

THE CITY OF TORONTO

Clerk's Division

Minutes of the Planning and Transportation Committee

Meeting No. 10

Monday, November 12, 2001

The Planning and Transportation Committee met on November 12, 2001, in Committee Room No. 1, 2nd Floor, City Hall, Toronto, commencing at 9:30 a.m.

Councillor	9:30 a.m.	2:00 p.m.
Councillor Joe Pantalone, Chair	X	X
Councillor Mario Silva, Vice-Chair	X	X
Councillor Gerry Altobello	X	X
Councillor Brian Ashton	X	X
Councillor Joanne Flint	X	X
Councillor Pam McConnell	X	X
Councillor Peter Milczyn	X	X
Councillor Howard Moscoe	X	X

Declarations of Interest Pursuant to the Municipal Conflict of Interest Act

None declared.

Confirmation of Minutes

On motion by Councillor McConnell, the minutes of the meeting of the Planning and Transportation Committee held on October 15, 2001, were confirmed.

10.1 Sign Permit and Variance Application Fee Harmonization

The Planning and Transportation Committee gave consideration to a communication (October 9, 2001) from the City Clerk advising that City Council, at its meeting held on October 2, 3 and 4, 2001, in adopting, as amended, Clause No. 6 of Report No. 10 of The Planning and Transportation Committee, headed "Sign Permit and Variance Application Fee Harmonization", directed that:

Planning and Transportation Committee
Monday, November 12, 2001

- (1) the Planning and Transportation Committee be authorized to hold a public meeting on November 12, 2001 to consider a proposed by-law to adjust sign permit fees and variance fees as outlined in this report, and that notice of the hearing be given in accordance with the requirements of the Municipal Act;
- (2) the report (September 5, 2001) be forwarded to Community Councils for their consideration and comments to the Planning and Transportation Committee prior to the public meeting on November 12, 2001; and
- (3) the Commissioner of Urban Development Services, in consultation with the City Solicitor, be requested to prepare a draft by-law for consideration at the public meeting to be held by Planning and Transportation Committee which would include an amendment to the Sign By-laws to allow the Commissioner of Urban Development Services to automatically increase sign permit and/or variance fees on the first day of January of each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the twelve-month period ending on October 1 in the year immediately preceding the rate increase date; and
- (4) the Commissioner of Urban Development Services be requested to submit, to the Planning and Transportation Committee, a harmonized sign permit fee schedule that reflects full cost recovery and service delivery efficiencies in the various process areas, such as sign permit plan review, inspections of new sign installations and sign variance application processes, and provides for pro-active sign enforcement for illegal signs.

The Committee also had before it the following material:

- report (October 29, 2001) from the Commissioner of Urban Development Services providing the necessary draft by-law to harmonize sign permit and variance application fees across the City and to allow for the automatic increase of these fees annually based on the increase in the All Items Index of the Consumer Price Index, and recommending that:
 - (1) the attached draft by-law be approved; and
 - (2) authority be granted for the introduction of the necessary Bill in Council, substantially in the form of the draft by-law, to give effect thereto;
- report (October 30, 2001) from the Commissioner, Urban Development Services responding to the request from City Council at its meeting of October 2, 3, and 4, 2001, that the Commissioner of Urban Development Services provide information with respect to Planning and Transportation Committee Report No. 10, Clause

Planning and Transportation Committee
Monday, November 12, 2001

No. 6, relating to a harmonized sign permit fee schedule that reflects staffing cost recovery and service delivery efficiencies in the various process areas, such as sign permit plan review, inspection of new sign installations and sign variance application processes, and provides for pro-active sign enforcement for illegal signs and recommending that:

- (1) the Planning and Transportation Committee be authorized to hold a public meeting on January 14, 2002 to consider a draft by-law amendment to adjust sign permit fees as outlined in this report, and that notice of hearing be given in accordance with the requirements of the Municipal Act;
- (2) staff be directed to prepare a draft by-law for consideration at the public meeting; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action, including the introduction of a bill, in Council, in the form of a draft by-law to give effect thereto;

- communication (October 25, 2001) from the City Clerk, Etobicoke Community Council advising that Etobicoke Community Council, at its meeting held on October 24, 2001:

- (1) endorsed Recommendation No. (2) contained in the report (September 5, 2001) from the Commissioner, Urban Development Services, viz.:

