motion (a) by Councillor Moscoe:

Yes - 34 Councillors: Augimeri, Berardinetti, Berger, Brown, Chong, Chow, Disero, Duguid, Feldman, Flint, Giansante, Holyday, Jones, King, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, Mihevc, Miller, Moeser, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Prue, Rae, Silva, Soknacki, Valenti, Walker
No - 5 Councillors: Altobello, Bussin, Kinahan, McConnell, Minnan-Wong

Carried by a majority of 29.

Adoption of the balance of motion (a) by Councillor Moscoe:

Yes - 35 Councillors: Altobello, Augimeri, Berardinetti, Berger, Brown, Bussin, Chong, Chow, Duguid, Feldman, Flint, Giansante, Holyday, Jones, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Prue, Rae, Silva, Soknacki, Valenti
No - 5 Councillors: Disero, Kinahan, Mahood, McConnell, Walker

Carried by a majority of 30.

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

Yes - 16
Councillors: Augimeri, Chong, Chow, Disero, Flint, Jones, Kinahan, Layton, Mammoliti, Mihevc, Nunziata, Palacio, Pantalone, Prue, Rae, Valenti
No - 23
Councillors: Altobello, Berardinetti, Berger, Brown, Bussin, Duguid, Feldman, Giansante, Holyday, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, McConnell, Minnan-Wong, Moeser, Moscoe, Ootes, Pitfield, Silva, Soknacki, Walker

Lost by a majority of 7.

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

Yes - 23
Councillors: Altobello, Augimeri, Berardinetti, Bussin, Chong, Chow, Duguid, Jones, Kinahan, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Palacio, Prue, Silva, Soknacki, Walker
No - 17
Councillors: Berger, Brown, Disero, Feldman, Flint, Giansante, Holyday, King, Lindsay Luby, Mahood, Minnan-Wong, Moeser, Ootes, Pantalone, Pitfield, Rae, Valenti

Carried by a majority of 6.

Adoption of motion (d) by Councillor Mammoliti:

Yes - 7
Councillors: Chow, Kinahan, Li Preti, Mammoliti, Mihevc, Miller, Moscoe
No - 33
Councillors: Altobello, Augimeri, Berardinetti, Berger, Brown, Bussin, Chong, Disero, Duguid, Feldman, Flint, Giansante, Holyday, Jones, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mahood, McConnell, Minnan-Wong, Moeser, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Prue, Rae, Silva, Soknacki, Valenti, Walker

Lost by a majority of 26.

Adoption of Part (1)(a) of motion (e) by Councillor Nunziata:

Yes - 19	
Councillors:	Augimeri, Chong, Disero, Feldman, Giansante, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mihevc, Moscoe, Nunziata, Palacio, Pantalone, Pitfield, Prue, Walker
No - 21	
Councillors:	Altobello, Berardinetti, Berger, Brown, Bussin, Chow, Duguid, Flint, Holyday, Jones, Mahood, Mammoliti, McConnell, Miller, Minnan-Wong, Moeser, Ootes, Rae, Silva, Soknacki, Valenti

Lost by a majority of 2.

Part (2) of motion (e) by Councillor Nunziata carried.

Adoption of Part (1)(b) of motion (e) by Councillor Nunziata:

Yes - 11	
Councillors:	Augimeri, Feldman, Kinahan, Li Preti, Miller, Moscoe, Nunziata, Palacio, Pitfield, Prue, Walker
No - 29	
Councillors:	Altobello, Berardinetti, Berger, Brown, Bussin, Chong, Chow, Disero, Duguid, Flint, Giansante, Holyday, Jones, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moeser, Ootes, Pantalone, Rae, Silva, Soknacki, Valenti

Lost by a majority of 18.

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

Yes - 37	
Councillors:	Altobello, Augimeri, Berardinetti, Berger, Brown, Chong, Chow, Disero, Duguid, Feldman, Flint, Giansante, Holyday, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Prue, Rae, Silva, Soknacki, Valenti
No - 3	
Councillors:	Bussin, McConnell, Walker

Carried by a majority of 34.

Adoption of Clause, as amended:

Yes - 30 Councillors: Berardinetti, Berger, Brown, Chong, Chow, Disero, Duguid, Feldman, Flint, Giansante, Holyday, Jones, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moeser, Moscoe, Ootes, Palacio, Pantalone, Pitfield, Prue, Rae, Silva, Soknacki, Valenti
No - 10 Councillors: Altobello, Augimeri, Bussin, Kinahan, Mahood, McConnell, Miller, Minnan-Wong, Nunziata, Walker

Carried by a majority of 20.

In summary, Council adopted the following recommendations:

“It is recommended that:

- (1) the confidential joint report dated March 31, 2000, from the Chief Administrative Officer and the Chief Financial Officer and Treasurer, be adopted, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the security of property interests of the municipality, save and except the following recommendations embodied therein:

‘It is recommended that:

- (a) Council authorize the City Solicitor to prepare an application to the Minister of Municipal Affairs and Housing to amend the Minister’s zoning order with respect to the Woodbine slot machines by including provisions in the zoning order which:
 - (i) limit the location of the slot machines to the existing grandstand building;
 - (ii) establish a parking standard per slot machine; and
 - (iii) limit the total number of slot machines on site based on the traffic capacity of the area, established through the undertaking of a traffic study completed to the City of Toronto’s standards and satisfaction;
- (b) Council request the Minister of Municipal Affairs and Housing and/or the Ontario Lottery Corporation to ensure that the Ontario Jockey Club submits a site plan application or other measures to ensure that appropriate landscaping is provided on the Woodbine lands at the expense of the proponent, to the satisfaction of the City of Toronto;

- (c) the City's Economic Development Division ensure that the Woodbine Racetrack & Slots is recognized as a tourist destination and be included, to the extent possible, in the City's tourism promotional activities; and
 - (d) the appropriate City Officials be authorized and directed to take necessary action to give effect thereto.';
- (2) the confidential report dated April 5, 2000, from the Chief Financial Officer and Treasurer, be adopted, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the security of property interests of the municipality, save and except the recommendations embodied therein, subject to amending Recommendation No. (5) by inserting, between the words 'any' and 'revenues', the word 'net', so that the recommendations embodied in such report shall now read as follows:

'It is recommended that:

- (a) the City of Toronto enter into a revenue-sharing agreement with the Ontario Lottery Corporation with respect to the operation of slot machines at the Woodbine Racetrack;
- (b) Council request the Province of Ontario to provide funding for capital infrastructure requirements associated with the introduction of slot machines at the Woodbine Racetrack;
- (c) charities negatively impacted by the introduction of the Woodbine slot machines be requested to apply to the Ontario Trillium Foundation for ongoing funding to make up any shortfalls;
- (d) Toronto Public Health be requested to seek funding from the Ontario Ministry of Health for the additional City costs related to public education on problem gambling, estimated at \$340,000.00 annually;
- (e) any net revenues received from the Province relating to the Woodbine Racetrack slot machines project be contributed to the City's Capital Financing Reserve Fund;
- (f) the City's programs and services impacted by the introduction of the Woodbine Racetrack slot machines:
 - (i) report to the Chief Financial Officer and Treasurer on a quarterly basis as part of the corporate variance reporting. In particular, Toronto Police Services are requested to report on operating statistics, including staff hours, salary and other costs and crime statistics associated with the Woodbine Racetrack slot machines; and

- (ii) send all requests for additional ongoing costs to the Budget Advisory Committee for review as part of the 2001 Operating Budget process;
 - (g) the requirements for a new police station and a new fire station in Ward 5, Rexdale Thistletown, be reviewed as part of the 2001 Capital Budget process;
 - (h) the Toronto Transit Commission (TTC) be requested to provide service to the Woodbine Racetrack which meets current TTC financial and customer service standards, and that the Ontario Jockey Club (OJC) and/or the Ontario Lottery Corporation (OLC) be requested to fully fund any additional service which is required; and
 - (i) the appropriate City Officials be authorized and directed to take necessary action to give effect thereto.;
- (3) City Council re-affirm to the Province of Ontario the results of the following referendum questions posed by the former Cities and Borough of the new City of Toronto as part of the municipal election held in November 1997, that casinos, charity gaming casinos and video lottery terminals not be established in the City of Toronto, the results of this referendum having been endorsed by City Council at its meeting held on March 4, 5 and 6, 1998:

‘Gambling:

(a) Casinos:

East York: Do you support the establishment of a permanent gaming casino site within the Borough of East York to replace the temporary charity Monte Carlo three-day events that currently take place?

Yes	8,323	25.9%
No	23,757	74.1%

Etobicoke: Are you in favour of the opening and operation of a casino in the City of Etobicoke?

Yes	25,985	27.9%
No	67,255	72.1%

Toronto: Are you in favour of the opening and operation of a casino in the City of Toronto?

Yes	58,928	29.4%
No	141,353	70.6%;

(b) Charity Casinos:

North York: Do you support the establishment of a permanent charitable casino in North York?

Yes	56,519	33.4%
No	112,622	66.6%

Scarborough: Do you support the establishment of a permanent charitable gaming casino site within the City of Scarborough to replace the temporary charity Monte Carlo Casino three-day events that currently take place?

Yes	49,395	35.2%
No	90,749	64.8%

Toronto: Are you in favour of the opening of permanent charity gaming casinos in the City of Toronto?

Yes	66,487	33.5%
No	131,786	66.5%

York: Do you support the establishment of a permanent charitable casino within the City of York boundaries?

Yes	10,201	31.4%
No	22,236	68.6%; and

(c) Video Lottery Terminals:

East York: Are you in favour of the operation of video lottery terminals in the Borough of East York?

Yes	6,400	20.1%
No	25,460	79.9%

Toronto: Are you in favour of the operation of video lottery terminals in the City of Toronto?

Yes	44,181	22.2%
No	154,449	77.8%';

- (4) the Toronto Police Services Board be requested to impose a condition that policing for the Woodbine Racetrack & Slots facility (apart from emergency situations) be provided on a pay duty basis;

- (5) the Ontario Lottery Corporation and the Ontario Jockey Club be requested to share the cost of the 16 additional police officers required annually due to the introduction of slot machines at the Woodbine Racetrack & Slots;
- (6) the City seek:
 - (a) quick approval of assessment revisions regarding the Woodbine Racetrack & Slots site and, if necessary, appeal the assessment to the Assessment Review Board; and
 - (b) an amended template agreement so that the revenue to the municipality from slot machines in excess of 1,300 machines be at least equivalent to the revenues received and paid for the first 450 machines;
- (7) revenues to the municipality be retroactive to opening day and the agreement be signed as soon as possible;
- (8) the Chief General Manager of the Toronto Transit Commission be requested to submit a report to the Planning and Transportation Committee, through the Toronto Transit Commission, on possible enhanced transit service to the Woodbine Racetrack & Slots;
- (9) the Chief of Police be requested to submit a report to the Policy and Finance Committee, in three months' time, through the Toronto Police Services Board, on the additional costs incurred by 23 Division resulting from calls and incidents at the Woodbine Racetrack & Slots;
- (10) the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on amendments to the Official Plan to define such terms as 'casino' and other gaming-related terms; and
- (11) the Chief Financial Officer and Treasurer, in consultation with the appropriate City Officials, be requested to submit a report to the Policy and Finance Committee, if and when charities that receive revenues through bingo halls are denied funding from the Ontario Trillium Foundation."

7.56 Clause No. 11 of Report No. 10 of The Administration Committee, headed "Proposed Pay Equity Settlement, City of Toronto/Toronto Public Library Board and the Toronto Civic Employees, Local 416, Canadian Union of Public Employees".

Motion:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motion had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause:

Moved by Councillor Miller:

“That the Clause be amended by adding thereto the following:

‘It is further recommended that:

- (a) the confidential report dated May 8, 2000, from the Executive Director of Human Resources, embodying the following recommendations, be adopted, such report now public in its entirety:

“It is recommended that:

- (1) the group of jobs approach to achieve pay equity be approved and staff be directed to proceed with the implementation of pay equity; and
- (2) the Pay Equity Plan and Memoranda of Agreement be adopted by Council.”; and
- (b) Council extend its congratulations to all parties involved in the negotiations.”

Votes:

The motion by Councillor Miller carried.

Adoption of Clause, as amended:

<p>Yes - 39 Councillors: Altobello, Augimeri, Berardinetti, Berger, Brown, Bussin, Chong, Chow, Disero, Duguid, Feldman, Giansante, Holyday, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Prue, Rae, Silva, Soknacki, Valenti, Walker</p>
<p>No - 0</p>

Carried, without dissent.

- 7.57 **Clause No. 40 of Report No. 8 of The Toronto Community Council, headed “Evaluation Report - 340 College Street, 15, 25 and 45 Brunswick Avenue, 10, 12, 14, 16, 18, 24, 26 Major Street - Application 399039 for Site Plan Approval for Redevelopment of Long-Term Care Facility – Former Doctors Hospital Site (Phase 2) (Downtown)”.**

Report of the Committee of the Whole:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that no motions had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause.

Motion moved in Public Session:

Councillor Chow moved that the Clause be amended by:

- (a) rescinding Parts (4)(a) and (b) of the action taken by the Toronto Community Council, viz.:

“The Toronto Community Council reports, for the information of Council, having:

- (4) requested the Commissioner of Community and Neighbourhood Services and the Medical Officer of Health to report directly to Council on the following motions by Councillor Chow:

‘(a) That the City express to the Ministers of Health and Community and Social Services that its supports the concept of continuum of care; and

(b) That the City advise the Ministers that it objects to granting 150 additional beds to the Kensington Health Centre as the 2nd Phase Allocation of long term care beds.’ ”; and

- (b) adding thereto the following:

“It is further recommended that:

(1) the City express to the Ministers of Health and Long-Term Care and Community and Social Services that it supports the concept of continuum of care; and

(2) the City advise the Ministers of Health and Long-Term Care and Community and Social Services that it objects to granting 150 additional beds to the Kensington Health Centre as the Second Phase allocation of long-term care beds.”

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

May 10, 2000:

Motion:

Deputy Mayor Ootes, at 7:00 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Clause No. 2 of Report No. 11 of The Administration Committee, headed "Salary Range for the Position of Chief Administrative Officer", in accordance with the provisions of the Municipal Act, in that such Clause contains information about an identifiable individual.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 7:05 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 as Council at 7:55 p.m., and met in public session in the Council Chamber.

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

7.58 **Clause No. 2 of Report No. 11 of The Administration Committee, headed "Salary Range for the Position of Chief Administrative Officer".**

Motion:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motion had been moved in Committee of the Whole for consideration by Council in conjunction with the Clause.

Moved by Councillor Kinahan:

"That the Clause be amended by adding thereto the following:

'It is further recommended that the Executive Director of Human Resources be requested to submit a report to the Administration Committee on whether or not a public process could take place in deciding future salary ranges.' "

Votes:

Adoption of motion by Councillor Kinahan:

Yes - 6 Councillors:	Jones, Kinahan, Layton, Li Preti, Palacio, Pitfield
No - 25 Mayor: Councillors:	Lastman Altobello, Ashton, Berardinetti, Bossons, Brown, Bussin, Cho, Chong, Disero, Gardner, Giansante, Holyday, Johnston, Kelly, Lindsay Luby, Mahood, Mihevc, Minnan-Wong, O'Brien, Ootes, Pantalone, Prue, Silva, Walker

Lost by a majority of 19.

Adoption of Clause, without amendment:

Yes - 30 Mayor: Councillors:	Lastman Altobello, Ashton, Berardinetti, Bossons, Brown, Bussin, Cho, Chong, Disero, Gardner, Giansante, Holyday, Johnston, Jones, Kelly, Kinahan, Layton, Li Preti, Lindsay Luby, Mahood, Mihevc, Minnan-Wong, O'Brien, Ootes, Palacio, Pantalone, Prue, Silva, Walker
No - 1 Councillor:	Pitfield

Carried by a majority of 29.

May 11, 2000:

Procedural Motion:

Deputy Mayor Ootes moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction and debate of the following Notices of Motions, which carried, more than two-thirds of Members present having voted in the affirmative:

- (a) Notice of Motion J(22), moved by Councillor Giansante, seconded by Councillor Lindsay Luby, respecting the upcoming Ontario Municipal Board Hearing pertaining to the appeal by Outlook Investments and Developments Limited of the City of Toronto's refusal to permit a development on the former Michael Power High School site; and

- (b) Notice of Motion J(24), moved by Councillor McConnell, seconded by Councillor Ashton, respecting confidential communications from the Board of Directors of TEDCO, in response to Council's direction to TEDCO to report on the lease provided to Sevendon Holdings Limited.

Motion:

Deputy Mayor Ootes, at 9:58 a.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Notices of Motions J(22) and J(24), in accordance with the provisions of the Municipal Act, in that these matters pertain to the security of property interests of the municipality and/or are otherwise subject to Solicitor/Client privilege.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 10:05 a.m., to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 2:13 p.m., and met in public session in the Council Chamber.

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

- 7.59 Deputy Mayor Ootes called upon Motion J(22), as follows:

Moved by: **Councillor Giansante**

Seconded by: **Councillor Lindsay Luby**

“**WHEREAS** at its meeting held on February 1, 2 and 3, 2000, City Council adopted, as amended, Clause No. 13 of Report No. 1 of The Etobicoke Community Council, headed ‘Ontario Municipal Board Appeals by Outlook Investments & Development Limited for Etobicoke Official Plan and Zoning Code Amendment Applications - 5055 Dundas Street West File No. Z-2299 (Kingsway-Humber)’ thereby refused the application by Outlook Investment and Developments Limited (‘Outlook’) to amend the Official Plan and Zoning By-law to permit a development containing 1275 dwelling units on the former Michael Power High School site at 5055 Dundas Street West (the ‘Outlook Application’); and

WHEREAS Outlook has appealed the Outlook Application to the Ontario Municipal Board (the ‘OMB’) which has scheduled a three-week hearing, commencing on May 29, 2000; and

WHEREAS the City Solicitor has had, without prejudice, discussions with the Executive of the Islington Residents and Ratepayers Association and with Outlook; and

WHEREAS the City Solicitor wishes to report upon those discussions and obtain further directions in respect of the OMB hearing set to commence on May 29, 2000; and

WHEREAS it is appropriate to consider the report of the City Solicitor in-camera as it deals with instructions regarding the OMB hearing;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to a confidential report dated May 9, 2000, from the City Solicitor.”

Council also had before it, during consideration of Motion J(22), the following confidential reports, such reports to remain confidential, in accordance with the provisions of the Municipal Act, in that they contain information that is subject to Solicitor/Client privilege:

- (i) (May 9, 2000) from the City Solicitor; and
- (ii) (May 10, 2000) from the City Solicitor.

Report of the Committee of the Whole:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that City Council, at the in-camera portion of its meeting, had issued confidential instructions to staff, such instructions to remain confidential, in accordance with the provisions of the Municipal Act, having regard that they are subject to Solicitor/Client privilege.

Vote:

Motion J(22) was adopted, without amendment.

Councillor Kinahan requested that his opposition to Motion J(22) be noted in the Minutes of this meeting.

7.60 Deputy Mayor Ootes called upon Motion J(24), as follows:

Moved by: Councillor McConnell

Seconded by: Councillor Ashton

“**WHEREAS** City Council, at its meeting held on April 11, 12 and 13, 2000, adopted, as amended, Notice of Motion J(16) and a confidential joint report dated April 7, 2000, from the Chief Administrative Officer, the City Auditor and the City Solicitor, regarding a new Lease provided to Sevendon Holdings Limited by the Toronto Economic Development Corporation (TEDCO); and

WHEREAS Council requested TEDCO to report back to City Council, within 30 days, on their action in respect of the matters set out in the confidential joint report; and

WHEREAS the Board of Directors of TEDCO, at the Board's meeting held on May 8, 2000, considered this matter and has submitted the attached confidential communication dated May 8, 2000, together with a confidential communication dated May 9, 2000, from Mr. George H. Rust D'Eye;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration the confidential communication dated May 8, 2000, from the Board of Directors of TEDCO and the confidential communication dated May 9, 2000, from Mr. George H. Rust D'Eye."

Council also had before it, during consideration of Motion J(24), the following confidential communications:

- (i) (May 8, 2000) from the Chair, Board of Directors, TEDCO, now public in its entirety (See Attachment No. (10), Page 183.);
- (ii) (May 8, 2000) from Mr. George H. Rust D'Eye, such communication to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the security of property interests of the municipality; and
- (iii) (May 9, 2000) from Mr. George H. Rust D'Eye, such communication to remain confidential, in accordance with the provisions of the Municipal Act, save and except the recommendations adopted by the Board of Directors of TEDCO appended thereto, having regard that it contains information related to the security of property interests of the municipality (See Attachment No. (10), Page 183.).

Motions:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, reported that the following motions had been moved in Committee of the Whole for consideration by Council in conjunction with Motion J(24):

- (a) Councillor McConnell moved that Motion J(24) be amended by adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the following confidential communications be received and forwarded to the Ontario Provincial Police for their information and investigation:

 - (i) (May 8, 2000) from the Chair, Board of Directors, TEDCO, now public in its entirety;
 - (ii) (May 8, 2000) from Mr. George H. Rust D'Eye, such communication to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the security of property interests of the municipality; and

(iii) (May 9, 2000) from Mr. George H. Rust D'Eye, such communication to remain confidential, in accordance with the provisions of the Municipal Act, save and except the recommendations adopted by the Board of Directors of TEDCO appended thereto, having regard that it contains information related to the security of property interests of the municipality.”

(b) Councillor Moscoe moved that Motion J(24) be amended by adding thereto the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** the Ontario Provincial Police be requested to report back to City Council on the results of its investigation.”

(c) Councillor Bussin moved that Motion J(24) be amended by adding thereto the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** City Council request the Ontario Provincial Police to conduct an investigation of all aspects of this transaction, and that part of such investigation be a forensic audit to be paid for by the City, the source of funding for such forensic audit to be referred to the Policy and Finance Committee.”

Votes:

Motion (a) by Councillor McConnell carried.

Motion (b) by Councillor Moscoe carried.

Adoption of motion (c) by Councillor Bussin:

Yes - 42	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Bossons, Bussin, Cho, Chong, Chow, Disero, Duguid, Feldman, Fillion, Giansante, Holyday, Jones, Kelly, Kinahan, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, Ootes, Palacio, Pantalone, Pitfield, Prue, Saundercook, Shiner, Silva, Soknacki, Walker
No - 3	
Councillors:	Brown, Gardner, Valenti

Carried by a majority of 39.

Motion J(24), as amended, carried.

Further Report of the Committee of the Whole:

Deputy Mayor Ootes, in accordance with the provisions of the Municipal Act, further reported that City Council, at the in-camera portion of its meeting, had also issued confidential instructions to staff, such instructions to remain confidential, in accordance with the provisions of the Municipal Act, having regard that they relate to the security of property interests of the municipality.

ADDITIONAL MATTER CONSIDERED BY COUNCIL**7.61 Communication from Premier Harris Respecting Provincial Downloading**

With the permission of Council, Mayor Lastman, Mr. Patrick Moyle, Executive Director, Association of Municipalities of Ontario, the Chief Administrative Officer and the Chief Financial Officer and Treasurer gave a presentation to the Council in response to a communication dated May 10, 2000, addressed to the Mayor, from the Premier of Ontario, with respect to provincial downloading.

City Council also had before it, during consideration of this matter, the following communications, copies of which are on file in the office of the City Clerk:

- (i) communication dated May 10, 2000, from the Premier of Ontario, addressed to Mayor Lastman, regarding provincial downloading to the municipality;
- (ii) submission from the Chief Administrative Officer, in response to the communication dated May 10, 2000, from the Premier of Ontario, addressed to Mayor Lastman; and
- (iii) Association of Municipalities of Ontario Resolution No. 99-002, adopted at the AMO Conference on August 23, 1999.

Motion:

Councillor Ashton moved that Council adopt the following motion:

“BE IT RESOLVED THAT the Province of Ontario bring transparency and accountability with respect to the financial impact of disentanglement and amalgamation by hiring an independent auditor to determine that provincial totals for service costs reflect the full and true costs of delivering those services.”

Advice by Mayor:

Mayor Lastman advised the Council that he would be submitting material to the Policy and Finance Committee for consideration at its next regular meeting scheduled to be held on May 25, 2000, in regard to the communication dated May 10, 2000, addressed to the Mayor, from the Premier of Ontario, with respect to provincial downloading. Mayor Lastman proposed that the motion by Councillor Ashton be referred to the Policy and Finance Committee for further consideration with the material that he would be submitting in this regard.

Council concurred in the proposal by Mayor Lastman.

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

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

Moved by: Councillor Walker

Seconded by: Councillor Silva

“WHEREAS the City of Toronto precipitated a referendum around the then proposed creation of the new ‘Megacity’, back in 1997; and

WHEREAS that referendum initiative precipitated an extensive public debate and outrage on the part of many citizens which forced the provincial government to slow down its amalgamation legislation; and

WHEREAS that City initiative provoked changes in the proposed provincial legislation, after consultation with the citizens of the City of Toronto; and

WHEREAS the worst predictions of amalgamation are unfolding at this present time, namely the provincial government downloading significant new responsibilities to the City of Toronto without any additional funding; and

WHEREAS the provincial government has short-changed the taxpayers and citizens of the City of Toronto, in the amount of \$251 million each year, through its downloading exercise, despite promises that it would be revenue neutral; and

WHEREAS the Province has unilaterally issued a new ‘dictate’, reorganizing the City once again, with no provision whatsoever for consultation and possible amendments; and

WHEREAS the taxpayers of the City of Toronto are short-changed by the provincial and federal governments to the tune of \$6 billion dollars, - i.e., taking \$6 billion more out of the economy annually than they return in the form of spending; and

WHEREAS these two levels of government refuse to issue any additional funding to help this City deal with its homelessness and housing problem, and its transportation system; and

WHEREAS there is no end in sight to the attacks against the City of Toronto on behalf of the provincial government; and

WHEREAS economic trends, such as globalization and free trade, are stimulating the emergence of the City-State as a key political entity; and

WHEREAS the provincial government has demonstrated time after time, its willingness to utilize its power without mandate, to change the administration of governance within the City of Toronto to its advantage, and to the extreme disadvantage of the City;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) appropriate City staff be requested to submit a report to the appropriate Committee, on holding a public referendum as part of the 2000 municipal election to determine public support for proceeding with separation from the Province of Ontario; and
- (2) appropriate City staff be requested to develop an extensive communications package outlining the argument (financial and social) for and against separation and a plan to provoke full participation and debate on the part of the citizens prior to the referendum.”

Council also had before it, during consideration of Motion F, the following communications, a copy of which is on file in the office of the City Clerk:

- (i) (April 11, 2000) submitted by Mayor Lastman, from Mr. Dan King, Communications Director, Province of Ontario Committee, requesting support for deferral of the motion to a committee;
- (ii) (May 9, 2000) circulated at the request of Mayor Lastman, a briefing note from the Chief Financial Officer and Treasurer, entitled “Estimated Net Outflows to Senior Governments by Residents and Businesses in Toronto”;
- (iii) (May 10, 2000) submitted by Councillor Walker, from Mr. David Vallance, forwarding extracts from the Supreme Court’s decision on the reference to Quebec secession;
- (iv) (August 23, 1999) submitted by Councillor Ashton, Resolution #99-002 of the Association of Municipalities of Ontario, entitled “Costs of Downloaded Services”; and
- (v) (undated) submitted by Councillor Moscoe, a chart of figures, entitled “Public Transit, The Download”.

Motions:

- (a) Councillor Walker moved that Motion F be amended by adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT, in the event a referendum is conducted as part of the 2000 municipal election, a suggested ballot question be as follows:

‘Should the Council of the City of Toronto be given the authority to proceed with negotiation for provincial status for Toronto?’ ”

- (b) Councillor Duguid moved that Motion F be amended by striking out the Operative Paragraph and inserting in lieu thereof the following new Operative Paragraph:

“NOW THEREFORE BE IT RESOLVED THAT the appropriate City staff be requested to prepare a proposal for submission to the Province of Ontario that would provide more autonomy to municipalities in such areas as:

- (a) governance (including consideration of constitutional status for municipalities); and
- (b) revenue generation (including taxation options, municipal fees, legislation and codes governing municipal enforcement and public/private partnerships);

as well as options that would provide greater stability of provincial funding of municipal services, such proposal to be submitted to Council for approval, and further, that this proposal be brought forward for consultation with the Mayor’s consultation team.”

- (c) Councillor Mammoliti moved that Motion F be amended by adding thereto the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT the Mayor be authorized to establish his proposed ‘LUV TORONTO’ teams;

AND BE IT FURTHER RESOLVED THAT a Political Steering Committee be established to visit the smaller towns and villages in the Province of Ontario with a view to sharing concerns and discussing ideas with the voters who really matter to the Premier, and with the objective to divide and disrupt communities the same way the Premier has disrupted the City of Toronto.”

- (d) Councillor Johnston moved that:

- (1) Motion F be amended by:

- (a) deleting from Recommendation No. (1) embodied in the Operative Paragraph, the words “separation from the Province of Ontario”, and inserting in lieu thereof the words “the establishment of a City State”, so that such recommendation shall now read as follows:

“(1) appropriate City staff be requested to submit a report to the appropriate Committee, on holding a public referendum as part of the 2000 municipal election to determine public support for proceeding with the establishment of a City State;”; and

- (b) adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Mayor be requested to host a summit meeting on the role and financing of cities and City States, such summit to be held immediately prior to, or after, the June 2000 Federation of Canadian Municipalities Annual Conference, to be held in London, Ontario.”; and

- (2) motion (a) by Councillor Walker be amended by deleting from the ballot question the word “provincial” and inserting in lieu thereof the words “City-State”, so that such ballot question shall now read as follows:

“Should the Council of the City of Toronto be given the authority to proceed with negotiation for City-State status for Toronto?”

- (e) Councillor Kinahan moved that Motion F be amended by:

- (1) amending Recommendation No. (1) embodied in the Operative Paragraph to read as follows:

“(1) appropriate City staff be requested to submit a report to the appropriate Committee on holding a public referendum as part of the 2000 municipal election to determine public support for:

- (a) proceeding with separation from the Province of Ontario; and
(b) negotiating a Constitutional Accord with the Province of Ontario.”; and

- (2) adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee on the feasibility of convening a Constitutional Assembly and inviting the Cities of Montreal and Vancouver to attend.”

- (f) Councillor Ashton moved that Motion F be amended by adding thereto the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT Council establish a panel of experts (constitutional, legal and political science) to review and recommend a model of governance for the City of Toronto that provides a degree of autonomy to reflect an order of government in concert with a city in modern society;

AND BE IT FURTHER RESOLVED THAT a Sub-Committee of Council be struck to establish terms of reference, select the panel, receive the report and make recommendations to Council.”

- (g) Councillor Cho moved that motion (c) by Councillor Mammoliti be amended by adding to the end of the first new Operative Paragraph, the words “and further, that the mandate and the work of the teams be reviewed by the end of 2000”, so that such Operative Paragraph shall now read as follows:

“**AND BE IT FURTHER RESOLVED THAT** the Mayor be authorized to establish his proposed ‘LUV TORONTO’ teams, and further, that the mandate and the work of the teams be reviewed by the end of 2000;”.

- (h) Councillor Korwin-Kuczynski moved that Motion F be amended by adding thereto the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** a third ‘LUV TORONTO’ team, composed of ‘grass-roots’ Toronto citizens, be struck to promote the interests of the City of Toronto to senior levels of government, and the Mayor be requested to submit a report to Council, through the appropriate Committee, on the membership and terms of reference for this third ‘LUV TORONTO’ team.”

- (i) Councillor Chong moved that Motion F, together with motions (a) to (h), by Councillors Walker, Duguid, Mammoliti, Johnston, Kinahan, Ashton, Cho and Korwin-Kuczynski, respectively, be referred to the Chief Administrative Officer, with a request that he submit a report to the Policy and Finance Committee, as soon as possible, on a comprehensive strategy to deal with the issues raised.

Permission to Withdraw Motion:

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

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard that Councillor Mammoliti had withdrawn motion (c), declared motion (g) by Councillor Cho, redundant.

Motion:

- (j) Councillor Disero moved that motion (i) by Councillor Chong be amended by adding thereto the words “and the issue of ‘Charter Cities’ and any other alternative deemed appropriate to halt the provincial download”.

Vote:

Motion (j) by Councillor Disero carried.

Vote on Referral:

Adoption of motion (i) by Councillor Chong, as amended:

Yes - 21	
Councillors:	Adams, Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Brown, Cho, Chong, Disero, Feldman, Gardner, Giansante, Jones, Lindsay Luby, Moscoe, Nunziata, Ootes, Rae, Shiner, Silva
No - 16	
Mayor:	Lastman
Councillors:	Altobello, Chow, Duguid, Holyday, Johnston, Kinahan, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, O'Brien, Pantalone, Prue, Walker

Carried by a majority of 5.

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

Moved by: Councillor Moscoe

Seconded by: Councillor Soknacki

“WHEREAS on October 28, 1998, on the strength of a single anonymous complaint about the availability to Councillors of TEELA data and ‘on line access’ to assessment data, the Assistant Privacy Commissioner of the Province of Ontario ruled that Councillors ought not to have access to information that they have been receiving for many years (copy attached); and

WHEREAS this ruling was based on the assertion by the complainant that the use of this information ‘could create an unfair electoral advantage for incumbent politicians’; and

WHEREAS this ruling has resulted in a series of rulings from the City’s Director of Corporate Access and Privacy that have severely impacted on the ability of Councillors to do their legitimate jobs as Councillors; and

WHEREAS much of this data is provided freely by the Ontario Government, (TEELA), to the real estate industry, and the City itself subscribes to this service and it is available to anyone for a price; and

WHEREAS the directors of this corporation are being denied access to data that is freely available to hundreds of City employees in the daily conduct of their work; and

WHEREAS the same data is freely made available to Councillors in other Ontario municipalities; and

WHEREAS Councillors no longer have access to the City-generated sign-in sheets at Community meetings; and

WHEREAS these and further restrictions on information are making it increasingly difficult for Councillors to contact their constituents;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor use whatever action may be necessary to overturn the rulings in investigation MC-980018-1 by the Ontario Assistant Privacy Commissioner, including court action and the use of an outside solicitor, if necessary;

AND BE IT FURTHER RESOLVED THAT the necessary funds be taken from the Corporate Contingency Account;

AND BE IT FURTHER RESOLVED THAT Council direct the Chair of the Administration Committee to seek a meeting with the Minister of Municipal Affairs and Housing to request an amending regulation that would ensure the Council Members have sufficient access to data to properly do their jobs;

AND BE IT FURTHER RESOLVED THAT, until such time as this appeal has reached its final conclusion, Councillors continue to be provided access to data which Councillors deem necessary to provide service to residents.”

Council also had before it, during consideration of Motion I, the following reports and communications:

- (i) Investigation Report MC-980018-1 (October 28, 1998) issued by the Assistant Commissioner, Information and Privacy/Ontario, a copy of which is on file in the office of the City Clerk;
- (ii) (May 2, 2000) from the City Solicitor, advising Council of the legal implications of Notice of Motion I, pertaining to the availability of TEELA data to Councillors (See Attachment No. 1, Page 161.);
- (iii) (May 3, 2000) from the City Clerk, advising that the Scarborough Community Council recommended that City Council consider the communication dated April 26, 2000, from Councillor Moeser, addressed to the Scarborough Community Council, regarding a Freedom of Information Issue, at such time as it considers Motion I (See Attachment No. 2, Page 165.); and
- (iv) (May 2, 2000) from Ms. Ann Cavoukian, Ph.D., Commissioner, Information and Privacy/Ontario, expressing opposition and concern with respect to the implications of Motion I, a copy of which is on file in the office of the City Clerk.

Motion:

Councillor Moscoe moved that Motion I be adopted, subject to deleting the third and fourth Operative Paragraphs, and inserting in lieu thereof the following new third and fourth Operative Paragraphs:

“**AND BE IT FURTHER RESOLVED THAT** the City Clerk, in the interim, be requested to submit a report to the next regular meeting of Council scheduled to be held on June 7, 2000, on how the Members of Council can be provided with the information they require to properly fulfill their obligations of office within the parameters of the present legislation;

AND BE IT FURTHER RESOLVED THAT, in so doing, the City Clerk be requested to consult with Councillors Moscoe and Soknacki and any other interested Members of Council.”

Votes:

The motion by Councillor Moscoe carried.

Motion I, as amended, carried.

- 7.64 Councillor Disero moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction and debate 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 Disero**

Seconded by: **Councillor Palacio**

“**WHEREAS** City Council, at its meeting held on September 28 and 29, 1999, adopted, without amendment, Clause No. 19 of Report No. 3 of The Works Committee, headed ‘Towing of Unplated Vehicles by Parking Enforcement Officers’, and, in so doing, requested the Toronto Police Services Board to appoint City of Toronto parking enforcement officers as special constables for the purpose of towing unplated vehicles parked on City streets; and

WHEREAS subsection 221(1) of the Highway Traffic Act provides that police officers or officers appointed from the staff of the Government of Ontario may cause abandoned or unplated vehicles to be towed; and

WHEREAS the City of Toronto’s parking enforcement officers do not have this authority, as they are not ‘police officers’ for the purposes of Section 221 of the Highway Traffic Act; and

WHEREAS Section 53 of the Police Services Act provides that special constables may be appointed by a Police Services Board in order to confer powers of a police officer to the extent, and for the purpose specified in the appointment; and that this appointment is subject to the approval of the Solicitor General; and

WHEREAS Council has previously requested the Toronto Police Services Board to appoint parking enforcement officers as ‘special constables’ pursuant to Section 53 of the Police Services Act, for the purpose of towing unplatd or abandoned vehicles, rather than seek legislative amendments to Section 221 of the Highway Traffic Act; and

WHEREAS the Deputy Chief, Operational Support Command, Toronto Police Service, has indicated that it would be more desirable to apply for legislative amendments to the Highway Traffic Act, as the appointment of special constables would require frequent applications to the Toronto Police Services Board and the Solicitor General, each time a parking enforcement officer is appointed or resigns; and

WHEREAS the appointment of special constables for the purpose of towing unplatd or abandoned vehicles may not meet the necessary criteria for such designation;

NOW THEREFORE BE IT RESOLVED THAT in accordance with Section 46 of the Council Procedural By-law, Clause No. 19 of Report No. 3 of The Works Committee, headed ‘Towing of Unplatd Vehicles by Parking Enforcement Officers’, be re-opened for further consideration, only insofar as it pertains to the appointment of parking enforcement officers as special constables;

AND BE IT FURTHER RESOLVED THAT City Council rescind its previous action in this regard and request the Minister of Transportation to enact the necessary legislation to amend Section 223 of the Highway Traffic Act to allow the Minister to designate parking enforcement officers employed by a Police Service as persons authorized to tow abandoned or unplatd vehicles pursuant to Section 221 of the Highway Traffic Act;

AND BE IT FURTHER RESOLVED THAT the Ontario Association of Chiefs of Police be requested to support the City of Toronto’s request, as parking enforcement officers across the Province could benefit from such an amendment.”

Council also had before it, during consideration of Motion J(1), the following documents, copies of which are on file in the office of the City Clerk:

- (i) Clause No. 19 of Report No. 3 of The Works Committee, headed “Towing of Unplatd Vehicles by Parking Enforcement Officers”, adopted, without amendment, by City Council on September 28 and 29, 1999; and

- (ii) communication dated January 11, 2000, from R. Beauchesne, Police Legal Adviser, addressed to the Deputy Chief, Operational Support Command, regarding the appointment of Parking Enforcement Officers as Special Constables.

Votes:

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

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

- 7.65 Councillor Pitfield moved that in accordance with the provisions of the Council Procedural By-law, leave be granted to introduce and debate the following Notice of Motion J(2), which carried:

Moved by: Councillor Pitfield

Seconded by: Councillor Adams

“**WHEREAS** Council, at its Special meeting held on April 26, 2000, directed staff to report directly to Council on May 9, 2000, with respect to the tax levy by-law for education purposes and the special charge by-law for certain BIAs; and

WHEREAS the tax levy by-law for education purposes and the special charge by-law for certain BIAs must be adopted by Council, in order to levy final property taxes for the 2000 taxation year;

NOW THEREFORE BE IT RESOLVED THAT the report dated May 9, 2000, from the Chief Financial Officer and Treasurer, regarding the 2000 Education Tax Levy and 2000 BIA levy be introduced at this meeting, and that such report be adopted;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be authorized to introduce the necessary bills in Council to levy taxes for education purposes for the 2000 taxation year, the collection of taxes for 2000 other than those levied under By-law No. 887-1999, the imposition of a penalty charge for non-payment of 2000 taxes and the provision of interest to be added to tax arrears;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be authorized to introduce the necessary bills in Council for the levy and collection of a special charge for 2000 for certain BIAs.”

Council also had before it, during consideration of Motion J(2), a report (May 9, 2000) from the Chief Financial Officer and Treasurer, entitled “2000 Education Tax Levy and 2000 BIA Levy”. (See Attachment No. 3, Page 166.)

Vote:

Motion J(2) was adopted, without amendment, and, in so doing, Council adopted the report dated May 9, 2000, from the Chief Financial Officer and Treasurer, embodying the following recommendations:

“It is recommended that:

- (1) the levy and collection of taxes for the 2000 taxation year for education purposes, the collection of taxes for 2000 other than those levied under By-law No. 887-1999, the imposition of a penalty charge for non-payment of 2000 taxes, and the provision of interest to be added to tax arrears be authorized;
- (2) the levy and collection of a special charge for 2000 for the following Business Improvement Areas be authorized: Bloorcourt Village, Bloor West Village, Bloor-Yorkville, Corso Italia, Danforth by the Valley, Eglinton Way, Elm Street, Forest Hill Village, Gerrard Indian Bazaar, Harbord Street, Hillcrest Village, Junction Gardens, Kennedy Road, Kingsway, Lakeshore Village, Little Italy, Mimico Village, Old Cabbagetown, Pape Village, Queen/Broadview Village, Roncesvalles Village, St. Lawrence Neighbourhood, Upper Village (Toronto), York-Eglinton, Village of Weston, Bloor/Bathurst-Madison, Bloordale Village, Greektown on the Danforth and Keele-Eglinton; and
- (3) authority be granted for the introduction of the necessary bills in Council to levy taxes for education purposes for 2000 and for special charges for BIAs, in the form or substantially in the form of the draft by-laws attached hereto.”

7.66 Councillor Soknacki moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction and debate 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 Soknacki

Seconded by: Councillor Ashton

“**WHEREAS** there have been a number of requests for exemptions from building permit fees in the Scarborough Community; and

WHEREAS in the Scarborough Community, all applicants have been exempted from building permit fees, regardless of staff recommendations; and

WHEREAS applicants for exemption have generally expressed their support of City programs and objectives as a reason for their exemption; and

WHEREAS there is a need to establish a City-wide policy in this regard;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) City staff be requested to report to the Policy and Finance Committee on a City-wide policy which considers to which groups or land uses, if any, it would be appropriate to grant an exemption from building permit fees;
- (2) staff consider, with any recommendation for the exemption of building permit fees, how any City Agency, Board, Commission or Department could find it suitable to use such facilities for City or City-supported programs;
- (3) staff consider what conditions might be appropriate to place on facilities for full or partial exemption from fees, these conditions may include insurance coverage, staffing for City usage and minimum amounts of time available for City use;
- (4) staff be requested to report on the financial impacts of any such recommendations and how the financial impacts would be reported; and
- (5) no further exemptions for building permit fees be allowed until Council approves a City-wide policy in this regard.”

Motion:

Councillor Layton moved that Motion J(3) be referred to the Policy and Finance Committee.

Vote on Referral:

The motion by Councillor Layton carried.

- 7.67 Councillor Filion moved that, in accordance with the provisions of the Council Procedural By-law, leave be granted to introduce and debate the following Notice of Motion J(4), which carried:

Moved by: Councillor Filion

Seconded by: Councillor Moscoe

“**WHEREAS** the Committee of Adjustment, in a decision dated February 9, 2000, dismissed an application at 59 Pemberton Avenue to sever the lot and build two homes and minor variances for lot frontage, lot area, sideyard setbacks, finished floor elevation and the elevation of the floor of the entrance of the garage to be located below the elevation of the centre line of the street; and

WHEREAS the Committee decision has been appealed to the Ontario Municipal Board, with a hearing scheduled for May 29, 2000; and

WHEREAS the staff report on this application reads as follows: ‘Staff are of the opinion that the proposed severance would create 2 lots which would not be in keeping with the existing lot sizes in the area and would not meet the general intent of the Official Plan. Staff are also of the opinion that the variances requested are not minor in nature or within the intent of the Zoning By-law and would not allow for an appropriate development of the subject lands.’;

NOW THEREFORE BE IT RESOLVED THAT City Planning and Legal staff be directed to appear at the Ontario Municipal Board in support of the Committee of Adjustment decision and in support of the City’s by-laws.”

Council also had before it, during consideration of Motion J(4), a communication (March 8, 2000) from the Director, Community Planning, North District, addressed to Councillor Filion, recommending that Council direct staff to attend the Ontario Municipal Board hearing in order to uphold the City’s by-laws and in support of the Committee of Adjustment decision with respect to this application, a copy of which is on file in the office of the City Clerk.

Vote:

Motion J(4) was adopted, without amendment.

- 7.68 Councillor Filion moved that, in accordance with the provisions of the Council Procedural By-law, leave be granted to introduce and debate the following Notice of Motion J(5), which carried:

Moved by: Councillor Filion

Seconded by: Councillor Moscoe

“**WHEREAS** the Committee of Adjustment, in a decision dated February 9, 2000, dismissed an application at 217 Harlandale Avenue to sever the lot and build two homes and minor variances for lot frontage, lot area, sideyard setbacks and the elevation of the floor of the entrance of the garage to be located below the elevation of the centre line of the street; and

WHEREAS the Committee decision has been appealed to the Ontario Municipal Board, with a hearing scheduled for June 1, 2000; and

WHEREAS the staff report on this application reads as follows: ‘Staff recommend that these minor variance applications be refused.’;

NOW THEREFORE BE IT RESOLVED THAT City Planning and Legal staff be directed to appear at the Ontario Municipal Board in support of the Committee of Adjustment decision and in support of the City's by-laws."

Council also had before it, during consideration of Motion J(5), a communication (March 8, 2000) from the Director, Community Planning, North District, addressed to Councillor Filion, recommending that Council direct staff to attend the Ontario Municipal Board hearing in order to uphold the City's by-laws and in support of the Committee of Adjustment decision with respect to this application, a copy of which is on file in the office of the City Clerk.

Vote:

Motion J(5) was adopted, without amendment.

- 7.69 Mayor Lastman moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction and debate of the following Notice of Motion J(6), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Mayor Lastman

Seconded by: Councillor Chow

“WHEREAS children should be cherished, both by their families and by society; and

WHEREAS the safe and healthy development of children is critical to our future, and the early years of the lives of children are crucial in determining their later health, happiness and success; and

WHEREAS the United Nations Convention on the Rights of the Child has recognized, ‘the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding’; and

WHEREAS, in order to raise healthy and well-educated children, families rely on the help of schools, child care providers, child protection agencies, health and nutrition programs, libraries, recreation facilities and other community services, and this network of children's services is invaluable in supporting the needs of children and their families; and

WHEREAS many skilled and dedicated people are working to provide the best possible services to children and the work of the providers of these services should be valued and recognized by the people of our City;

NOW THEREFORE BE IT RESOLVED THAT I, Mel Lastman, on behalf of the Council and the residents of the City of Toronto, do hereby proclaim the period between May 14, 2000 (Mother's Day), and June 18, 2000 (Father's Day), to be 'Children's Services Month', a time to celebrate the importance of children, to honour the responsibilities of families, and to recognize the work of those who serve children and families."

Vote:

Motion J(6) was adopted unanimously.

- 7.70 Councillor Disero moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction 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 Disero

Seconded by: Mayor Lastman

“WHEREAS the City of Toronto enacted a By-law on February 3, 2000, to establish a rebate program for municipal political contributions for the November 2000 municipal election; and

WHEREAS the City of Toronto Consolidated Grants Budget is used to provide grants to charitable organizations providing essential health, culture, social, housing and other services to the residents of Toronto; and

WHEREAS a process providing for the redirection of political contribution rebates to the Consolidated Grants Fund would assist the City's capacity to provide additional grants to charitable organizations; and

WHEREAS the City has the authority to provide income tax receipts to individuals and corporations who make financial donations to the City of Toronto; and

WHEREAS current estimates suggest that political contributors in the November 2000 municipal election will be eligible for up to approximately \$4.0 million in political contribution rebates; and

WHEREAS the receipts for campaign contributions are now being given to registered candidates for the November 2000 municipal election for distribution to political contributors; and

WHEREAS Council may wish to introduce a policy providing for a redirection of political contribution rebates, it is urgent that a timely decision be reached to ensure all registered candidates and contributors have an opportunity to participate in such a program;

NOW THEREFORE BE IT RESOLVED THAT City Council request the City Clerk, in consultation with the Chief Financial Officer and Treasurer, the City Solicitor, and the lead Commissioner of the Consolidated Grants Committee, the Commissioner of Community Services, to report to the Policy and Finance Committee, no later than July 20, 2000, on the feasibility of establishing a program that would allow the redirection of a political contribution rebate to support increased grants to charitable organizations in return for an income tax receipt to the donor.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of the Council Procedural By-law requiring the referral of Motion J(7) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(7) to the Policy and Finance Committee was taken as follows:

Yes - 21	
Mayor:	Lastman
Councillors:	Berardinetti, Berger, Cho, Chong, Davis, Disero, Duguid, Feldman, Gardner, Holyday, Kinahan, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Mihevc, Nunziata, O'Brien, Pitfield, Shiner, Silva
No - 29	
Councillors:	Altobello, Ashton, Augimeri, Bossons, Brown, Bussin, Chow, Filion, Giansante, Johnston, Jones, Kelly, King, Layton, Li Preti, Mahood, McConnell, Miller, Moeser, Moscoe, Ootes, Palacio, Pantalone, Rae, Saundercook, Sinclair, Soknacki, Tzekas, Walker

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

Having regard to the foregoing decision of Council, Motion J(7) was referred to the Policy and Finance Committee.

- 7.71 Councillor Layton moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction 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 Layton

Seconded by: Councillor Miller

“**WHEREAS** higher sulphur levels in gasoline lead to higher output of smog precursors; and

WHEREAS sulphur is a major smog gas; and

WHEREAS over 400 Torontonians die each year because of smog-related illnesses; and

WHEREAS the Federal Government has passed legislation mandating gasoline producers to achieve 150 parts per million (ppm) of sulphur in gas by 2002 and 30 ppm by 2005; and

WHEREAS the City purchases a low sulphur content gasoline for its vehicle fleet; and

WHEREAS oil companies have numerous oil refineries throughout Ontario and Canada that produce gas with sulphur content at 500 ppm and lower; and

WHEREAS the Federation of Canadian Municipalities' Annual General Meeting begins on June 2, 2000;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto urge Torontonians to reduce smog in Toronto and Ontario by purchasing gas with the lowest sulphur content available and, at minimum, not to purchase gasoline from companies known to sell gasoline with a sulphur content higher than 500 ppm;

AND BE IT FURTHER RESOLVED THAT the City of Toronto urge the Federation of Canadian Municipalities to adopt a motion calling for all Canadians to reduce smog throughout the country by purchasing gas with the lowest sulphur content available and, at minimum, not to purchase gasoline from companies known to sell gasoline with a sulphur content higher than 500 ppm;

AND BE IT FURTHER RESOLVED THAT any publicly-available information on the sulphur content of gasoline sold in Toronto (or Ontario) be posted on the City's website to help Torontonians wanting to reduce the number of smog deaths in the City."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of the Council Procedural By-law requiring the referral of Motion J(8) to the Works Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(8) to the Works Committee was taken as follows:

Yes - 37	
Mayor:	Lastman
Councillors:	Augimeri, Berardinetti, Berger, Bossons, Brown, Bussin, Cho, Chow, Disero, Duguid, Filion, Flint, Giansante, Holyday, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, O'Brien, Palacio, Pitfield, Saundercook, Silva, Sinclair, Tzekas, Walker
No - 13	
Councillors:	Altobello, Ashton, Chong, Davis, Feldman, Gardner, Kelly, Li Preti, Mahood, Ootes, Pantalone, Shiner, Soknacki

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

Council also had before it, during consideration of Motion J(8), a document dated May 9, 2000, submitted by Councillor Layton, showing the sulphur content in gasoline supplied by various companies, a copy of which is on file in the office of the City Clerk.

Vote:

Motion J(8) was adopted, without amendment.

- 7.72 Councillor Layton moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction 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 Layton

Seconded by: Mayor Lastman

“WHEREAS the Province of Ontario has, since amalgamation, only contributed two payments towards the City’s waste diversion programs (\$953,100.00 and \$902,362.00) while annual costs for the City’s waste diversion programs are \$18.0 million; and

WHEREAS this contribution is far short of the 50 percent funding suggested in November 1999, when the Ontario Minister of the Environment announced the establishment of the Waste Diversion Organization (WDO); and

WHEREAS the WDO has established Draft Guiding Principles which include a funding formula for municipal waste diversion programs to be determined *at the sole discretion of the WDO* and which only commits to funding up to 50 percent of a municipality's material recycling cost (but may be much less); and

WHEREAS the WDO Draft Guiding Principles reflect the Memorandum of Understanding signed by the Government of Ontario and others on November 3, 1999; and

WHEREAS the City stands to lose millions of dollars in waste diversion funding, if the draft WDO Guiding Principles are adopted; and

WHEREAS the City's waste diversion programs are unique amongst Ontario municipalities, given the size, complexity and diversity of the City's population and urban form; and

WHEREAS the WDO has asked the public to submit comments by May 17, 2000;

NOW THEREFORE BE IT RESOLVED THAT City Council request the Mayor to send a letter to the Ontario Minister of the Environment, the Honourable Dan Newman, expressing the following concerns with the WDO Guiding Principles, based on the Province's Memorandum of Understanding:

- (1) the funding formula should allow for municipalities which demonstrate high levels of waste diversion to have, at minimum, 50 percent of their waste diversion costs funded by the WDO; and
- (2) that any criteria which evaluates the efficiency of Toronto's waste diversion programs be developed by the WDO, in conjunction with the City of Toronto, given the unique waste diversion programs in the City;

AND BE IT FURTHER RESOLVED THAT the Association of Municipalities of Ontario be asked to endorse the concerns outlined above."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of the Council Procedural By-law requiring the referral of Motion J(9) to the Works Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(9) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor King moved that Motion J(9) be amended by inserting in Recommendation No. (1) embodied in the Operative Paragraph, the words “at an efficient cost” after the words “waste diversion”, so that such recommendation shall now read as follows:

- “(1) the funding formula should allow for municipalities which demonstrate high levels of waste diversion, at an efficient cost, to have, at minimum, 50 percent of their waste diversion costs funded by the WDO; and”.

Votes:

Adoption of motion by Councillor King, moved by Deputy Mayor Ootes in the absence of Councillor King:

Yes - 11	
Councillors:	Cho, Chong, Davis, Disero, Giansante, Holyday, Kelly, Li Preti, O'Brien, Ootes, Prue
No - 25	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Brown, Bussin, Chow, Duguid, Feldman, Filion, Jones, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Minnan-Wong, Nunziata, Pantalone, Rae, Shiner, Silva, Walker

Lost by a majority of 14.

Motion J(9) was adopted, without amendment.

- 7.73 Councillor Berardinetti moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction 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 Berardinetti

Seconded by: Councillor Layton

“**WHEREAS** the four reactors of the Pickering ‘A’ nuclear station are the oldest reactors in Canada, and were shut down at the end of 1997 because of poor performance and safety concerns; and

WHEREAS the proposed re-start of the Pickering ‘A’ nuclear station is currently the subject of a screening level federal environment assessment which does not provide for a comprehensive review; and

WHEREAS a severe accident at the Pickering 'A' nuclear station could have disastrous consequences for the Greater Toronto Area, and the current screening review excludes a severe accident with loss of containment; and

WHEREAS the failure to review a severe accident with loss of containment is inconsistent with the Ontario Nuclear Emergency Plan; and

WHEREAS the current screening review does not look at renewable energy or conservation alternatives to re-starting the Pickering 'A' nuclear station, and does not look at the economic costs of re-start or alternatives to re-start; and

WHEREAS the comment period for the federal environmental assessment is sixty (60) days, and, as such, comments should be submitted to the Atomic Energy Control Board by June 30, 2000;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) the Council of the City of Toronto respectfully request the Federal Environment Minister, the Honourable David Anderson, to appoint an independent panel to review the re-start of the Pickering 'A' nuclear station;
- (2) the Council of the City of Toronto respectfully request the Honourable David Anderson to instruct the panel to reconsider the scope of the review, and to include, amongst other issues, the review of a severe accident with loss of containment, alternative means of generating electricity, and an economic evaluation of the re-start proposal and its alternatives; and
- (3) a copy of this Motion be forwarded to the Federal Environment Minister, the Honourable David Anderson, Ontario Solicitor General David Tsubouchi, all federal and provincial Members of Parliament in the Greater Toronto Area, and all other municipal governments in the Greater Toronto Area."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of the Council Procedural By-law requiring the referral of Motion J(10) to the Works Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(10) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(10) was adopted, without amendment.

- 7.74 Councillor Shiner moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction of the following Notice of Motion J(11), moved by Councillor Minnan-Wong, seconded by Mayor Lastman, and, in the absence of Councillor Minnan-Wong, moved by Councillor Shiner, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Shiner

Seconded by: Mayor Lastman

“WHEREAS the Clean Toronto Campaign is currently in progress and cleaning up the streets of Toronto is an urgent matter that must be dealt with expeditiously; and

WHEREAS additional resources and staff have been allocated for the collection of garbage and the cleaning of our streets; and

WHEREAS illegal posting and placing of signs in neighbourhoods and at major intersections contributes significantly to the deterioration of communities; and

WHEREAS a hot line number has been created for residents to call in and report specific litter concerns to staff;

NOW THEREFORE BE IT RESOLVED THAT the Clean Toronto Campaign and the City of Toronto recognize illegal sign proliferation as ‘garbage’;

AND BE IT FURTHER RESOLVED THAT the City of Toronto and the Clean Toronto Campaign commit the necessary resources to remove illegal signs and posters;

AND BE IT FURTHER RESOLVED THAT residents of the City of Toronto be encouraged to call the hot line and report specific locations of illegal signs and posters;

AND BE IT FURTHER RESOLVED THAT City officials meet with representatives of Toronto Hydro and Bell Canada to co-ordinate their efforts to remove and discourage illegal signs and posters;

AND BE IT FURTHER RESOLVED THAT City Officials report to Council, through the appropriate Committee, on ways to prosecute and take aggressive enforcement action against companies and individuals involved in these illegal activities.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of the Council Procedural By-law requiring the referral of Motion J(11) to the Works Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(11) to the Works Committee was taken as follows:

Yes - 38	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Berger, Brown, Chong, Chow, Davis, Duguid, Feldman, Fillion, Flint, Giansante, Johnston, Jones, Kelly, King, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, O'Brien, Palacio, Pantalone, Pitfield, Rae, Saundercook, Shiner, Silva, Sinclair, Soknacki, Tzekas, Valenti, Walker
No - 12	
Councillors:	Ashton, Augimeri, Bossons, Bussin, Cho, Gardner, Holyday, Kinahan, Miller, Nunziata, Ootes, Prue

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

Vote:

Motion J(11) was adopted, without amendment.

- 7.75 Councillor Prue moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction 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 Prue

Seconded by: Councillor Pitfield

“WHEREAS there is a very high incidence of unemployment and homelessness among Canada’s native peoples; and

WHEREAS many of those same peoples are now living in Toronto and some are desperately seeking work; and

WHEREAS a meeting took place on April 19, 2000 with City staff, Councillor Jane Pitfield and interested citizens, concerning the issuance of a vending licence to allow the sale of a unique range of foodstuffs, including, but not limited to, buffalo burgers, venison sausage and fish jerky, etc., at cart locations; and

WHEREAS two potential sites have been identified in the Don Valley pathway system, within the former Borough of East York, which would make ideal pilot project locations for the vending of such fare; and

WHEREAS there is an urgency to finalize arrangements as soon as possible, in order to conduct the pilot during this summer/autumn period, thereby necessitating this Notice of Motion;

NOW THEREFORE BE IT RESOLVED THAT Council approve the pilot project and direct that staff work with the proponents to secure the necessary licences and to identify what, if any, amendments to by-laws will be necessary to accommodate food sales near the pathways of the Don Valley trail system and to report such findings to the appropriate Committee(s) of Council.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of the Council Procedural By-law requiring the referral of Motion J(12) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(12) to the Economic Development and Parks Committee was taken as follows:

Yes - 28	
Mayor:	Lastman
Councillors:	Berardinetti, Berger, Bossons, Brown, Cho, Chow, Davis, Duguid, Feldman, Gardner, Johnston, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Pitfield, Prue, Rae, Silva, Sinclair, Tzekas, Valenti, Walker
No - 22	
Councillors:	Altobello, Ashton, Bussin, Disero, Filion, Flint, Giansante, Holyday, Jones, Kinahan, King, Lindsay Luby, Mahood, Mammoliti, Moeser, Nunziata, O'Brien, Ootes, Palacio, Saundercook, Shiner, Soknacki

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

Having regard to the foregoing decision of Council, Motion J(12) was referred to the Economic Development and Parks Committee.

- 7.76 Mayor Lastman moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction of the following Notice of Motion J(13), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Mayor Lastman

Seconded by: Councillor Pantalone

“WHEREAS there have been Rave parties at venues owned by the City of Toronto, in particular, at Exhibition Place; and

WHEREAS a large number of arrests have been made at the Rave parties, including for trafficking or possessing drugs; and

WHEREAS the Chief of Police advises that there are a limited number of police resources to adequately supervise and respond to such events; and

WHEREAS an increasing number of concerns have been expressed regarding the use of City-owned facilities for Rave parties; and

WHEREAS it is essential the City of Toronto take additional steps to ensure the health and safety of our youth in Toronto; and

WHEREAS the City Solicitor should advise all Agencies, Board, Commissions, and Departments on the steps necessary to suspend the leasing of any City-owned facility for the purpose of holding Rave parties;

NOW THEREFORE BE IT RESOLVED THAT all Agencies, Boards, Commissions and Departments immediately suspend the leasing of any City-owned facility for the purpose of holding Rave parties;

AND BE IT FURTHER RESOLVED THAT the Chief of Police report to the August 1, 2 and 3, 2000, meeting of Toronto City Council, through the Toronto Police Services Board and the Policy and Finance Committee, on:

- (a) a recommended policy and course of action for the control and eradication of illegal drugs at Rave parties and other related parties that occur at all facilities, including non-City-owned properties; and
- (b) the policy of paid duty officers at Rave parties and other related parties that occur at all facilities, including non-City-owned properties;

AND BE IT FURTHER RESOLVED THAT the City continue to use the Toronto Dance Safety Committee to review the safety and health issues surrounding dance events, including a new protocol to eliminate inappropriate advertisement for these events;

AND BE IT FURTHER RESOLVED THAT the Mayor be requested to write to the provincial and federal governments and urge them to increase funding for educational activities aimed at reducing and eliminating the use of illegal drugs.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of the Council Procedural By-law requiring the referral of Motion J(13) to the Community Services Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(13) to the Community Services Committee was taken as follows:

Yes - 36	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Berger, Brown, Cho, Davis, Disero, Duguid, Feldman, Fillion, Flint, Gardner, Giansante, Holyday, Johnston, Kelly, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Mammoliti, Moeser, O'Brien, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Shiner, Silva, Sinclair, Soknacki, Tzekas, Valenti
No - 15	
Councillors:	Altobello, Bossons, Bussin, Chow, Jones, Kinahan, Layton, McConnell, Mihevc, Miller, Moscoe, Nunziata, Prue, Rae, Walker

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

Council also had before it, during consideration of Motion J(13), the following documents:

- (i) (May 5, 2000) from the City Clerk, forwarding the actions of the Board of Health AIDS Prevention Program Grants Review Panel with respect to Rave parties held on City-owned property, and submitting a copy of a communication (May 8, 2000) from Mr. Carlo Ang, Toronto, addressed to Councillor Rae, in opposition to a ban on rave events (See Attachment No. 4, Page 170.);
- (ii) (May 8, 2000) from the City Clerk, forwarding the actions of the Board of Health Drug Abuse Prevention Program Grants Review Panel with respect to Rave parties held on City-owned property (See Attachment No. 5, Page 171.), and submitting the following:
 - (a) an extract from the Minutes of the City Council meeting held on December 14, 15 and 16, 1999, respecting Notice of Motion J(12), moved by Councillor Nunziata, seconded by Councillor Jakobek, regarding a report dated December 13, 1999, from the Acting Commissioner of Urban Planning and Development Services, in response to Council's request for a formal protocol for the regulation of rave/dance events; and
 - (b) the Toronto Dance Safety Committee's Protocol for the Operation of Safe Dance Events;
- (iii) (May 7, 2000) from Ms. Wendy Whitman, submitting comments in favour of supervised Rave parties, a copy of which is on file in the office of the City Clerk;

- (iv) (undated) package of Rave party promotional material, circulated at the request of Mayor Lastman, a copy of which is on file in the office of the City Clerk;
- (v) the Toronto Dance Safety Committee's Protocol for the Operation of Safe Dance Events, circulated at the request of Councillor Chow, a copy of which is on file in the office of the City Clerk; and
- (vi) (March 28, 2000) article from National Post Online, headed "Police Chief, Mayor Defend Supervised Rave", circulated at the request of Councillor Walker, a copy of which is on file in the office of the City Clerk.

Motions:

- (a) Councillor Chow moved that Motion J(13) be amended by:
 - (1) deferring consideration of the first Operative Paragraph until such time as the Allan Ho inquest has been concluded; and
 - (2) adding thereto the following new Operative Paragraph:

"AND BE IT FURTHER RESOLVED THAT the Medical Officer of Health be requested to submit a report to the August 1, 2 and 3, 2000 meeting of City Council, through the Board of Health, on how to deal with illegal drug use at Raves and other related parties."
- (b) Councillor Mammoliti moved that Motion J(13) be amended by adding thereto the following new Operative Paragraph:

"AND BE IT FURTHER RESOLVED THAT any party that is being advertised or being called a Rave, and is to be held on City-owned lands, be recognized as an illegal gathering by the City of Toronto, and be treated as such."
- (c) Councillor Davis moved that Motion J(13) be amended by adding to the end of Part (a) of the second Operative Paragraph, the words "which may include restricting the hours of operation or imposing a city-wide curfew for minors under the age of 16", so that such Part shall now read as follows:
 - (a) a recommended policy and course of action for the control and eradication of illegal drugs at Rave parties and other related parties that occur at all facilities, including non-City-owned properties, which may include restricting the hours of operation or imposing a city-wide curfew for minors under the age of 16; and"

- (d) Councillor Korwin-Kuczynski moved that Motion J(13) be amended by adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT Rave parties taking place on any City-owned property, including facilities of Agencies, Boards, Commissions and Departments, be subject to advertising approval for that event by the affected City Agency, Board, Commission or Department.”

- (e) Councillor Duguid moved that Motion J(13) be amended by adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT all discussions conducted and reports prepared on the issue of Rave parties include participation and consultation with officials from Toronto Ambulance and Toronto Fire Services.”

- (f) Councillor Mihevc moved that Motion J(13) be amended by adding thereto the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT City Council request the newly established Substance Abuse Sub-Committee of the Board of Health to deal with drug-related issues at Rave parties and make recommendations to Council, through the Board of Health, around drug prevention and harm reduction;

AND BE IT FURTHER RESOLVED THAT the Board of Health be requested to include a senior police representative to participate on the Substance Abuse Sub-Committee and the Chief of Police be requested to make a senior level appointment in this regard.”

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 - 29	
Mayor:	Lastman
Councillors:	Adams, Augimeri, Balkissoon, Bossons, Brown, Chong, Chow, Davis, Disero, Duguid, Filion, Flint, Jones, King, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Nunziata, Palacio, Pitfield, Prue, Saundercook, Soknacki, Tzekas, Valenti
No - 16	
Councillors:	Ashton, Bussin, Cho, Holyday, Johnston, Kinahan, Korwin-Kuczynski, Layton, Minnan-Wong, Moscoe, O'Brien, Ootes, Pantalone, Rae, Silva, Walker

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

Vote Be Now Taken:

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

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

Votes:

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

Yes - 24	
Councillors:	Augimeri, Berardinetti, Bossons, Brown, Bussin, Chong, Chow, Filion, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Prue, Rae, Saundercook, Silva, Soknacki, Walker
No - 25	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Balkissoon, Cho, Davis, Disero, Duguid, Flint, Giansante, Holyday, King, Li Preti, Lindsay Luby, Mahood, Mammoliti, Moeser, O'Brien, Ootes, Palacio, Pantalone, Pitfield, Tzekas, Valenti

Lost by a majority of 1.

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

Yes - 31	
Councillors:	Adams, Altobello, Ashton, Augimeri, Balkissoon, Bossons, Brown, Bussin, Chong, Chow, Disero, Duguid, Filion, Flint, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, McConnell, Mihevc, Moscoe, Nunziata, Pantalone, Prue, Rae, Silva, Soknacki, Tzekas, Valenti, Walker
No - 18	
Mayor:	Lastman
Councillors:	Berardinetti, Cho, Davis, Giansante, Holyday, King, Li Preti, Lindsay Luby, Mahood, Mammoliti, Minnan-Wong, Moeser, O'Brien, Ootes, Palacio, Pitfield, Saundercook

Carried by a majority of 13.

Adoption of Part (1) of motion (c) by Councillor Davis, viz.:

“that Motion J(13) be amended by adding to the end of Part (a) of the second Operative Paragraph, the words ‘which may include restricting the hours of operation’ ”:

Yes - 40	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bossons, Bussin, Cho, Chong, Davis, Disero, Duguid, Filion, Flint, Giansante, Holyday, Johnston, Jones, Kelly, Kinahan, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Mammoliti, Minnan-Wong, Moeser, Nunziata, O'Brien, Ootes, Palacio, Pitfield, Prue, Silva, Soknacki, Tzekas, Walker
No - 10	
Councillors:	Brown, Chow, Layton, McConnell, Mihevc, Moscoe, Pantalone, Rae, Saundercook, Valenti

Carried by a majority of 30.

Adoption of Part (2) of motion (c) by Councillor Davis, viz.:

“that Motion J(13) be amended by adding to the end of Part (a) of the second Operative Paragraph, the words ‘which may include imposing a city-wide curfew for minors under the age of 16;’ ”:

Yes - 19	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Brown, Davis, Filion, Giansante, Jones, Lindsay Luby, Mahood, Mammoliti, Nunziata, O'Brien, Ootes, Palacio, Pitfield, Prue, Saundercook, Tzekas
No - 31	
Councillors:	Adams, Ashton, Augimeri, Berardinetti, Bossons, Bussin, Cho, Chong, Chow, Disero, Duguid, Flint, Holyday, Johnston, Kelly, Kinahan, King, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Minnan-Wong, Moeser, Moscoe, Pantalone, Rae, Silva, Soknacki, Valenti, Walker

Lost by a majority of 12.

Adoption of motion (b) by Councillor Mammoliti:

Yes - 7	
Councillors:	Disero, Kelly, Li Preti, Mammoliti, Ootes, Palacio, Pitfield
No - 42	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bossons, Brown, Bussin, Cho, Chong, Chow, Davis, Duguid, Filion, Flint, Giansante, Holyday, Johnston, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Minnan Wong, Moeser, Moscoe, Nunziata, O'Brien, Pantalone, Prue, Rae, Saundercook, Silva, Soknacki, Tzekas, Valenti, Walker

Lost by a majority of 35.

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

Yes - 37	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Balkissoon, Bossons, Brown, Bussin, Chong, Chow, Davis, Duguid, Filion, Flint, Johnston, Kinahan, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Silva, Soknacki, Tzekas, Valenti, Walker
No - 13	
Councillors:	Berardinetti, Cho, Disero, Giansante, Holyday, Jones, Kelly, Layton, Mahood, McConnell, O'Brien, Palacio, Saundercook

Carried by a majority of 24.

Motion (e) by Councillor Duguid carried.

Motion (f) by Councillor Mihevc carried.

Adoption of the first Operative Paragraph of Motion J(13):

Yes - 32	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chong, Davis, Disero, Duguid, Filion, Flint, Giansante, Holyday, Kelly, King, Li Preti, Lindsay Luby, Mahood, Mammoliti, Moeser, O'Brien, Ootes, Palacio, Pantalone, Pitfield, Saundercook, Silva, Tzekas, Valenti
No - 18	
Councillors:	Augimeri, Bossons, Brown, Chow, Johnston, Jones, Kinahan, Korwin-Kuczynski, Layton, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Prue, Rae, Soknacki, Walker

Carried by a majority of 14.

Adoption of the balance of Motion J(13), as amended:

Yes - 47	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Brown, Bussin, Cho, Chong, Chow, Davis, Disero, Duguid, Filion, Flint, Gardner, Giansante, Holyday, Johnston, Kelly, Kinahan, King, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mahood, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, O'Brien, Ootes, Palacio, Pantalone, Pitfield, Prue, Saundercook, Silva, Soknacki, Tzekas, Valenti, Walker
No - 3	
Councillors:	Jones, Layton, Rae

Carried by a majority of 44.

In summary, Council adopted Motion J(13), subject to:

- (1) amending the second Operative Paragraph by adding to the end of Part (a) thereof the words “which may include restricting the hours of operation”, so that such Part shall now read as follows:

“(a) a recommended policy and course of action for the control and eradication of illegal drugs at Rave parties and other related parties that occur at all facilities, including non-City-owned properties, which may include restricting the hours of operation; and”;

- (2) adding thereto the following new Operative Paragraphs:

“AND BE IT FURTHER RESOLVED THAT Rave parties taking place on any City-owned property, including facilities of Agencies, Boards, Commissions and Departments, be subject to advertising approval for that event by the affected City Agency, Board, Commission or Department;

AND BE IT FURTHER RESOLVED THAT City Council request the newly established Substance Abuse Sub-Committee of the Board of Health to deal with drug-related issues at Rave parties and make recommendations to Council, through the Board of Health, around drug prevention and harm reduction;

AND BE IT FURTHER RESOLVED THAT the Board of Health be requested to include a senior police representative to participate on the Substance Abuse Sub-Committee and the Chief of Police be requested to make a senior level appointment in this regard;

AND BE IT FURTHER RESOLVED THAT the Medical Officer of Health be requested to submit a report to the August 1, 2 and 3, 2000 meeting of City Council, through the Board of Health, on how to deal with illegal drug use at Raves and other related parties;

AND BE IT FURTHER RESOLVED THAT all discussions conducted and reports prepared on the issue of Rave parties include participation and consultation with officials from Toronto Ambulance and Toronto Fire Services.”

- 7.77 Councillor Miller moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction 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 Miller

Seconded by: Councillor Ashton

“**WHEREAS** the Toronto Transit Commission (TTC) at its meeting held on May 8, 2000, adopted recommendations regarding a ‘Construction Season Metropass’; and

WHEREAS the TTC’s recommendations in this regard have been forwarded to the City of Toronto Council for debate at the Council meeting of May 9, 10 and 11, 2000; and

WHEREAS this matter needs to be decided at this Council meeting if the initiative is to be adopted this year;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the recommendations contained in the communication dated May 9, 2000, from the General Secretary, Toronto Transit Commission.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of the Council Procedural By-law requiring the referral of Motion J(14) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(14) to the Planning and Transportation Committee was taken as follows:

Yes - 36	
Councillors:	Ashton, Augimeri, Berger, Brown, Bussin, Chow, Davis, Disero, Duguid, Feldman, Filion, Flint, Gardner, Giansante, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, McConnell, Mihevc, Miller, Moscoe, Palacio, Pantalone, Pitfield, Prue, Rae, Saundercook, Shiner, Silva, Sinclair, Tzekas, Valenti, Walker
No - 15	
Mayor:	Lastman
Councillors:	Altobello, Bossons, Cho, Holyday, Kelly, Kinahan, King, Mahood, Mammoliti, Moeser, Nunziata, O'Brien, Ootes, Soknacki

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

Council also had before it, during consideration of Motion J(14), a communication (May 9, 2000) from the General Secretary, Toronto Transit Commission. (See Attachment No. 6, Page 172.)

Motion:

Councillor Miller moved that Motion J(14) be amended by adding to the Operative Paragraph, the words "subject to deleting Recommendation No. (2) embodied therein, and inserting in lieu thereof the following new Recommendation No. (2):

- "(2) request the Chief Financial Officer and Treasurer, the Commissioner of Works and Emergency Services and the Chief General Manager, Toronto Transit Commission, to submit a joint report to the Policy and Finance Committee on any costs incurred, usage, and a source of funds;"

Votes:

The motion by Councillor Miller carried.

Motion J(14) was adopted, as amended, and, in so doing, Council adopted the following recommendations embodied in the communication dated May 9, 2000, from the General Secretary, Toronto Transit Commission, as amended:

- "That the Toronto Transit Commission request City of Toronto Council, at its meeting of May 9, 10 and 11, 2000, to:

- (1) endorse the creation of the “Construction Season Twin Pass”, to be offered for the months of June, July, August and September 2000, as a method of addressing congestion from the Gardiner construction activities;
- (2) request the Chief Financial Officer and Treasurer, the Commissioner of Works and Emergency Services and the Chief General Manager, Toronto Transit Commission, to submit a joint report to the Policy and Finance Committee on any costs incurred, usage, and a source of funds;
- (3) request City of Toronto Council to allow advertising of the Twin Pass on the City’s electronic messaging billboards; and
- (4) advise the City of Toronto that the Chief General Manager of the Toronto Transit Commission has been requested, in consultation with the Commissioner of Works and Emergency Services, to report on the result of this part of the project in time for consideration in the Transportation Department’s year 2001 Capital Budget.”

7.78 Councillor McConnell moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction and debate 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 McConnell

Seconded by: Councillor Layton

“WHEREAS the Envy Lounge at 438 Parliament Street has been the cause of widespread concern in the community, including numerous complaints about apparent drug trafficking; and

WHEREAS the Toronto Police Service has made numerous arrests at this location, including drug possession, possession with intent to traffic and the seizure of handguns; and

WHEREAS the licence at this establishment is already being considered for an interim suspension by the Alcohol and Gaming Commission of Ontario; and

WHEREAS the Alcohol and Gaming Commission of Ontario has indicated its intention to hold a hearing on the reinstatement or final revocation of the licence within 10 days;

NOW THEREFORE BE IT RESOLVED THAT the Alcohol and Gaming Commission of Ontario be advised that City Council does not believe the licensing of this location to be in the public interest;

AND BE IT FURTHER RESOLVED THAT Council oppose the reinstatement of a licence at this location, and request that no such reinstatement be considered unless a full public hearing has been held, in the public interests;

AND BE IT FURTHER RESOLVED THAT, in the event of a hearing, that City staff be sent to support the effort to prevent the continued licensing of this location.”

Vote:

Motion J(15) was adopted, without amendment.

- 7.79 Councillor Miller moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction of the following Notice of Motion J(16), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Adams

“**WHEREAS** in the 1998 Ontario Budget, the provincial government announced that, for those municipalities whose education tax rate for the commercial and industrial classes is above the provincial average of 3.3 percent, their rates would be reduced over an eight-year period such that, by 2005, the education rate would be 3.3 percent; and

WHEREAS the City of Toronto’s education tax rate is above the provincial average, causing Toronto businesses to pay a disproportionate tax burden; and

WHEREAS the education tax rate for the commercial and industrial classes for the City of Toronto was reduced for both 1999 and 2000 which achieved an approximate total reduction of \$100 million for both years, with another five years of reduction to occur; and

WHEREAS the Municipal Act was amended by Bill 14 on December 14, 1999, to permit the acceleration, by regulation, of the reduction in the education tax rate for the commercial and industrial classes, such that the reduction to the provincial average can more quickly occur; and

WHEREAS the 2000 Ontario Budget did not include any acceleration of the reduction in the education tax rate for the commercial and industrial classes;

NOW THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to immediately reduce the education tax rate for the commercial and industrial classes such that it reaches the provincial average by 2001.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of the Council Procedural By-law requiring the referral of Motion J(16) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(16) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(16) was adopted, without amendment.

- 7.80 Councillor Miller moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction of the following Notice of Motion J(17), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** the Swansea Town Hall is operated by a City-mandated and supported Board of Management; and

WHEREAS the building is experiencing a leakage problem that has been recognized by our staff and is included in the 2000-2004 Capital Program, probably for 2001; and

WHEREAS the Board of Management wishes to renovate the building at the same time, in order to save costs; and

WHEREAS the Board intends to fundraise for the purpose of paying for the project; and

WHEREAS the Chief Financial Officer and Treasurer concurs with the fundraising project but advises that, technically, Council approval is needed; and

WHEREAS any further delay prejudices the success of the project;

NOW THEREFORE BE IT RESOLVED THAT the City acknowledge the Swansea Town Hall Basement Expansion as an approved project for the purposes of fundraising by the Board of Management and the issuing by the City of charitable receipts.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of the Council Procedural By-law requiring the referral of Motion J(17) to the Toronto Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(17) to the Toronto Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(17) was adopted, without amendment.

- 7.81 Councillor Miller moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction of the following Notice of Motion J(18), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Miller

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** Mr. John Howard and the City of Toronto showed great foresight in creating High Park; and

WHEREAS High Park is a City treasure, used by residents from all over Toronto; and

WHEREAS immediately adjacent to the Park is property municipally known as 1947-1997 Bloor Street West; and

WHEREAS this site is sensitive, ecologically and environmentally, and was once part of the land holdings that were devised to create High Park; and

WHEREAS a Committee of Adjustment application is scheduled for May 16, 2000;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Corporate Services and the Commissioner of Economic Development, Culture and Tourism be requested to report to the Toronto Community Council on options available to the City to acquire the property to complete High Park, including potential costs of acquisition.”

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of the Council Procedural By-law requiring the referral of Motion J(18) to the Toronto Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(18) to the Toronto Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(18) was adopted, without amendment.

- 7.82 Councillor Bussin moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction and debate of the following Notice of Motion J(19), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Bussin**

Seconded by: **Councillor Miller**

“WHEREAS City Council at its meeting held on September 28 and 29, 1999, adopted Clause No. 15 of Report No. 5 of The Administration Committee, headed, ‘Declaration as Surplus, Westerly Portion of 110 Wildwood Crescent (Ward 26 - East Toronto)’, thereby declaring surplus to the City’s requirements the westerly portion of 110 Wildwood Crescent and authorizing that notice be given to the public of the intended manner of sale, being sale on the open market; and

WHEREAS, in accordance with By-law No. 551-1998, notice to the public was given, advising that the City proposes to offer the property for sale on the open market; and

WHEREAS the Administration Committee at its meeting held on March 21, 2000, had before it a communication (March 20, 2000) from Councillor Sandra Bussin, advising that the Forward Baptist Church of 1891 Gerrard Street East has asked that she present to the Committee its proposal to purchase the westerly portion of 110 Wildwood Crescent for a parking lot to serve the nearby Church, and advising that she has met with the Church Community to discuss this matter and asked that a poll of the neighbourhood be done by the Church to determine its acceptability in the community and, as a result, is satisfied that this is a good proposal that merits consideration by the Committee; and

WHEREAS the Administration Committee referred the aforementioned communication to the Commissioner of Corporate Services for report thereon; and

WHEREAS the Commissioner of Corporate Services has prepared a report dated May 5, 2000, entitled 'Disposition of the Westerly Portion of 110 Wildwood Crescent', advising that, should Council wish to provide the Forward Baptist Church with the opportunity to purchase the property without it being offered on the open market, the City will not have complied with the authority as previously granted and the resultant public notice which has been given and, therefore, it is necessary that a revised approval be given for the currently proposed manner of sale;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with Section 46 of the Council Procedural By-law, Clause No. 15 of Report No. 5 of The Administration Committee, headed 'Declaration as Surplus, Westerly Portion of 110 Wildwood Crescent', be re-opened for further consideration, only insofar as it pertains to the proposed manner of sale;

AND BE IT FURTHER RESOLVED THAT Council adopt the recommendations contained in the report dated May 5, 2000, from the Commissioner of Corporate Services, entitled 'Disposition of the Westerly Portion of 110 Wildwood Crescent'."

Council also had before it, during consideration of Motion J(19), a report dated May 5, 2000, from the Commissioner of Corporate Services. (See Attachment No. 7, Page 173.)

Votes:

The first Operative Paragraph embodied in Motion J(19) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(19) was adopted, without amendment, and in so doing, Council adopted the report dated May 5, 2000, from the Commissioner of Corporate Services, embodying the following recommendations:

"It is recommended that:

- (1) the approved manner of sale of the property be a direct sale to the Forward Baptist Church;
- (2) the Commissioner of Corporate Services be instructed to enter into direct negotiations with the Forward Baptist Church for the sale of the property and report back should an acceptable agreement be reached;
- (3) if an agreement cannot be reached within three months, then the approved manner of sale be to offer the property for sale on the open market;
- (4) all steps necessary to comply with By-law 551-1998 be taken; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto."

- 7.83 Councillor Rae moved that, in accordance with the provisions of the Council Procedural By-law, leave be granted to introduction and debate the following Notice of Motion J(21), which carried:

Moved by: Councillor Rae

Seconded by: Councillor Ashton

“**WHEREAS** the Committee of Adjustment, at its meeting held on March 21, 2000, granted an application, with conditions, for a minor variance at 105 Richmond Street East; and

WHEREAS the decision of the Committee of Adjustment has been appealed to the Ontario Municipal Board;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the appropriate staff to attend the Ontario Municipal Board’s hearing in support of the Committee of Adjustment’s decision with respect to 105 Richmond Street East.”

Council also had before it, during consideration of Motion J(21), the following Committee of Adjustment notices respecting the application at 105 Richmond Street East, copies of which are on file in the office of the City Clerk:

- (i) Notice of Public Hearing, scheduled for March 21, 2000; and
- (ii) Notice of Decision, dated March 24, 2000.

Vote:

Motion J(21) was adopted, without amendment.

- 7.84 Councillor Berardinetti moved that, in accordance with the provisions of the Council Procedural By-law, leave be granted to introduce and debate the following Notice of Motion J(23), which carried:

Moved by: Councillor Berardinetti

Seconded by: Councillor O’Brien

“**WHEREAS** City Council, at its meeting held on December 14, 15 and 16, 1999, approved Clause No. 23 of Report No. 11 of The Policy and Finance Committee, headed ‘5421 Lawrence Avenue East – Manson Property Yellowmoon Homes – Community Park and Port Union Common (Ward 16 – Scarborough Highland Creek)’, and thereby authorized the acquisition of certain lands known municipally as 5421 Lawrence Avenue East for parks purposes; and

WHEREAS the Manson Group Ltd., 1144070 Ontario Limited and 1209748 Ontario Limited, herein referred to as the Vendor, has agreed to sell to the City the subject lands on a clean basis consistent with the Ministry of Environment guidelines for residential/parkland purposes; and

WHEREAS the subject lands are an intricate component for park space for the community; and

WHEREAS an extension to the closing date for the transaction, from May 10, 2000 to November 15, 2000, is required;

NOW THEREFORE BE IT RESOLVED THAT City Council approve the confidential report dated May 3, 2000, from the Commissioner of Corporate Services, respecting the subject lands.”

Council also had before it, during consideration of Motion J(23), a confidential report dated May 3, 2000, from the Commissioner of Corporate Services.

Vote:

Motion J(23) was adopted, without amendment, and in so doing, Council adopted the confidential report dated May 3, 2000, from the Commissioner of Corporate Services, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the acquisition of property, save and except the following recommendations embodied therein:

“It is recommended that:

- (1) the closing date for the acquisition be amended to November 15, 2000, in order to allow for the remediation of the site, and this amendment be conditional upon the cancellation price being paid for all tax arrears on or before May 19, 2000;
- (2) the Commissioner of Corporate Services, or her designate, be authorized to accept the offer to sell on behalf of the City;
- (3) the City Solicitor be authorized to complete the transaction on behalf of the City, including payment of any necessary expenses and amending the closing date to such earlier or later date as he considers reasonable; and
- (4) the appropriate City officials be authorized to take the necessary action to give effect thereto.”

- 7.85 Councillor Chow moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction and debate of the following Notice of Motion J(25), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Councillor Mihevc

“**WHEREAS** City Council, at its meeting held on April 11, 12 and 13, 2000, adopted, as amended, Clause No. 5 of Report No. 5 of The Toronto Community Council, headed ‘Settlement of Prior Agreements with the Toronto Port Authority’; and

WHEREAS staff of the Toronto Port Authority and City staff have had further discussions regarding the financial arrangements for the construction and maintenance for the promenade and dockwall and north and south park parcels on a property known as 2-50 Stadium Road (including 30 Stadium Road); and

WHEREAS officials of the Toronto Port Authority have agreed to the revised financial arrangements; and

WHEREAS City staff are satisfied with the revised financial arrangements;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with Section 46 of the Council Procedural By-law, Clause No. 5 of Report No. 5 of The Toronto Community Council, headed ‘Settlement of Prior Agreements with the Toronto Port Authority’, be re-opened for further consideration, only insofar as it pertains to Recommendation No. (4)(i) of the confidential report dated March 21, 2000, from the Commissioner of Urban Development Services, and the amendment made by Council;

AND BE IT FURTHER RESOLVED THAT the recommendation contained in the confidential report dated May 5, 2000, from the Commissioner of Urban Development Services, be adopted.”

Council also had before it, during consideration of Motion J(25), a confidential report dated May 5, 2000, from the Commissioner of Urban Development Services. (See Attachment No. 8, Page 175.)

Votes:

The first Operative Paragraph embodied in Motion J(25) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(25) was adopted, without amendment, and in so doing, Council adopted, without amendment, the confidential report dated May 5, 2000, from the Commissioner of Urban Development Services, embodying the following recommendation, such report now public in its entirety:

“It is recommended that Recommendation No. (4)(i) of the report dated March 21, 2000, embodied in Clause No. 5 of Report No. 5 of The Toronto Community Council, headed ‘Settlement of Prior Agreements with Toronto Port Authority’, be replaced with the following:

- ‘(i) the Toronto Port Authority releasing \$1,146,000.00 to the City from funds deposited with the TPA for the maintenance of the promenade and dockwall to be used now for construction, maintenance, replacement and repair of the dockwall, water’s edge promenade and north and south park parcels on the lands known as 2-50 Stadium Road.’ ”

- 7.86 Councillor Korwin-Kuczynski moved that, in accordance with the provisions of the Council Procedural By-law, leave be granted to introduce and debate the following Notice of Motion J(26), which carried:

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Miller

“**WHEREAS** the Ontario Municipal Board will be considering an appeal by Icilda Tate, owner of 151 Tyndall Avenue, with respect to the decision by the Committee of Adjustment, denying permission for various variances requested; and

WHEREAS there are significant concerns with 151 Tyndall Avenue. Ms. Tate applied to the Committee of Adjustment to maintain an increase in the number of dwelling rooms in the rooming house, from three to ten, as well as a kitchen and dining room located in the basement; and

WHEREAS the variances being sought are for a rooming house which has been a prohibited use in South Parkdale since 1978; 10 dwelling rooms in a rooming house where only 6 are permitted; dwelling rooms with an average of 21 square metres, while 33 square metres are required; and providing required on-site parking on an adjacent lot, where the by-law requires the parking to be provided on the same lot as the use; and

WHEREAS the Parkdale Village Residents’ Association Inc. has requested City of Toronto representation at the Ontario Municipal Board, to defend the Committee of Adjustment decision on 151 Tyndall Avenue;

NOW THEREFORE BE IT RESOLVED THAT City Council advise the Ontario Municipal Board that the variances being sought by the applicant are not considered minor, and this is a prohibited use in South Parkdale since 1978, and does not warrant consideration of approval of the appeal to the Ontario Municipal Board;

AND BE IT FURTHER RESOLVED THAT the City Solicitor and the Commissioner of Urban Development Services be instructed to attend the Ontario Municipal Board hearing on June 5, 2000, in defence of the Committee of Adjustment's decision respecting 151 Tyndall Avenue."

Vote:

Motion J(26) was adopted, without amendment.

- 7.87 Councillor Johnston moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction of the following Notice of Motion J(27), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Johnston

Seconded by: Mayor Lastman

"WHEREAS City Council, at its meeting held on February 29, March 1 and 2, 2000, voted 54-2 in support of the Bid for the 2008 Olympic Games; and

WHEREAS the Toronto Olympic Bid Corporation is requesting permission to install banner signs on bridges over expressways and on utility poles within the City of Toronto public rights-of-way, from May 2000 to July 31, 2001, inclusive, and for an exemption from banner application and rental fees; and

WHEREAS the Commissioner of Works and Emergency Services has prepared the attached report dated May 9, 2000, respecting the request for permission to install these banner signs;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration to the aforementioned report dated May 9, 2000, from the Commissioner of Works and Emergency Services, and that Recommendation No. (2) embodied in such report be adopted."

Advice by Deputy Mayor:

Deputy Mayor Ootes advised the Council that the provisions of the Council Procedural By-law requiring the referral of Motion J(27) to the Works Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(127) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(27), a report dated May 9, 2000, from the Commissioner of Works and Emergency Services. (See Attachment No. 9, Page 177.)

Motions:

- (a) Councillor Jones moved that Motion J(27) be amended by adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Toronto Olympic Bid Corporation be requested to extend the banner program into the communities of the former Cities of Etobicoke and Scarborough.”

- (b) Councillor Ashton moved that Motion J(27) be amended by adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT, at the discretion of the Commissioner of Works and Emergency Services, utility poles in the Toronto downtown areas that annually showcase major events be approved for use by the Toronto Olympic Bid Corporation for a limited duration.”

Votes:

Motion (a) by Councillor Jones carried.

Motion (b) by Councillor Ashton carried.

Motion J(27), as amended, carried.

By its adoption of Motion J(27), as amended, Council adopted Recommendation No. (2) embodied in the report dated May 9, 2000, from the Commissioner of Works and Emergency Services, viz.:

- “(2) City Council approve the installation of Olympics 2008 - Toronto (‘TO Bid’) banners on bridges over expressways and on utility poles within City of Toronto public rights-of-way from May 2000 to July 31, 2001, inclusive, and waive the banner application and rental fees, subject to the applicant:
- (a) receiving written consent from Business Improvement Areas or Business Associations for the installation of TO Bid banners within their designated area;

- (b) supplying, installing, maintaining and removing the banners, including any repair of the bridges or utility poles required as a result of the banner installation, at no cost to the City;
- (c) meeting the Commissioner of Works and Emergency Services' banner manufacturing, installation and maintenance specifications;
- (d) restricting corporate recognition to no more than 20 percent of the total area of the banner and incidental to the overall design;
- (e) submitting a certificate of insurance satisfactory to the City Treasurer, providing public liability, bodily injury and property damage coverage in the amount of \$2,000,000.00, and including a cross liability clause; and
- (f) executing an agreement with such conditions as the Commissioner of Works and Emergency Services and the City Solicitor may deem necessary in the interest of the City of Toronto.”

7.88 Councillor Layton moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction and debate of the following Notice of Motion J(28), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Layton

Seconded by: Councillor Disero

“WHEREAS Toronto Hydro has submitted a business plan to the City’s Chief Financial Officer and Treasurer, as reported at today’s Council briefing; and

WHEREAS the Chief Financial Officer and Treasurer has prepared a confidential information report, entitled ‘Toronto Hydro Five Year Business Plan’, describing the main elements of the plan as it relates to the City’s direction as shareholder to the Hydro Board; and

WHEREAS attached to that report is a confidential submission directly from Toronto Hydro, responding specifically to questions raised by Council at its April 11, 12 and 13, 2000 meeting; and

WHEREAS City Council at its meeting held April 11, 12 and 13, 2000, requested that a report be submitted, by the Chief Administrative Officer and the Chief Financial Officer and Treasurer, regarding the general business direction of Toronto Hydro, to the May 9th session of Council, if possible;

NOW THEREFORE BE IT RESOLVED THAT the confidential report dated May 9, 2000, from the Chief Financial Officer and Treasurer, entitled ‘Toronto Hydro Five-Year Business Plan’, be considered by Council at this meeting and that such report be received for information.”

Council also had before it, during consideration of Motion J(28), a confidential report dated May 9, 2000, from the Chief Financial Officer and Treasurer.

Vote:

Motion J(28) was adopted, without amendment.

Motion to Re-Open:

Councillor Layton, with the permission of Council, moved that, in accordance with Section 46 of the Council Procedural By-law, Motion J(28) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

- (a) Councillor Layton moved that Motion J(28) be amended by adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer be requested to submit a report to Council, through the Policy and Finance Committee, on any amendments to the Shareholder Direction for Toronto Hydro which might be appropriate in the procedures to be followed with respect to the acquisition of other municipal electric utilities.”

- (b) Councillor Pantalone moved that Motion J(28) be amended by adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT a joint committee of senior representatives of Toronto Hydro and the City of Toronto (including the City Forester and the City’s Tree Advocate) be formed, as soon as possible, to explore and report on further actions that will protect and enhance the urban forests.”

- (c) Councillor Disero moved that Motion J(28) be amended by adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT, having regard that City Council will be debating the matter of telecommunications at the June 7, 8 and 9, 2000 meeting of Council, Toronto Hydro be requested to submit a Five-Year Business Plan regarding telecommunications to the Committee meeting at which the City Telecommunications Strategy will be discussed, including strategic options prepared in consultation with the Chief Administrative Officer, and further, that the Chief Administrative Officer be requested to convene a meeting with the Telecommunications Steering Committee, the three Members of Council on the Toronto Hydro Board, and the Chair of Toronto Hydro.”

Votes:

Motion (a) by Councillor Layton carried.

Motion (b) by Councillor Pantalone carried.

Motion (c) by Councillor Disero carried.

Motion J(28), as amended, carried.

By its adoption of Motion J(28), as amended, Council received the confidential report dated May 9, 2000, from the Chief Financial Officer and Treasurer, as information, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information related the security of property interests of the municipality.

- 7.89 Councillor Layton moved that the necessary provisions of the Council Procedural By-law be waived to permit introduction and debate of the following Notice of Motion J(30), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Layton

Seconded by: Councillor Chow

“**WHEREAS** the Northern Legs Southern Fists KungFu and Lion Dance Association has won the right to represent Canada in the upcoming ‘Genting World Lion Dance Championship’, to be held on July 7, 8 and 9, 2000, in Malaysia; and

WHEREAS the Northern Legs Southern Fists KungFu and Lion Dance Association is a Toronto based-club established in 1995, under the guidance of Master Ian Chow; and

WHEREAS the lion is a highly significant symbol in Chinese culture and a well-known tradition in our City;

NOW THEREFORE BE IT RESOLVED THAT City Council congratulate the Northern Legs Southern Fists KungFu and Lion Dance Association, especially the members and families involved and the instructors, for their excellent achievement, and wish them well and good luck in the upcoming ‘Genting World Lion Dance Championship’ in Malaysia;

AND BE IT FURTHER RESOLVED THAT a letter of support expressing the pride and good wishes of Council and all the people of Toronto be sent to the Northern Legs Southern Fists KungFu and Lion Dance Association.”

Vote:

Motion J(30) was adopted, without amendment.

- 7.90 Councillor Pitfield gave notice of the following Motion to permit consideration by Council at its next regular meeting to be held on June 7, 8 and 9, 2000:

Moved by: Councillor Pitfield

Seconded by: Councillor Rae

“BE IT RESOLVED THAT the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on the feasibility of requiring any developer proposing to demolish any heritage building(s) to conduct an international design competition with respect to the replacement structure.”

- 7.91 *Deferral of Items Remaining on the Order Paper for this Meeting:*

Deputy Mayor Ootes proposed to Council that consideration of the following matters remaining on the Order Paper for this meeting of Council be deferred to the next regular meeting of City Council scheduled to be held on June 7, 8 and 9, 2000:

REPORT NO. 9 OF THE WORKS COMMITTEE

Clause No. 1 - “Toronto Integrated Solid Waste Resource Management (‘TIRM’) Process - Proven Diversion Capacity - Envelope 1 Informal Submissions”.

REPORT NO. 4 OF THE ETOBICOKE COMMUNITY COUNCIL

Clause No. 2 - “Designation of 40 km/h Speed Limit - Prince Edward Drive South of Bloor Street West and Edgevalley Drive/Edgehill Road”.

REPORT NO. 2 OF THE BOARD OF HEALTH

Clause No. 3 - “Venomous Snake”.

NOTICE OF MOTION

J(20) Moved by Councillor Duguid, seconded by Councillor Davis, respecting amendment to the quorum of the Task Force on Community Safety.

Council concurred in the proposal by Deputy Mayor Ootes.

BILLS AND BY-LAWS

- 7.92 On May 9, 2000, at 2:44 p.m., Councillor Berardinetti, seconded by Councillor Gardner, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws, which carried.

Bill No. 272	By-law No. 252-2000	To provide for the levy and collection of special charges for the year 2000 in respect of certain Business Improvement Areas.
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Bill No. 273	By-law No. 253-2000	To levy and collect taxes for school purposes for the year 2000 other than those levied before the adoption of the estimates, to impose a penalty charge for non-payment of 2000 taxes and to provide for interest to be added to tax arrears.
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- 7.93 On May 9, 2000, at 2:45 p.m., Councillor Disero, seconded by Councillor Palacio, 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, which carried:

Bill No. 307	By-law No. 254-2000	To confirm the proceedings of the Council at its meeting held on the 9th day of May, 2000.
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- 7.94 On May 9, 2000, at 7:27 p.m., Councillor Soknacki, seconded by Councillor Chow, 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. 308	By-law No. 255-2000	To confirm the proceedings of the Council at its meeting held on the 9th day of May, 2000,
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the vote upon which was taken as follows:

Yes - 30	
Councillors:	Berardinetti, Berger, Brown, Bussin, Chong, Chow, Disero, Duguid, Feldman, Giansante, Holyday, Jones, Kinahan, King, Korwin-Kuczynski, Layton, Lindsay Luby, Mahood, McConnell, Mihevc, Moeser, Nunziata, Ootes, Palacio, Pitfield, Prue, Rae, Soknacki, Valenti, Walker
No - 2	
Councillors:	Moscoe, Pantalone

Carried by a majority of 28.

- 7.95 On May 10, 2000, at 4:47 p.m., Councillor Soknacki, seconded by Councillor Layton, 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. 309	By-law No. 256-2000	To confirm the proceedings of the Council at its meeting held on the 9th and 10th days of May, 2000,
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the vote upon which was taken as follows:

Yes - 31 Councillors: Adams, Ashton, Augimeri, Balkissoon, Brown, Cho, Chow, Disero, Duguid, Giansante, Holyday, Johnston, Kelly, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, Mahood, Mammoliti, Moscoe, Nunziata, O'Brien, Ootes, Palacio, Pantalone, Pitfield, Rae, Saundercook, Soknacki, Tzekas, Valenti
No - 0

Carried, without dissent.

- 7.96 On May 10, 2000, at 8:01 p.m., Councillor Brown, seconded by Councillor Giansante, 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. 310	By-law No. 257-2000	To confirm the proceedings of the Council at its meeting held on the 9th and 10th days of May, 2000,
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the vote upon which was taken as follows:

Yes - 30 Mayor: Lastman Councillors: Altobello, Ashton, Berardinetti, Bossons, Brown, Bussin, Cho, Chong, Disero, Gardner, Giansante, Holyday, Johnston, Jones, Kelly, Kinahan, Li Preti, Lindsay Luby, Mahood, Mihevc, Minnan-Wong, O'Brien, Ootes, Palacio, Pantalone, Pitfield, Prue, Silva, Walker
No - 0

Carried, without dissent.

7.97 On May 11, 2000, at 6:03 p.m., Councillor Berardinetti, seconded by Councillor Gardner, 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. 249	By-law No. 258-2000	To amend Chapter 400 of the Toronto Municipal Code, the Traffic and Parking Code, a by-law of the former City of Toronto, respecting the designation of a private roadway at 800 King Street West and 208 Niagara Street as a fire route.
Bill No. 250	By-law No. 259-2000	To provide rewards for information leading to false fire alarm offence convictions.
Bill No. 251	By-law No. 260-2000	To impose fees and charges for services and activities performed or done by the Corporate Services Department and the Urban Development Services Department respectively in respect of Liquor Licence Applications.
Bill No. 252	By-law No. 261-2000	To amend By-law No. 5952, the Township of Scarborough Zoning By-law and By-law No. 15907, the Rouge Community Zoning By-law.
Bill No. 253	By-law No. 262-2000	To amend By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2000 as 323 Palmerston Boulevard.
Bill No. 254	By-law No. 263-2000	To amend By-law No. 912-1998, being "A By-law to authorize the erection, operation, use and maintenance of parking machines on the highways under the jurisdiction of the City of Toronto, including the setting of fee amounts or fee scales", to replace parking meters with parking machines in certain locations within the City of Toronto and to amend the rates, duration times and hours of operation of parking machines on streets under the jurisdiction of the City of Toronto.

Bill No. 255	By-law No. 264-2000	To amend City of North York By-law No. 7625 in respect of lands municipally known as 153 Doris Avenue and 77 to 95 Spring Garden Avenue.
Bill No. 256	By-law No. 265-2000	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 258	By-law No. 266-2000	To amend further By-law No. 92-93, a By-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York.
Bill No. 259	By-law No. 267-2000	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 260	By-law No. 268-2000	To amend further Metropolitan Toronto By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads.
Bill No. 261	By-law No. 269-2000	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 262	By-law No. 270-2000	To amend further Metropolitan Toronto By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads.
Bill No. 263	By-law No. 271-2000	To amend further By-law No. 92-93, a By-law "To regulate traffic on roads in the Borough of East York", being a by-law of the former Borough of East York.
Bill No. 264	By-law No. 272-2000	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.

Bill No. 265	By-law No. 273-2000	To amend further Metropolitan Toronto By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads.
Bill No. 266	By-law No. 274-2000	To establish certain lands as a municipal highway.
Bill No. 267	By-law No. 275-2000	To amend City of North York By-law No. 7625 in respect of lands municipally known as 12 McKee Avenue, 33 Doris Avenue and 21 Church Avenue.
Bill No. 268	By-law No. 276-2000	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Connolly Street, Duart Park Road, Gillard Avenue, Kew Beach Avenue, Latimer Avenue, Salem Avenue North, Sorauren Avenue, Victor Avenue.
Bill No. 269	By-law No. 277-2000	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 270	By-law No. 278-2000	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 271	By-law No. 279-2000	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 274	By-law No. 280-2000	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the south side of Tyre Avenue, north of Dundas Street West and east of Kipling Avenue municipally known 3, 5, 7, and 7a Tyre Avenue and the rear portions of 9 and 11 Tyre Avenue.

Bill No. 275	By-law No. 281-2000	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 276	By-law No. 282-2000	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 277	By-law No. 283-2000	To amend the former City of York By-law No. 2958-94, being a By-law "To regulate traffic on City of York Roads".
Bill No. 278	By-law No. 284-2000	To amend the former City of York By-law No. 196-84, being a By-law "To regulate traffic on City of York Roads".
Bill No. 279	By-law No. 285-2000	To temporarily close portions of the Don Valley Parkway and the Frederick G. Gardiner Expressway.
Bill No. 280	By-law No. 286-2000	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Fleet Street and Strachan Avenue.
Bill No. 281	By-law No. 287-2000	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Dovercourt Road, Gainsborough Road, Glenrose Avenue, Lane first north of Bloor Street West, Lawlor Avenue, Pacific Avenue, Paton Road, Ravina Crescent, Queen Street East, Vine Avenue.
Bill No. 282	By-law No. 288-2000	To exempt certain lands in the Clairlea Community, being certain lots within Plan of Subdivision 66M-2312 (formerly City of Scarborough), from the provisions of subsection 50(5) of the <u>Planning Act</u> .
Bill No. 283	By-law No. 289-2000	To amend By-law No. 10827, the Highland Creek Community By-law.

Bill No. 284	By-law No. 290-2000	To adopt Amendment No. 1044 of the Official Plan for the former City of Scarborough.
Bill No. 285	By-law No. 291-2000	To amend Scarborough Zoning By-law No. 9089, as amended, with respect to the Ionview Community.
Bill No. 286	By-law No. 292-2000	To adopt Amendment No. 1022 to the Official Plan for the former City of Scarborough.
Bill No. 287	By-law No. 293-2000	To adopt Amendment No. 1045 of the Official Plan for the former City of Scarborough.
Bill No. 288	By-law No. 294-2000	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Colbeck Street, Runnymede Road.
Bill No. 289	By-law No. 295-2000	To amend By-law No. 30518, as amended, of the former City of North York.
Bill No. 290	By-law No. 296-2000	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 291	By-law No. 297-2000	To amend By-law No. 31001 of the former City of North York as amended.
Bill No. 292	By-law No. 298-2000	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 293	By-law No. 299-2000	To amend By-law No. 30358, as amended, of the former City of North York.
Bill No. 294	By-law No. 300-2000	To amend By-law No. 31878, as amended, of the former City of North York.

Bill No. 295	By-law No. 301-2000	To amend City of North York By-law No. 7625 in respect of lands municipally known as 718 Sheppard Avenue West.
Bill No. 296	By-law No. 302-2000	To amend City of North York By-law No. 7625 in respect of lands municipally known as 74-78 Finch Avenue West.
Bill No. 297	By-law No. 303-2000	To adopt Amendment No. 78-2000 to the Official Plan of the Etobicoke Planning Area in order to implement a site-specific amendment affecting the lands located at the northeast corner of Lake Shore Boulevard and Brown's Line, municipally known as 3672 and 3730 Lake Shore Boulevard West.
Bill No. 298	By-law No. 304-2000	To amend Chapters 330 and 332 of the Etobicoke Zoning Code with respect to certain lands located at the north east corner of Lake Shore Boulevard West and Brown's Line municipally known as 3672 and 3730 Lake Shore Boulevard West (Long Branch).
Bill No. 299	By-law No. 305-2000	To adopt Amendment No. 19 to the Official Plan for the former Borough of East York respecting the lands located on the southeast corner of Dawes Road and Goodwood Park Court.
Bill No. 300	By-law No. 306-2000	To amend Restricted Area Zoning By-law No. 6752, as amended, of the former Township of East York respecting the lands located on the southeast corner of Dawes Road and Goodwood Park Court.
Bill No. 301	By-law No. 307-2000	To amend By-law 3387-79 of the former City of York, a by-law with respect to fire routes in the geographic area of former York.

Bill No. 302	By-law No. 308-2000	To adopt an amendment to Maps 1 and 1B and to Sections 18 and 19.7 of the Official Plan for the former City of Toronto respecting Yonge-St. Clair.
Bill No. 303	By-law No. 309-2000	To amend the General Zoning By-law No. 438-86, as amended, respecting certain lands in the Yonge-St. Clair Area.
Bill No. 304	By-law No. 310-2000	A By-law to allow for the inspection of the Asian Long-Horned Beetle and other alien forest pests on both public and private property.
Bill No. 305	By-law No. 311-2000	To amend By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2000 as 46 Lakeview Avenue,

the vote upon which was taken as follows:

Yes - 36	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Augimeri, Berardinetti, Berger, Brown, Cho, Chow, Davis, Disero, Duguid, Feldman, Gardner, Giansante, Holyday, Jones, Kelly, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Shiner, Silva, Soknacki, Walker
No - 0	

Carried, without dissent.

- 7.98 On May 11, 2000, at 6:03 p.m., Councillor Rae, seconded by Councillor Giansante, 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. 311	By-law No. 312-2000	To confirm the proceedings of the Council at its meeting held on the 9th, 10th and 11th days of May, 2000,
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the vote upon which was taken as follows:

Yes - 37
Mayor: Lastman
Councillors: Adams, Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Berger, Brown, Cho, Chow, Davis, Disero, Duguid, Feldman, Gardner, Giansante, Holyday, Jones, Kelly, Kinahan, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Minnan-Wong, Moscoe, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Shiner, Silva, Soknacki, Walker
No - 0

Carried, without dissent.

- 7.99 On May 11, 2000, at 6:05 p.m., Councillor Berardinetti, seconded by Councillor Gardner, moved that leave be granted to introduce Bill No. 257, which carried.

Motion:

Councillor Kinahan moved that consideration of Bill No. 257 be deferred until the next regular meeting of City Council, scheduled to be held on June 7, 8 and 9, 2000.

Votes:

Adoption of motion by Councillor Kinahan:

Yes - 12
Councillors: Adams, Augimeri, Balkissoon, Berger, Disero, Giansante, Jones, Kinahan, Layton, Lindsay Luby, Nunziata, Pantalone
No - 28
Mayor: Lastman
Councillors: Altobello, Ashton, Berardinetti, Brown, Cho, Chong, Chow, Davis, Duguid, Feldman, Gardner, Holyday, Johnston, Kelly, Korwin-Kuczynski, McConnell, Miller, Minnan-Wong, Moscoe, O'Brien, Ootes, Prue, Rae, Shiner, Silva, Soknacki, Walker

Lost by a majority of 16.

Upon the question, "Shall the following Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 257	By-law No. 313-2000	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the north side of Evans Avenue, east of Horner Avenue and municipally known as 290 Evans Avenue,
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the vote was taken as follows:

Yes - 30	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Berger, Brown, Cho, Chong, Chow, Disero, Duguid, Feldman, Gardner, Holyday, Johnston, Kelly, Korwin-Kuczynski, McConnell, Minnan-Wong, Moscoe, O'Brien, Ootes, Pantalone, Prue, Rae, Shiner, Silva, Soknacki, Walker
No - 10	
Councillors:	Adams, Augimeri, Davis, Giansante, Jones, Kinahan, Layton, Lindsay Luby, Miller, Nunziata

Carried by a majority of 20.

7.100 On May 11, 2000, at 6:09 p.m., Councillor Berardinetti, seconded by Councillor Gardner, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, which carried:

Bill No. 312	By-law No. 314-2000	To confirm the proceedings of the Council at its meeting held on the 9th, 10th and 11th days of May, 2000.
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The following Bill which appeared on the Bills Index was not adopted at this meeting:

Bill No. 306	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 Windermere Avenue from Bloor Street West to Annette Street by the installation of speed humps.
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OFFICIAL RECOGNITIONS:

7.101 Presentations/Introductions/Announcements:

May 9, 2000:

Councillor Miller, during the morning session of the meeting, introduced Mr. Francisco Ramirez Cuellar, President of the Colombian Mineworkers Union, accompanied by Mr. Bill Fairbairn of the Canadian Inter-Church Committee on Human Rights in Latin America, present at the meeting, and in Toronto to raise awareness of the human rights situation in Colombia and Bolivar. Councillor Miller urged Members of Council to sign a letter this regard, to Canada's Foreign Affairs Minister and Canada's Ambassador in Colombia.

Councillor Berardinetti, during the morning session of the meeting, introduced the students of Jean Vanier Catholic Secondary School, present at this meeting.

Councillor Miller, during the morning session of the meeting, introduced the students of The Student School, present at this meeting.

Mayor Lastman, during the morning session of the meeting, introduced the students of Buchanan Public School, present at this meeting.

Mayor Lastman, during the afternoon session of the meeting, introduced the students of Aldebrain LINC Centre, present at this meeting.

Mayor Lastman, during the afternoon session of the meeting, invited Mr. Al Davidson, from Wildlife Habitat Canada, to the podium. Mr. Davidson addressed the Council and presented to Mayor Lastman and Councillor Pantalone, the City's Tree Advocate, a forest stewardship award in recognition of the City's naturalization program, and the efforts of the City's Environment and Horticulture Section in this regard.

Mayor Lastman, during the afternoon session of the meeting, proclaimed May 6 to 12, 2000, as "Youth Week" in the City of Toronto, and invited Councillor Chow, the City's Child and Youth Advocate, together with members of the Toronto Youth Cabinet to the podium. Councillor Chow presented the proclamation, recognizing the achievements and contributions of the City's youth, to Mr. Kevin King, Chair of the Toronto Youth Cabinet, who addressed Council in this regard.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced a delegation visiting Toronto from the Suzhou Vocational College in China, present at this meeting. Deputy Mayor Ootes welcomed Ms. Xu Jain, Vice President, Mr. Pang Xueliang, Dean, Department of Applied and Foreign Languages, Mr. Jaing Jinsheng, Vice Dean, Department of Industrial and Commercial Management, Mr. Wang Weilin, Vice Dean, Department of Mechanical Engineering, and Mr. Wong, from George Brown College, accompanying the delegation.

May 10, 2000:

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

Mayor Lastman, during the morning session of the meeting, called upon Councillor King, Chair of the TaxiWatch Committee, to address Council regarding the TaxiWatch Program and the Driver of the Year awards. Councillor King introduced the award recipients, Mr. Nur Alam, East End Taxi, Second Runner-Up Driver of the Year; Mr. Solomon Opaleye, Co-op Cabs, First Runner-Up Driver of the Year; and Mr. Mohammad Nematian-Zaroor, Co-op Cabs, Driver of the Year. Councillor King outlined the emergency situations in which the recipients of the awards had been involved and commended them for their heroic actions. Mayor Lastman, Councillor King and Mr. James Ridge, Executive Director, Municipal Licensing and Standards, presented the TaxiWatch Program Awards, and extended an invitation to the Members of Council to attend a luncheon in the Members' Lounge to recognize the award recipients.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the Grade 5 students of Greenland Public School, present at this meeting.

7.102 MOTIONS TO VARY PROCEDURE

Vary the order of the proceedings of Council:

Councillor Chow on May 9, 2000, at 10:02 a.m., moved that Council vary the order of its proceedings to consider Notice of Motion J(13), moved by Mayor Lastman, seconded by Councillor Pantalone, respecting Rave parties held on City-owned property, at 2:30 p.m. on May 10, 2000, which was carried.

Councillor Chow on May 9, 2000, at 10:05 a.m., moved that Council vary the order of its proceedings to consider Notice of Motion F, moved by Councillor Walker, seconded by Councillor Silva, respecting a public referendum as part of the 2000 municipal election, immediately following consideration of Motion J(13) on May 10, 2000, which was carried.

Councillor Soknacki on May 11, 2000, at 9:45 a.m., moved that Council vary the order of its proceedings to now consider Notice of Motion J(24), moved by Councillor McConnell, seconded by Councillor Ashton, respecting confidential communications from the Board of Directors of TEDCO related to the lease provided to Sevendon Holdings Limited, to be followed by consideration of Notice of Motion F, moved by Councillor Walker, seconded by Councillor Silva, respecting a public referendum as part of the 2000 municipal election, which was carried.

Mayor Lastman on May 11, 2000, at 2:18 p.m., moved that Council vary the order of its proceedings to now consider a presentation by Mayor Lastman, Mr. Patrick Moyle, Executive Director, Association of Municipalities of Ontario, the Chief Administrative Officer and the Chief Financial Officer and Treasurer, in response to the communication dated May 10, 2000, addressed to the Mayor, from the Premier of Ontario, with respect to provincial downloading, which was carried.

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

May 10, 2000:

Councillor Kelly, at 7:26 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 continue in session until 7:45 p.m., in order to conclude the in-camera questioning of staff by Members of Council in regard to Clause No. 2 of Report No. 11 of The Administration Committee, headed "Salary Range for the Position of Chief Administrative Officer", which was carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Ootes, at 7:43 p.m., proposed that Council waive its previous decision to adjourn at 7:45 p.m., and that Council continue in session until 7:55 p.m., in order to conclude consideration of Clause No. 2 of Report No. 11 of The Administration Committee, headed "Salary Range for the Position of Chief Administrative Officer", which was carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Johnston, at 7:53 p.m., moved that Council waive its previous decision to adjourn at 7:55 p.m., in order to conclude consideration of Clause No. 2 of Report No. 11 of The Administration Committee, headed "Salary Range for the Position of Chief Administrative Officer", which was carried, more than two-thirds of Members present having voted in the affirmative.

May 11, 2000:

Councillor Moeser, at 12:25 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 Notice of Motion J(22), moved by Councillor Giansante, seconded by Councillor Lindsay Luby, respecting the upcoming Ontario Municipal Board Hearing pertaining to the appeal by Outlook Investments and Developments Limited on the City of Toronto's refusal to permit a development on the former Michael Power High School site, which was carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Ootes, at 5:52 p.m., moved that, in accordance with subsection 11(8) of the Council Procedural By-law, Council waive the requirement of the 6:00 p.m. recess, and that Council continue in session until 6:15 p.m., the vote upon which was taken as follows:

Yes - 27	
Mayor:	Lastman
Councillors:	Adams, Altobello, Ashton, Balkissoon, Berardinetti, Brown, Chow, Davis, Disero, Duguid, Gardner, Giansante, Holyday, Jones, Kinahan, Korwin-Kuczynski, Lindsay Luby, Minnan-Wong, Nunziata, O'Brien, Ootes, Pantalone, Prue, Rae, Shiner, Soknacki
No - 10	
Councillors:	Augimeri, Berger, Cho, Feldman, Johnston, Kelly, Layton, Moscoe, Silva, Walker

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

7.103 ATTENDANCE

Councillor Giansante, seconded by Councillor Rae, moved that the absence of Councillors Jakobek and Shaw from this meeting of Council be excused, which was carried.

May 9, 2000	9:45 a.m. to 12:30 p.m.*	Roll Call 11:50 a.m.	2:11 p.m. to 5:50 p.m.*	Ctte. of the Whole in-Camera 5:55 p.m.*	6:43 p.m. to 7:28 p.m.*
Lastman	x	x	x	x	-
Adams	x	x	x	-	-
Altobello	x	x	x	x	x
Ashton	x	x	x	x	-
Augimeri	x	x	x	x	x
Balkissoon	x	-	x	x	-
Berardinetti	x	x	x	x	x
Berger	x	x	x	x	x
Bossons	x	x	x	-	-
Brown	x	-	x	x	x
Bussin	x	x	x	x	x
Cho	x	x	x	-	-
Chong	-	-	x	x	x

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May 9, 2000	9:45 a.m. to 12:30 p.m.*	Roll Call 11:50 a.m.	2:11 p.m. to 5:50 p.m.*	Ctte. of the Whole in-Camera 5:55 p.m.*	6:43 p.m. to 7:28 p.m.*
Chow	x	x	x	x	x
Davis	x	x	x	-	-
Disero	x	x	x	x	x
Duguid	x	x	x	x	x
Feldman	x	-	x	x	x
Filion	x	x	x	-	-
Flint	x	x	x	x	x
Gardner	x	x	x	-	-
Giansante	x	x	x	x	x
Holyday	x	x	x	x	x
Jakobek	-	-	-	-	-
Johnston	x	-	x	-	-
Jones	x	x	x	x	x
Kelly	x	x	x	-	-
Kinahan	x	x	x	x	x
King	x	x	x	x	x
Korwin-Kuczynski	x	x	x	x	x
Layton	x	x	x	x	x
Lindsay Luby	x	x	x	x	x
Li Preti	x	x	x	x	x
Mahood	x	-	x	x	x
Mammoliti	x	-	x	x	x
McConnell	x	-	x	x	x
Mihevc	x	x	x	x	x
Miller	x	x	x	x	x
Minnan-Wong	x	-	x	-	x
Moeser	x	x	x	x	x
Moscoe	x	-	x	x	x
Nunziata	x	x	x	x	x

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May 9, 2000	9:45 a.m. to 12:30 p.m.*	Roll Call 11:50 a.m.	2:11 p.m. to 5:50 p.m.*	Ctte. of the Whole in-Camera 5:55 p.m.*	6:43 p.m. to 7:28 p.m.*
O'Brien	x	x	-	-	-
Ootes	x	x	x	x	x
Palacio	x	x	x	x	x
Pantalone	x	x	x	x	x
Pitfield	x	x	x	x	x
Prue	x	x	x	x	x
Rae	x	x	x	x	x
Saundercook	x	x	x	x	-
Shaw	-	-	-	-	-
Shiner	x	x	x	-	-
Silva	x	x	x	x	x
Sinclair	-	-	x	-	-
Soknacki	x	x	x	x	x
Tzekas	-	-	x	x	-
Valenti	x	-	x	x	x
Walker	x	-	x	x	x
Total	53	42	55	44	40

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

May 10, 2000	Roll Call 9:46 a.m.	9:43 a.m. to 12:30 p.m.*	Roll Call 11:40 a.m.	Roll Call 2:16 p.m.	2:16 p.m. to 7:00 p.m.*
Lastman	-	x	-	-	x
Adams	-	-	-	-	x
Altobello	x	x	x	x	x
Ashton	x	x	x	x	x
Augimeri	-	x	-	-	x
Balkissoon	x	x	-	x	x
Berardinetti	-	x	x	x	x
Berger	x	x	x	x	x
Bossons	x	x	x	x	x

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May 10, 2000	Roll Call 9:46 a.m.	9:43 a.m. to 12:30 p.m.*	Roll Call 11:40 a.m.	Roll Call 2:16 p.m.	2:16 p.m. to 7:00 p.m.*
Brown	-	-	-	x	x
Bussin	x	x	x	-	x
Cho	x	x	-	x	x
Chong	x	x	x	-	x
Chow	x	x	x	x	x
Davis	-	-	-	x	x
Disero	x	x	x	x	x
Duguid	x	x	x	x	x
Feldman	x	x	x	x	x
Filion	-	-	-	x	x
Flint	-	x	x	x	x
Gardner	-	x	x	x	x
Giansante	-	x	x	x	x
Holyday	x	x	x	x	x
Jakobek	-	-	-	-	-
Johnston	x	x	x	x	x
Jones	x	x	x	x	x
Kelly	-	x	-	-	x
Kinahan	x	x	x	x	x
King	x	x	x	x	x
Korwin-Kuczynski	x	x	x	-	x
Layton	x	x	x	-	x
Lindsay Luby	x	x	x	x	x
Li Preti	x	x	-	x	x
Mahood	x	x	-	x	x
Mammoliti	x	x	x	x	x
McConnell	-	x	x	x	x
Mihevc	-	x	x	-	x
Miller	x	x	-	x	x
Minnan-Wong	-	x	-	x	x

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May 10, 2000	Roll Call 9:46 a.m.	9:43 a.m. to 12:30 p.m.*	Roll Call 11:40 a.m.	Roll Call 2:16 p.m.	2:16 p.m. to 7:00 p.m.*
Moeser	x	x	x	-	x
Moscoe	-	x	-	x	x
Nunziata	x	x	x	x	x
O'Brien	x	x	x	x	x
Ootes	x	x	x	x	x
Palacio	x	x	x	x	x
Pantalone	x	x	-	x	x
Pitfield	x	x	x	x	x
Prue	x	x	x	x	x
Rae	-	x	x	-	x
Saundercook	x	x	x	-	x
Shaw	-	-	-	-	-
Shiner	x	x	x	x	x
Silva	x	x	x	x	x
Sinclair	-	-	-	x	x
Soknacki	x	x	x	x	x
Tzekas	-	x	-	-	x
Valenti	x	x	x	-	x
Walker	x	x	x	x	x
Total	38	51	39	42	56

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

May 10, 2000	Roll Call 4:30 p.m.	Roll Call 4:46 p.m.	Roll Call 5:49 p.m.	Ctte. of the Whole in-camera 7:05 p.m.*	7:55 p.m. to 8:02 p.m.*
Lastman	x	-	-	x	x
Adams	x	x	x	-	-
Altobello	-	-	-	x	x
Ashton	x	x	x	x	x
Augimeri	x	x	x	-	-
Balkissoon	x	x	x	-	-

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 May 9, 10 and 11, 2000

May 10, 2000	Roll Call 4:30 p.m.	Roll Call 4:46 p.m.	Roll Call 5:49 p.m.	Ctte. of the Whole in-camera 7:05 p.m.*	7:55 p.m. to 8:02 p.m.*
Berardinetti	-	-	-	x	x
Berger	-	-	-	-	-
Bossons	-	-	-	x	x
Brown	x	x	x	x	x
Bussin	x	x	x	x	x
Cho	-	x	x	x	x
Chong	-	x	-	x	x
Chow	-	x	x	x	x
Davis	x	-	x	-	-
Disero	x	x	x	x	x
Duguid	x	x	x	x	x
Feldman	-	-	-	-	-
Filion	x	-	x	x	x
Flint	-	-	-	x	x
Gardner	-	-	-	x	x
Giansante	x	x	x	x	x
Holyday	x	x	x	x	x
Jakobek	-	-	-	-	-
Johnston	x	x	x	x	x
Jones	x	-	-	x	x
Kelly	-	x	-	x	x
Kinahan	x	x	x	x	x
King	-	-	x	x	x
Korwin-Kuczynski	x	x	x	x	x
Layton	x	x	x	x	x
Lindsay Luby	x	x	x	x	x
Li Preti	-	-	-	x	x
Mahood	x	x	x	x	x
Mammoliti	x	-	-	-	-
McConnell	-	-	-	-	-

Minutes of the Council of the City of Toronto
May 9, 10 and 11, 2000

May 10, 2000	Roll Call 4:30 p.m.	Roll Call 4:46 p.m.	Roll Call 5:49 p.m.	Ctte. of the Whole in-camera 7:05 p.m.*	7:55 p.m. to 8:02 p.m.*
Mihevc	-	x	x	x	x
Miller	-	-	-	-	-
Minnan-Wong	-	-	-	x	x
Moeser	x	-	x	-	-
Moscoe	-	x	x	x	x
Nunziata	x	x	x	-	-
O'Brien	-	-	x	x	x
Ootes	x	x	x	x	x
Palacio	x	x	x	x	x
Pantalone	x	x	x	x	x
Pitfield	x	x	x	x	x
Prue	-	-	x	x	x
Rae	x	x	-	x	x
Saundercook	x	x	x	-	-
Shaw	-	-	-	-	-
Shiner	x	-	-	-	-
Silva	-	-	x	x	x
Sinclair	-	-	-	-	-
Soknacki	x	x	x	x	x
Tzekas	-	x	x	-	-
Valenti	x	x	x	x	x
Walker	x	-	x	x	x
Total	33	32	37	41	41

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

Minutes of the Council of the City of Toronto
 May 9, 10 and 11, 2000

May 11, 2000	Roll Call 9:45 a.m.	9:45 a.m. to 9:58 a.m.*	Ctte. of the Whole in-camera 10:05 a.m. to 12:30 p.m.*	Roll Call 2:13 p.m.	2:13 p.m. to 6:09 p.m.*	Roll Call 5:00 p.m.
Lastman	x	x	x	x	x	-
Adams	x	x	x	x	x	x
Altobello	x	x	x	x	x	x
Ashton	x	x	x	x	x	x
Augimeri	x	x	x	x	x	x
Balkissoon	x	x	x	x	x	x
Berardinetti	x	x	x	-	x	x
Berger	x	x	x	x	x	x
Bossons	x	x	x	-	x	-
Brown	-	-	-	x	x	x
Bussin	x	x	x	x	x	x
Cho	x	x	x	x	x	x
Chong	x	x	x	-	x	x
Chow	x	x	x	-	x	x
Davis	x	x	-	-	x	x
Disero	x	x	x	x	x	x
Duguid	x	x	x	x	x	x
Feldman	x	x	x	x	x	-
Filion	-	-	x	x	x	-
Flint	-	-	x	x	x	-
Gardner	-	-	x	-	x	-
Giansante	x	x	x	x	x	-
Holyday	x	x	x	x	x	x
Jakobek	-	-	-	-	-	-
Johnston	x	x	x	-	x	x
Jones	x	x	x	x	x	x
Kelly	-	-	x	x	x	x
Kinahan	x	x	x	x	x	-

Minutes of the Council of the City of Toronto
May 9, 10 and 11, 2000

May 11, 2000	Roll Call 9:45 a.m.	9:45 a.m. to 9:58 a.m.*	Ctte. of the Whole in-camera 10:05 a.m. to 12:30 p.m.*	Roll Call 2:13 p.m.	2:13 p.m. to 6:09 p.m.*	Roll Call 5:00 p.m.
King	-	-	-	-	-	-
Korwin-Kuczynski	x	x	-	x	x	-
Layton	-	x	x	-	x	x
Lindsay Luby	x	x	x	x	x	x
Li Preti	x	x	x	x	x	-
Mahood	-	-	-	-	-	-
Mammoliti	x	x	x	x	x	-
McConnell	-	x	x	x	x	x
Mihevc	x	x	x	x	x	x
Miller	-	-	x	x	x	-
Minnan-Wong	-	-	x	-	x	-
Moeser	x	x	x	-	x	-
Moscoe	x	x	x	x	x	-
Nunziata	x	x	x	x	x	x
O'Brien	x	x	x	-	x	x
Ootes	x	x	x	x	x	x
Palacio	x	x	x	x	x	-
Pantalone	x	x	x	x	x	x
Pitfield	x	x	x	x	x	-
Prue	x	x	x	x	x	x
Rae	x	x	x	-	x	-
Saundercook	x	x	x	x	x	-
Shaw	-	-	-	-	-	-
Shiner	x	x	x	x	x	-
Silva	x	x	x	-	x	x
Sinclair	-	-	-	-	-	-
Soknacki	x	x	x	x	x	-
Tzekas	-	-	x	-	x	-
Valenti	x	x	x	x	x	-

Minutes of the Council of the City of Toronto
 May 9, 10 and 11, 2000

May 11, 2000	Roll Call 9:45 a.m.	9:45 a.m. to 9:58 a.m.*	Ctte. of the Whole in-camera 10:05 a.m. to 12:30 p.m.*	Roll Call 2:13 p.m.	2:13 p.m. to 6:09 p.m.*	Roll Call 5:00 p.m.
Walker	x	x	x	-	x	x
Total	43	45	50	38	53	30

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

MEL LASTMAN,
 Mayor

NOVINA WONG,
 City Clerk

ATTACHMENT NO. 1

Report dated May 2, 2000, from the City Solicitor, advising of the legal implications of Notice of Motion I. (See Minute No. 7.63, Page 92.):

Purpose:

To advise Council of the legal implications of Councillor Moscoe's Motion.

Financial Implications and Impact Statement:

There are no immediate financial implications associated with this report.

Recommendation:

It is recommended that this report be received for information.

Background:

On April 26, 2000, Councillor Moscoe filed a Notice of Motion respecting the findings of an Investigation Report by the Assistant Information and Privacy Commissioner, Tom Mitchinson, dated October 28, 1998. In his report, the Assistant Commissioner concluded that prior to amalgamation the disclosure of personal information to Councillors in the former municipalities was not in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). In his Motion, Councillor Moscoe recommends that Council appeal the decision of the Assistant Privacy Commissioner and that pending the appeal, Councillors continue to be provided access to personal information that they deem necessary to provide service to constituents. Councillor Moscoe's Motion also requests an amendment to the privacy legislation which would allow Councillors greater access to personal information in the custody of the City.

Comments:

The Municipal Freedom of Information and Protection of Privacy Act established a set of statutory obligations for promoting access to records in the custody of and under the control of municipalities, and the protection of privacy of individuals whose personal information is held by municipalities.

Personal information is broadly defined in MFIPPA and means recorded information about an identifiable individual including information relating to financial transactions, the address and telephone number of the individual and the individual's name if it appears with other personal information relating to the individual.

Under the Act, the City cannot disclose personal information unless it falls within one of several specific exemptions prescribed in section 32 of the Act. MFIPPA permits the disclosure of personal information to an officer or employee of an institution who needs the

information in the performance of his or her duties and if the disclosure is necessary and proper in the discharge of the institution's functions.

Case law and privacy commission orders support the position that Councillors are not officers or servants of the Corporation in the same sense as municipal civil servants. Further, the court has stated that "s. 32(d) requires more than mere interest and concern on the part of councillors" to satisfy the 'need and necessity' test.

IPC Privacy Investigation Report MC-980018-1 was initiated in response to a complaint that Councillors were provided with access to citizen's names, addresses, amounts paid for their homes and amounts of downpayments. I understand that additional information including existing mortgages, seniors' tax deferral information and parking tag information (names, addresses and plate numbers) has either been provided to or previously requested by Councillors.

I am of the view that this information falls within the definition of personal information for the purposes of MFIPPA and further that it has not been created and maintained for the purpose of creating a record that is available to the general public. I concur with the findings of the Assistant Privacy Commissioner that the disclosure of this type of information to councillors, without the consent of the individuals to whom the information relates, is contrary to the disclosure provisions of the Act. In a letter dated May 2, 2000, to His Worship Mayor Lastman, the Information and Privacy Commissioner expresses her concern and opposition to Councillor Moscoe's motion and states that if the motion is adopted by Council it would contravene MFIPPA. A copy of the Commissioner's letter is attached to this report.

It is an offence under MFIPPA to wilfully disclose personal information in contravention of the Act. Every person who does so is guilty of an offence and on conviction is liable to a fine not exceeding \$5,000.00. If Councillor Moscoe's motion is adopted, City staff would be placed in a position of disclosing personal information to Councillors that is in direct contravention of the IPC's recommendations. It is my opinion this would also contravene MFIPPA and would put staff in a position of breaching provincial legislation and possibly being convicted of an offence.

There is also a body of case law known as misfeasance in public office. Recently (1999) the court considered a situation where a public officer took an action without legal authority, knowing there was no legal authority and foreseeing that the action would cause harm to the plaintiff. The plaintiff was awarded \$5,000.00 in compensatory damages and \$50,000.00 in punitive damages to persuade the defendant from acting "in such a high handed, arrogant and dishonest way".

Conclusions:

I concur with the conclusions in the IPC Privacy Investigation Report dated October 28, 1998, regarding the disclosure of personal information to Councillors. I am of the opinion that if staff are required to provide Councillors with personal information of the type

referred to in the Investigation Report the disclosure of the information could result in a finding that staff have committed an offence under the Act. The disclosure could also result in a finding of fault against the City and/or City staff in a civil action.

Contact:

Jane Speakman
Solicitor
Telephone: 392-1563
Fax: 392-1017

(A copy of the communication dated May 2, 2000, from the Commissioner, Information and Privacy/Ontario, referred to in the foregoing report, is on file in the office of the City Clerk.)

ATTACHMENT NO. 2

Communication dated May 3, 2000, from the City Clerk, forwarding the recommendation of the Scarborough Community Council pertaining to Notice of Motion I. (See Minute No. 7.63, Page 92.):

Recommendation:

The Scarborough Community Council recommends that Council consider the communication (April 26, 2000) from Councillor Moeser regarding the Freedom of Information issue, in conjunction with the Notice of Motion presented to Council by Councillor Moscoe and Councillor Soknacki on May 9, 2000.

Background:

The Scarborough Community Council on May 2, 2000, had before it a communication (April 26, 2000) from Councillor Moeser providing a copy of the communication (March 30, 2000) from the East District Manager, Municipal Licensing and Standards, advising that Scarborough Councillors will no longer be receiving Notices of Violation and other By-law Notification letters as this practice has been deemed a breach of the Municipal Freedom of Information and Protection of Privacy Act; and a copy of the e-mail (April 11, 2000) from Councillor Moscoe to the Director, Corporate Access and Privacy, respecting Teela listings, and the Director's response thereto, together with a memorandum (July 5, 1999) from the City Clerk to Councillor Altobello, respecting Mailing Lists and Labels, and requesting that the Community Council consider these matters.

(A copy of the following documents, referred to in the foregoing communication, are on file in the office of the City Clerk:

- (i) (April 26, 2000) communication from Councillor Moeser;
- (ii) (March 30, 2000) communication from the East District Manager, Municipal Licensing and Standards;
- (iii) (April 11, 2000) e-mail from Councillor Moscoe to the Director, Corporate Access and Privacy;
- (iv) (April 11, 2000) response from the Director, Corporate Access and Privacy; and
- (v) (July 5, 1999) memorandum from the City Clerk, addressed to Councillor Altobello.)

ATTACHMENT NO. 3

Report dated May 9, 2000, from the Chief Financial Officer and Treasurer, entitled "2000 Education Tax Levy and 2000 BIA Levy", submitted with respect to Notice of Motion J(2). (See Minute No. 7.65, Page 96.):

Purpose:

The purpose of this report is to provide information on the education tax rates and to obtain authority for the adoption of by-laws for the levy and collection of taxes for education purposes for the 2000 taxation year other than those levied before the adoption of the estimates, to impose a penalty charge for non-payment of taxes, to provide for interest to be added to tax arrears, and for the levying of a special charge for 2000 for certain Business Improvement Areas (BIAs). On April 26, 2000, Council approved the 2000 tax levy by-law for municipal purposes.

Financial Implications:

The 2000 education rates for the residential and multi-residential classes remain as in 1999. However, in accordance with the provincial announcement of May 1998, the education tax cuts for commercial and industrial properties in the City of Toronto are estimated to be approximately \$47 million in 2000 with resultant education tax rates of 3.9595 percent for commercial properties and 5.1507 percent for industrial properties.

Business Improvement Area budgets are raised by a special levy on members and no City funding is required.

Recommendations:

It is recommended that:

- (1) the levy and collection of taxes for the 2000 taxation year for education purposes, the collection of taxes for 2000 other than those levied under By-law No. 887-1999, the imposition of a penalty charge for non-payment of 2000 taxes, and the provision of interest to be added to tax arrears be authorized;
- (2) the levy and collection of a special charge for 2000 for the following Business Improvement Areas be authorized: Bloorcourt Village, Bloor West Village, Bloor-Yorkville, Corso Italia, Danforth by the Valley, Eglinton Way, Elm Street, Forest Hill Village, Gerrard Indian Bazaar, Harbord Street, Hillcrest Village, Junction Gardens, Kennedy Road, Kingsway, Lakeshore Village, Little Italy, Mimico Village, Old Cabbagetown, Pape Village, Queen/Broadview Village, Roncesvalles Village, St. Lawrence Neighbourhood, Upper Village (Toronto), York-Eglinton; Village of Weston; Bloor/Bathurst-Madison, Bloordale Village, Greektown on the Danforth and Keele-Eglinton; and

- (3) authority be granted for the introduction of the necessary bills in Council to levy taxes for education purposes for 2000 and for special charges for BIAs, in the form or substantially in the form of the draft by-laws attached hereto.

Background:

At its meeting held on April 11, 12 and 13, 2000, Council gave consideration to a report from the Chief Financial Officer and Treasurer (March 24, 2000) which recommended the following:

- (1) Council request the Minister of Finance to file the three regulations with respect to the setting of property tax rates for school purposes for 2000 for the City of Toronto prior to April 26, 2000; and
- (2) in the event that the Minister of Finance fails to pass the required regulations by the due date specified above, the Provincial Government be requested to commit to financial reimbursement to the City of all the costs incurred for every month of delay in providing the education rates.

At the Policy and Finance Committee meeting of April 18, 2000, the Chief Financial Officer and Treasurer reported that the required regulations had not been filed and requested authority to report directly to Council on April 26, 2000, with respect to the tax levy by-law and special charge by-law for certain BIAs.

As of April 26, 2000, the provincial government had not provided any information in regards to the education rates for the year. An announcement was expected at the time of the Provincial Budget scheduled for May 2, 2000. As such, Council adopted a tax levy by-law for municipal purposes only and directed staff to report directly to Council on May 9, 2000, with respect to the tax levy by-law for education purposes and the special charge by-law for certain BIAs.

This report provides information on the tax rates set by the Province for education purposes.

Comments:

On May 2, 2000, as part of the 2000 Ontario Budget, the provincial government did not announce any new changes to the education tax rates. However, the government did indicate that it is still committed to reducing the education tax rate for residential and multi-residential properties by an additional 10 percent over five years. In 1999, the education rate was reduced by 10 percent from the prior year.

In 1999, the commercial and industrial education rates were reduced from the prior year to 4.0914 percent and 5.5208 percent respectively. In 2000, consistent with the announcement of May 1998, these rates will be further reduced by 3.22 percent and 6.7 percent respectively. This results in 2000 education rates of 3.9595 percent for commercial properties and 5.1507 percent for industrial properties.

Regulations are expected to be filed shortly to give effect to these decisions.

2000 Education Tax Rates:

(a) Residential and Multi-Residential:

As stated above, the education rates for residential and multi-residential properties have not changed from 1999 and will therefore remain at 0.414 percent. The 2000 education tax rate for the farmlands and managed forests property classes will also not change and will remain at 0.1035 percent.

(b) Commercial and Industrial:

The 1998 Ontario Budget set out the proposed commercial and industrial education tax cuts for those municipalities whose tax rates are above the provincial average. The education tax cuts for commercial and industrial properties in the City of Toronto was estimated to be \$50 million per year for eight years, totalling \$400 million by 2005.

Section 257.12.2 of the *Education Quality Improvement Act, 1997*, provided that the education tax rates for the commercial and industrial property classes are to be no greater than 3.3 percent starting in 2005 and thereafter. This section also contains rules for the calculation of education tax rates for the years after 1998 and before 2005 for municipalities whose rates are at or below 3.3 percent and for those with tax rates above 3.3 percent.

Being above 3.3 percent, subsection 257.12.2 (5) is applicable to the City. Calculations in accordance with subsection 257.12.2 (5) produce resultant tax rates of 3.9595 percent for commercial properties and 5.1507 percent for industrial properties.

Under subsection 257.12.2 (1), the Minister of Finance must prescribe these tax rates for school purposes through a regulation.

As compared to 1998 education tax rates, the 2000 education tax rates represent a 6.2 percent and 12.6 percent reduction for the commercial class and industrial class, respectively. Using the 1998 assessment as a base, the new rates produce an effective 2000 reduction of \$35.0 million for commercial properties and \$11.9 million for industrial properties, totalling \$46.9 million as compared to \$47.1 million for 1999 and \$51.36 million for 1998. Table 1 shows the comparison of education tax reductions:

Table 1: Business Education Tax Levy Comparison

Property Class	1997 Adjusted Education Taxes (000,000)	1998 CVA (000,000)	Business Education Tax Levies Comparison Based on 1998 CVA (000,000)		
			1998	1999	2000
Commercial	\$ 1,161.8	\$ 27,922.5	\$ 1,222.9	\$ 1,087.8	\$ 1,052.8
Industrial	\$ 202.8	\$ 3,566.7	\$ 190.3	\$ 178.3	\$ 166.4
Total	\$ 1,364.6	\$ 31,489.2	\$ 1,313.2	\$ 1,266.1	\$ 1,219.2

Special Charges for BIA's

As noted in the report from the Chief Financial Officer and Treasurer dated April 14, 2000, budgets for the following Business Improvement Areas were adopted by Council at its meetings of February 1 and February 29, 2000: Bloorcourt Village, Bloor West Village, Bloor Yorkville, Corso Italia, Danforth by the Valley, Eglinton Way, Elm Street, Forest Hill Village, Gerrard Indian Bazaar, Harbord Street, Hillcrest Village, Junction Gardens, Kennedy Road, Kingsway, Lakeshore Village, Little Italy, Mimico Village, Old Cabbagetown, Pape Village, Queen/Broadview Village, Roncesvalles Village, St. Lawrence Neighbourhood, Upper Village (Toronto), York- Eglinton and Village of Weston.

As it is expected that Council will approve budgets for the Bloor/Bathurst-Madison, Bloordale Village, Greektown on the Danforth and Keele-Eglinton BIAs on May 9, 2000, the rates for these BIAs as well as those BIAs set out above are reflected in the attached special charges draft by-law.

Conclusion:

This report recommends approval of the tax levy by-law for education purposes and the special charges by-law for various BIAs. Authority to introduce the necessary bills in Council is also requested.

The tax levy by-law for municipal purposes was approved at the April 26, 2000, Council meeting. Approval of these by-laws will enable the Revenue Services Division, Finance Department to prepare and finalize the 2000 final property tax bill.

Contact Names:

Giuliana Carbone, 392-8065
Carmela Romano, 395-6730

(The draft by-laws, referred to in the foregoing report, are on file in the office of the City Clerk.)

ATTACHMENT NO. 4

Communication dated May 5, 2000, from the City Clerk, forwarding the actions of the Board of Health AIDS Prevention Program Grants Review Panel with respect to Rave parties held on City-owned property, for consideration with Notice of Motion J(13). (See Minute No. 7.76, Page 110.):

At its meeting on May 4, 2000, the Board of Health AIDS Prevention Program Grants Review Panel, in reviewing applications for funding, requested its Co-Chair to:

- urge Members of Council not to support any ban on rave events held in public facilities in the City of Toronto;
- continue to support the development of appropriate harm reduction strategies as alternatives; and
- reaffirm the formal protocols established for the safe regulation of rave/dance events which was unanimously adopted by City Council at its meeting on December 14, 15 and 16, 1999.

The foregoing motion is forwarded to you for City Council's attention on May 9, 2000.

ATTACHMENT NO. 5

Communication dated May 8, 2000, from the City Clerk, forwarding the actions of the Board of Health Drug Abuse Prevention Program Grants Review Panel with respect to Rave parties held on City-owned property, for consideration with Notice of Motion J(13). (See Minute No. 7.76, Page 110.):

At its meeting on May 8, 2000, the Board of Health Drug Abuse Prevention Program Grants Review Panel, in reviewing applications for funding, requested its Co-Chair to:

- urge Members of Council not to support any ban on rave events held in public facilities in the City of Toronto;
- continue to support the development of appropriate harm reduction strategies as alternatives; and
- reaffirm the formal protocols established for the safe regulation of rave/dance events which was unanimously adopted by City Council at its meeting on December 14, 15 and 16, 1999.

The foregoing motion, also endorsed by the 2000 AIDS Grants Review Panel, is forwarded to you for City Council's attention on May 9, 2000.

ATTACHMENT NO. 6

Communication dated May 9, 2000, from the General Secretary, Toronto Transit Commission, submitted with respect to Notice of Motion J(14). (See Minute No. 7.77, Page 120.):

At its meeting on Monday, May 8, 2000, the Commission adopted the following resolution:

“That the Toronto Transit Commission request City of Toronto Council, at its meeting of May 9, 10 and 11, 2000, to:

- (1) endorse the creation of the “Construction Season Twin Pass”, to be offered for the months of June, July, August and September 2000, as a method of addressing congestion from the Gardiner construction activities;
- (2) request City of Toronto Council to authorize funding for this initiative for 2000 in the amount of up to \$200,000.00 from the Corporate Contingency as the initiative arose after the capital budget process was complete;
- (3) request City of Toronto Council to allow advertising of the Twin Pass on the City’s electronic messaging billboards; and
- (4) advise the City of Toronto that the Chief General Manager of the Toronto Transit Commission has been requested, in consultation with the Commissioner of Works and Emergency Services, to report on the result of this part of the project in time for consideration in the Transportation Department’s year 2001 Capital Budget.”

The foregoing is forwarded to City of Toronto Council for consideration of the Commission’s requests, noted in Items Nos. (3) and (4) of the resolution, at its meeting on May 9, 10 and 11, 2000.

ATTACHMENT NO. 7

Report dated May 5, 2000, from the Commissioner of Corporate Services, entitled "Disposition of the Westerly Portion of 110 Wildwood Crescent", submitted with respect to Notice of Motion J(19). (See Minute No. 7.82, Page 126.):

Purpose:

To seek Council's instructions on the Forward Baptist Church's interest in purchasing the westerly portion of 110 Wildwood Crescent.

Financial Implications and Impact Statement:

Revenue will be generated from the eventual sale.

Recommendations:

Should City Council wish to provide the Forward Baptist Church with the opportunity to purchase the westerly portion of 110 Wildwood Crescent, it is recommended that:

- (1) the approved manner of sale of the property be a direct sale to the Forward Baptist Church;
- (2) the Commissioner of Corporate Services be instructed to enter into direct negotiations with the Forward Baptist Church for the sale of the property and report back should an acceptable agreement be reached;
- (3) if an agreement cannot be reached within three months, then the approved manner of sale be to offer the property for sale on the open market;
- (4) all steps necessary to comply with By-law 551-1998 be taken; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

City Council at its meeting held on September 28 and 29, 1999, adopted Clause No. 15 of Report No. 5 of The Administration Committee thereby declaring the property surplus to the City's requirements and authorizing that notice be given to the public. Notice to the public was given on October 19, 1999, in the Globe and Mail, advising that the City proposed to offer the property for sale on the open market.

At its meeting held on March 21, 2000, the Administration Committee had before it a communication (March 20, 2000) from Councillor Sandra Bussin, advising that the Forward Baptist Church has asked that she present to the Committee its proposal to

purchase the westerly portion of 110 Wildwood Crescent for a parking lot to serve its Church located at 1891 Gerrard Street East. Councillor Bussin advised that she met with the Church Community to discuss the matter and asked that a poll of the neighbourhood be done by the Church to determine its acceptability in the community. The Church canvassed the neighbourhood and the majority of the community indicated its support by signing a petition. Accordingly, both Ward Councillors are satisfied that the proposal has merits and should be given consideration.

The Administration Committee referred the aforementioned communication for report thereon.

Comments:

The normal process for the sale of a similar surplus property is to offer the property for sale on the open market. An appraisal of the market value of the property is obtained and, to maximize the exposure to the widest possible local and regional market, the property is listed with a real estate broker. There is no mandatory requirement prohibiting the City from dealing directly with a specific purchaser provided Council publicly approves the manner or process by which the sale of the site will be carried out and the notice to the public is given.

Should Council wish to provide the Forward Baptist Church with the opportunity to purchase the property without it being offered on the open market, the City will not have complied with the Council authority as previously given and with the public notice which has been given. Accordingly, a new notice to the public must be given and staff should be instructed to enter into direct negotiations with the Church. A three-month negotiation period should be set which would allow the Church sufficient time to determine its ability to purchase the property at market value. In the event an acceptable agreement cannot be reached within this period of time, then the City would proceed to offer the property for sale on the open market.

Conclusions:

Should Council wish to provide the Forward Baptist Church with the opportunity to purchase the westerly portion of 110 Wildwood Crescent without it being offered on the open market, approval should be given for a revision to the intended manner of sale and the Commissioner of Corporate Services should be instructed to commence negotiations with the Church and report back should an acceptable agreement be reached. In the event an agreement cannot be reached within three months, then the property should be offered for sale on the open market.

Contact:

Vinette Brown, Phone - 392-7138, Fax – 392-1880.

ATTACHMENT NO. 8

Confidential report dated May 5, 2000, from the Commissioner of Urban Development Services, entitled "Further Report on Promenade and Dockwall Construction and Maintenance Arrangements, 2-50 Stadium Road (including 30 Stadium Road), Urbancorp (Downtown)", submitted with respect to Notice of Motion J(25), such report now public in its entirety. (See Minute No. 7.85, Page 130.):

Purpose:

This report provides an update regarding the financial arrangements for the construction and maintenance of the promenade and dockwall and north and south park parcels on a property known as 2-50 Stadium Road (including 30 Stadium Road).

Financial Implications and Impact Statement :

The capital costs for the promenade and dockwall will be secured through the financial arrangements outlined in this report. Contingency maintenance for the promenade and dockwall will be secured through a maintenance fund. There are no financial commitments required from the City.

Recommendation:

It is recommended that Recommendation No. 4(i) of my March 21, 2000, report, embodied in Clause No. 5 of Report No. 5 of The Toronto Community Council, headed "Settlement of Prior Agreements with Toronto Port Authority", be replaced with the following:

- “(i) the Toronto Port Authority releasing \$1,146,000.00 to the City from funds deposited with the TPA for the maintenance of the promenade and dockwall to be used now for construction, maintenance, replacement and repair of the dockwall, water’s edge promenade and north and south park parcels on the lands known as 2-50 Stadium Road.”

Background :

Further to my March 21, 2000, report and Councillor Chow’s amended recommendations (attached as Appendix 1), there have been further discussions between City staff and Toronto Port Authority (TPA) staff and a further meeting of the TPA Board regarding the financial arrangements for the construction and maintenance of the promenade and dockwall at 2-50 Stadium Road.

Comments:

Funds (\$758,500.00) were deposited with the Toronto Harbour Commissioners (now the Toronto Port Authority) for the purpose of maintenance and reconstruction of the dockwall and promenade at 2-50 Stadium Road in 1989. The money was deposited in an interest bearing account.

According to the TPA, the interest earned on the deposit between 1989 and 1999 was \$574,500.00. However, TPA staff have advised that the interest income earned between 1995 and 1999 (\$187,000.00) was applied to the TPA operating budget to reduce the subsidy request to the City. Therefore, TPA staff have indicated that they will release \$1,146,000.00 to the City from the funds the TPA have been holding for the promenade and dockwall maintenance for this site. This figure (\$1,146,000.00) represents the original deposit (\$758,500.00) plus the interest earned for the years 1989 to 1994 (\$387,500.00).

The money received from the TPA will be used for construction, maintenance, replacement and repair of the dockwall, water's edge promenade and north and south park parcels. From these funds, the original deposit (\$758,500.00) will be held by the City and released to Urbancorp for the construction of the promenade and dockwall. The money will be released as the work is completed. Urbancorp will be responsible for any costs beyond the \$758,500.00. Urbancorp will also be required to post a Letter of Credit for the difference between the original deposit and the current estimated construction costs. If the construction costs are less than the original deposit, the additional funds would be placed in the City's reserve fund.

The remaining funds (\$387,500.00) will be placed in a reserve fund. Urbancorp (through the condominium corporation) will be responsible for the promenade and dockwall maintenance. \$267,000.00 of this reserve fund will be held by Economic Development, Culture and Tourism (Parks) for maintenance. This money will be used only if the condominium corporation defaults or fails to maintain the promenade and dockwall to the City's satisfaction. The remaining \$120,500.00 and the interest earned thereon will be used for capital improvements or repairs to the site (dockwall, promenade and north and south park parcels). A by-law will be enacted to create the reserve fund.

Prior to the release of the funds by the TPA, the TPA will require releases from the City and Urbancorp from any obligations to the City, Urbancorp or other third party. New agreements will be entered into between the City and Urbancorp.

Conclusions:

The revised financial arrangements for the site known as 2-50 Stadium Road will release the funds needed to allow the dockwall to be rebuilt, the completion of the water's edge promenade, the creation of a maintenance fund and permit the residential development to proceed.

Contact:

Brenda Stan Waterfront Section
Telephone: (416) 392-7216
Fax: (416) 392-1330
E-mail: bstan@city.toronto.on.ca

(A copy of Appendix 1, referred to in the foregoing report, together with a location plan, headed "2-50 Stadium Road", is on file in the office of the City Clerk.)

ATTACHMENT NO. 9

Report dated May 9, 2000, from the Commissioner of Works and Emergency Services, entitled "Installation of Olympics 2008 - Toronto (TO Bid) Banners on Bridges Over Expressways and on Utility Poles within City of Toronto Public Rights-of-Way (All Wards)", submitted with respect to Notice of Motion J(27). (See Minute No. 7.87, Page 132.):

Purpose:

To report on a request from the Toronto Olympic Bid Corporation for permission to install banner signs on bridges over expressways and on utility poles within City of Toronto public rights-of-way from May 2000 to July 31, 2001, inclusive, and for an exemption from banner application and rental fees.

Financial Implications and Impact Statement :

Should City Council exempt the Toronto Olympic Bid Corporation from paying the applicable fees for an inclusive period of approximately 15 months, there will be a loss of \$15,630.00 revenue.

Recommendation:

It is recommended that:

- (1) City Council approve the installation of Olympics 2008 - Toronto ("TO Bid") banners on bridges over expressways and on utility poles within City of Toronto public rights-of-way from May 2000 to July 31, 2001, inclusive, subject to the applicant paying prescribed banner application and rental fees and meeting the conditions contained in Recommendation No. (2) below;

OR

- (2) City Council approve the installation of Olympics 2008 - Toronto ("TO Bid") banners on bridges over expressways and on utility poles within City of Toronto public rights-of-way from May 2000 to July 31, 2001, inclusive, and waive the banner application and rental fees, subject to the applicant:
 - (a) receiving written consent from Business Improvement Areas or Business Associations for the installation of TO Bid banners within their designated area;
 - (b) supplying, installing, maintaining and removing the banners, including any repair of the bridges or utility poles required as a result of the banner installation, at no cost to the City;

- (c) meeting the Commissioner of Works and Emergency Services' banner manufacturing, installation and maintenance specifications;
- (d) restricting corporate recognition to no more than twenty percent (20%) of the total area of the banner and incidental to the overall design;
- (e) submitting a certificate of insurance satisfactory to the City Treasurer, providing public liability, bodily injury and property damage coverage in the amount of \$2,000,000.00 and including a cross liability clause; and
- (f) executing an agreement with such conditions as the Commissioner of Works and Emergency Services and the City Solicitor may deem necessary in the interest of the City of Toronto.

Background:

Mr. Jim Ginou, Chair, and Ms Sarah Eyton, Director, Finance Committee, on behalf of the Toronto Olympic Bid Corporation ("TO Bid"), submitted a request to install banner signs on utility poles and on bridges over expressways within City of Toronto public rights-of-way to support and profile the City's bid to host the 2008 Olympics and to recognize TO Bid's generous corporate sponsorship. As their requests for (a) an exclusive 15 month banner installation period, (b) the placement of banners over expressways, and (c) an exemption from banner application and rental fees do not meet the applicable sections of the Municipal Code or By-law, Council's approval is necessary. At the request of the applicant and to expedite the Department's urgent need to book banner pole programmes, this report is being submitted directly to Council.

Comments:

Currently, the banner by-laws of the seven former municipalities are under review, with the prospect of harmonization by the end of the year. The TO Bid request is for the installation of banners on utility poles and bridges in the communities of East York, North York, Toronto and York. Should Council approve this application and give approval for additional TO Bid locations that may include the communities of Etobicoke and Scarborough, the same policies and procedures will apply to these communities.

Utility Poles:

Former Metro By-law No. 211-74, as amended, and former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks, as amended, allow for the installation of vertical fabric banners hung from designated utility poles. The application and installation criteria for both former municipalities are similar with the exception of who can apply. The Code permits "any person, including an unincorporated association or society" to install a banner over former City of Toronto streets for a maximum 60 day period. The Metro by-law permits banners for the "promotion of a community, charitable or other public event" for 60 days.

As of May 8, 2000, TO Bid has applied for utility pole banners in 11 locations in the communities of Toronto and East York. To date, 29 annual banner applications have been processed for all poles within 5 of those areas. In the remaining 6 locations, there are 60 available poles which can be reserved for TO Bid as outlined below:

<u>Location</u>	<u>Total No. of Poles</u>
Avenue Rd., East Side, from Foxbar Rd. to Heath St.	10
Avenue Rd., Both Sides, from Bernard Ave. to Pears Ave.	10
Davenport Rd., Both Sides, from Bedford Rd. to Hazelton Ave.	13
Eglinton Ave. E., Both Sides, from Rumsey Rd. to Laird Dr.	8
Eglinton Ave. W., Both Sides, from Yonge St. to Duplex Ave.	12
St. Clair Ave. W., South Side, from Avenue Rd. to Deer Park Cres.	7

Following the expiration of existing permits for poles in the 5 remaining downtown areas, TO Bid banners could be installed. However, those 5 downtown areas and surrounding roads are located mostly in downtown Toronto, i.e., Yonge Street, Queens Quay, Lake Shore Boulevard, Front Street, etc. and are applied annually to showcase events, including Harbourfront, Molson Indy, Celebrate Toronto, Symphony of Fire, Metro Toronto Convention Centre, United Way, theatrical and dance productions, Art Gallery of Ontario, etc. A long term TO Bid permit will eliminate all 2001 downtown programmes until July 31 and it is not recommended that these poles be reserved exclusively for the TO Bid. An alternative would be for TO Bid to use the downtown poles for a limited duration.

The TO Bid will be requesting several additional utility pole banner locations in the near future. Applications from City sponsored events and awareness programmes such as Business Improvement Areas or Business Associations (BIA) and the Millennium BIA Banner programme may be affected.

Bridges:

Former Metro By-law No. 211-74 permits the installation of horizontal fabric banners, attached to bridges spanning Metro roadways but specifically excludes "over expressways".

On occasion, permission had been granted for banners over expressways for certain events such as Metro Homes "Nissan Challenge", R.I.D.E. Campaigns, Riverdale Hospital, etc. More recently, City Council, at its meeting of April 11, 12 and 13, 2000, approved the installation of seven TO Bid banners for one day on the Allen, Gardiner and Don Valley Expressways, to thank Toronto for supporting Toronto's Olympic bid.

The Department has reviewed the feasibility of installing banners on bridges over expressways and determined there are 15 bridges noted below over the Allen, Gardiner and Don Valley (including the Sunnyside pedestrian bridge over Lake Shore Boulevard West) that could accommodate banner installation. Nine bridges (14 sides) are available immediately. A further 6 bridges (12 sides) will become available after the completion of existing permits.

	<u>Location</u>	<u>No. of Sides</u>
Allen:	Flemington, North/Southbound	2
	Dell Park, North/Southbound	2
	Glengrove, North/Southbound	2
	Glencairn, North/Southbound	2
	Viewmount, Northbound	1
	Ridelle, Northbound	1
	Elmridge, Northbound	1
	Aldburn, Northbound	1
Don Valley:	Queen, Northbound/Southbound	2 (available after June 11, 2000)
	Dundas, North/Southbound	2 (available after June 11, 2000)
	Gerrard, North/Southbound	2 (available after June 23, 2000)
	Lawrence, North/Southbound	2 (available after June 20, 2000)
Gardiner:	Dufferin, East/Westbound	2
	Sunnyside, East/Westbound	2 (available after June 25, 2000)
	Sunnyside Pedestrian , East/Westbound	2 (available after June 25, 2000)

The installation period for bridge banners over expressways is two weeks, in accordance with Departmental policy. As noted above, TO Bid banners would be in place until the Olympic host-City announcement in July 2001. Should Council approve the bridge banners over expressway, and for an extended installation period, it is imperative the applicant adhere to Department design, manufacturing, installation, repair and agreement conditions. These conditions have been developed based on previous experiences and in accordance with existing roadway banner criteria to maximize the banners visual impact and ensure public safety (Attachment No. 1).

Application and Rental Fees:

Utility Poles - the fee schedule for utility pole and roadway banners has been harmonized for the new City of Toronto. Applications are \$60.00 and the rental fee for each pole or roadway installation is \$10.00 for non-charitable events for a period of 60 days. The TO Bid application and rental fees for 60 poles for 7.5 application periods are \$4,950.00.

As there is no by-law governing bridge banners over expressways, the utility pole banner application and rental fees have been applied, using the two-week Departmental policy installation period noted above. The fees for 14 banners for 30 application periods and 12 banners for 26 application periods are \$10,680.00.

The total application and rental fees for TO Bid banners requested to date are \$15,630.00.

Conclusions:

The TO Bid proposal is feasible, in principle, as most of the appropriate bridges for banners are available and the Department can reserve poles for TO Bid for poles that are vacant. Additionally, it is important that TO Bid consult with and get approval from Business Improvement Areas/Business Associations should they want Olympic banners in those designated business areas. Due to the timeframe and extent of the proposed programme, opportunities for other organizations wishing to install banners will be limited.

TO Bid representatives and this Department are currently investigating additional utility pole banner locations in order to meet the TO Bid's banner goals. The process of investigating poles feasible for banner installation and booking those poles is a significant demand on staff resources.

Should Council waive the application and rental fees and allow TO Bid an unlimited number of poles, there will be a significant reduction in banner related revenue, i.e., an additional 150 banner poles for 6 application periods fees would generate \$9,360.00. The total application and rental fees for 210 poles and 26 bridge banners for the installation periods specified in this report could generate \$24,990.00.

Contact:

Angie Antoniou, Manager, Right of Way Management, District 1
Telephone: 392-1525, Fax: 392-7465, E-mail: aantonio@city.toronto.on.ca

List of Attachments:

Attachment No. 1

ATTACHMENT NO. 1

Bridge Banner Design, Manufacturing, Installation,
Repair, Removal and Agreement Conditions

- each application must be approved by the Managers of Structures/Expressways and Traffic Signing/Pavement Markings
- banner must be vented and made of weather and tear resistant material
- banner lettering must be a minimum 12 inches in height
- banner height must be a maximum 5 feet (must not hang below structure)
- banner width is dependent on individual bridge span
- grommets must be reinforced, minimum 3/8 inch diameter and installed every 12 inches around the perimeter of the banner
- corporate recognition must not exceed 20 percent of the total banner area and must be incidental to the overall design
- all banner hardware must be taped over to ensure there is no injury to anyone who may come in contact with the banner
- all hardware attached to a painted railing must be separated by foam/insulation to avoid damage to the paint
- the grommets (banner) must be attached to a steel banding at the top and bottom of the bridge railing
- 5/32 inch diameter aircraft steel cable must be threaded through pre-drilled holes on the steel post then alternately through the grommets
- the aircraft steel cable must be looped back to the start of the cable and two overlapping ends must be secured with guywire clamps and taped
- a damaged banner must be suitably repaired or removed immediately. Should the City be required to repair or remove a damaged banner, the applicant will bear the costs
- the applicant must bear all the costs of manufacturing, installing, maintaining and removal of the banners, including any damage to the bridge as a result of the banner installation and removal
- banner installation, maintenance and removal must take place during "off-peak" hours
- all banners must be inspected every three months at the cost of the applicant and maintain a record of inspections
- the applicant's contractor must be approved by the Commissioner of Works and Emergency Services

ATTACHMENT NO. 10

Confidential communication dated May 8, 2000, addressed to Toronto City Council, from the Chair, Board of Directors, Toronto Economic Development Corporation (TEDCO), submitted with respect to Notice of Motion J(24), such communication now public in its entirety. (See Minute No. 7.60, Page 83.):

At its meeting, in-camera, of April 13, 2000, City Council requested TEDCO to report back to Council on TEDCO's actions in respect to the matters set out in a joint report to Council from the City Solicitor, City Auditor and Chief Administrative Officer.

The report primarily focused on issues related to a lease agreement between TEDCO and Sevendon Holdings Limited dated December 1, 1999. The report raised a number of issues in respect to the lease itself, the manner in which the lease was negotiated and the role of the former Chairman and the Board in negotiating and agreeing to the lease. The report made a number of recommendations, which, together with further recommendations or directions from Council, are addressed in this response.

Sevendon Lease

The Board engaged Mr. George Rust-D'Eye of Weir & Foulds to review the lease and all related documentation primarily with a view to determining whether, in his opinion, the lease could be set aside. Mr. Rust-D'Eye's examination included, but was not limited to, review of the lease, evidence of the negotiation process, related correspondence, documents and Board minutes, as well as interviews with individuals involved in the lease negotiation process.

Mr. Rust-D'Eye has now concluded his review and has given the opinion that the Board take the position that, "it is not bound by the form of the lease purported to have been entered into on its behalf as of December 1, 1999, on the grounds that it at no time authorized the entering into of such a lease, nor did it authorize any person to execute such a lease on its behalf".

At its meeting of May 8, 2000, the Board unanimously voted to set aside the lease between TEDCO and Sevendon Holding and to take other substantive actions as recommended by Mr. Rust -D'Eye to protect TEDCO and City interests.

Mr. Rust-D'Eye also reported that, as requested by City Council, he had discussed the investigation in some detail with the OPP.

Other Actions Taken by TEDCO

The joint report also made a number of recommendations in respect to administrative support to TEDCO from the City. In that respect, on the recommendation of the Chief Administrative Officer, the Board has engaged Mr. Allan Andrews as Acting CEO. Mr. Andrews is the former Auditor of the Municipality of Metropolitan Toronto.

This addition recognized that TEOCO has experienced a number of operating and other problems, which may have contributed to the Sevendon lease situation and which require action in a number of areas. It is Mr. Andrews's mandate to address all of these issues.

Many of these problems will take some time to solve. However, a number of significant initiatives are already underway to improve operating process, develop better linkages with the City and City Staff, utilize City resources, deal with personnel issues and ensure that the activities of TEDCO are managed effectively on behalf of its shareholder.

These initiatives include changes in the processes for Board meetings to ensure clarity of the content of agenda items and certainty as to what actions have been taken by the Board. In this respect, arrangements have been made with the City Clerk to provide Secretariat Services and advice to the Board. Arrangements will be made with other City Departments to obtain other services where appropriate.

In an effort to develop better linkages with the City and with City supported initiatives, working relationships are presently being developed not only with appropriate City staff but also with organizations such as TO Bid. It is the intent to try to develop these relationships at a detailed working level as well as a broader governance or strategic level. The outcome of these processes should ensure that TEDCO's activities are in cadence with the activities and vision of the TO Bid and other City supported Waterfront initiatives. In addition, City Planning and Economic Development staff will receive Board agendas and be invited to attend Board meetings.

These initiatives, although just started, are already showing positive and practical results. The Acting CEO will be keeping the Chief Administrative Officer apprised of progress in this regard.

Whatever the ultimate resolution of waterfront issues, it is important that the activities now being carried out by TEDCO are effective and professional. It is also critical that TEDCO executes and promotes the City's vision and policies in a manner which is acceptable to the City. Actions taken by both the City and the Board in the last few weeks should ensure this.

(Recommendations as adopted by the
Board of Directors of TEDCO
at its meeting held on May 8, 2000.)

- (1) That TEDCO advise the City of Toronto and Sevendon Holdings Limited that it is the position of TEDCO that it is not bound by the form of lease purported to have been entered into on its behalf as of December 1, 1999, on the grounds that it at no time authorized the entering into of such a lease, nor did it authorize any person to execute such a lease on its behalf;

- (2) That TEDCO respond to any litigation brought against it with respect to the purported lease, but that no action be taken at this time to confluence legal proceedings; however, counsel be instructed to provide advice to the Board should he feel it appropriate that this decision be reconsidered;
- (3) That TEDCO seek from the City of Toronto clarification as to its policies with respect to properties held or managed by TEDCO, and that, upon receipt of such policies, staff of TEDCO work, in consultation with City officials, in developing TEDCO's own policies, consistent with those of the City and with its mandate;
- (4) That TEDCO, in consultation with officials of the City of Toronto, give consideration to the possibility of opening discussions with Sevendon Holdings Limited or responding to any initiatives taken by Sevendon, as may be appropriate, relating to possible voluntary and mutually agreeable arrangements, including the entering into of a new lease, through which the objectives of Sevendon might be achieved, in a manner consistent with policies of the City of Toronto;
- (5) That should litigation be commenced against TEDCO and any of its officers, servants, agents, or counsel, TEDCO give consideration to any claims over or third party proceedings which might be appropriate for it to bring against any persons or parties in respect of their responsibilities or liabilities to TEDCO;
- (6) That, pursuant to Recommendation No. (1) above, upon adoption of such recommendation, TEDCO instruct its staff to review what rental payments have been tendered, what amounts are owing under the Old Leases, which remain in force, and take steps to ensure that no further Lease payments tendered in respect of the purported New Lease are to be accepted, and any amounts paid to TEDCO over and above those owing under the Old Leases are to be returned to Sevendon;
- (7) That City Council be advised immediately of TEDCO's action as aforesaid; and
- (8) That the TEDCO Board consider and adopt appropriate actions to ensure, to the extent possible, that an incident such as that which forms the subject matter of this report, cannot re-occur.