"(2) the Sign By-laws be amended to allow the Commissioner of Urban Development Services to automatically increase sign permit and/or variance fees on the first day of January of each year by the percentage increase in the All Items Index of the Consumer Price Index (not seasonally adjusted) for the Toronto Census Metropolitan Area, published by Statistics Canada, during the twelve-month period ending on October 1 in the year immediately preceding the rate increase date;" and

- (2) directed that the Planning and Transportation Committee be advised accordingly;

- communication (October 29, 2001) from the City Clerk, Humber York Community Council advising that Humber York Community Council, at its meeting held on October 23, 2001, recommended that the Planning and Transportation Committee:

- (1) be advised that it concurs with the report (September 5, 2001) from the Commissioner, Urban Development Services;

Planning and Transportation Committee
Monday, November 12, 2001

- (2) give consideration to adopting the policy of the former City of Scarborough with respect to the annual fee for third party signs; and
 - (3) also consider the implementation of an additional charge to recover costs from an operational and administrative perspective;
- communication (October 24, 2001) from the City Clerk, Midtown Community Council advising that Midtown Community Council, at its meeting on October 23, 2001, recommended the adoption of the proposed By-law to adjust sign permit fees and variance fees as outlined in the report (September 5, 2001) from the Commissioner, Urban Development Services;
 - communication (October 29, 2001) from the City Clerk, North York Community Council advising that North York Community Council on October 24, 2001 recommended to the Planning and Transportation Committee that:
 - (1) the proposed fees outlined in the report (September 5, 2001) from the Commissioner of Urban Development Services, be approved with the provision that:
 - (a) the sign permit fee for mobile signs be increased to \$200.00;
 - (b) the revenue derived from the aforementioned fee increase be used to hire one full-time employee responsible for the enforcement of the provisions of the Sign By-law respecting mobile signs; and
 - (c) the foregoing be included as an item in the 2002 Budget request;
 - communication (October 25, 2001) from the City Clerk, Scarborough Community Council advising that Scarborough Community Council, at its meeting held on October 23, 2001, had no comment to make respecting the Sign Permit and Variance Application Fee Harmonization;
 - communication (October 29, 2001) from the City Clerk, Toronto East York Community Council advising that Toronto East York Community Council, on October 23, 2001, recommended that the sign permit fees and variance fees set out in the report (September 5, 2001) from the Commissioner of Urban Development Services, be amended in the South District to include the hiring of an inspector to conduct proactive inspection of illegal signs that pose a potential hazard to the public; and
 - communication (November 8, 2001) from Barbara Tannyan, Coordinator, Jones Neon Displays Limited supporting the harmonization of fees.

Planning and Transportation Committee
Monday, November 12, 2001

The Planning and Transportation Committee advised that pursuant to the Municipal Act, notice with respect to the proposed enactment of by-law amendments was advertised in a daily newspaper on October 24, 2001 and Sid Catalano, Pattison Outdoor Advertising, addressed the Planning and Transportation Committee

The Planning and Transportation Committee:

- (1) on motion by Councillor Moscoe, recommended to City Council, for its meeting to be held on December 4, 2001, that:
 - (a) the draft by-law attached to the report (October 29, 2001) from the Commissioner of Urban Development Services be adopted;
 - (b) the Planning and Transportation Committee be authorized to hold a public meeting on January 14, 2002 to consider a draft by-law amendment to adjust sign permit fees as outlined in the further report (October 30, 2001) from the Commissioner of Urban Development Services, that notice of hearing be given in accordance with the requirements of the Municipal Act and staff be directed to prepare a draft by-law for consideration at the public meeting; and
 - (c) the appropriate City Officials be authorized and directed to take the necessary action, including the introduction of a bill, in Council, in the form of the draft by-law to give effect thereto;
- (2) requested the Commissioner of Urban Development Services, in consultation with the City Solicitor, to report to the Public Meeting at the January 14, 2002 meeting of the Planning and Transportation Committee:
 - (a) on motion by Councillor Moscoe, with more detailed costings and report on the following motions:
 - “(a) in order to establish a fee equalization reserve fund, that a 5% surcharge be added to these fees, as follows:
 - (i) \$1.00 per square metre of sign face area;
 - (ii) \$1.25 per square metre of roof top sign face area;
 - (iii) \$7.50 for other permits; and

- (iv) \$30.00 for a variance applications;
 - (b) the Terms of Reference for the reserve fund be:
 - (i) to establish a reserve fund upon which to draw in order to prevent excessive increases in sign permit fees and various application fees from year to year;
 - (ii) funds can only be utilized after a public hearing;
 - (iii) the fund be limited to a maximum of 10% of full cost recovery and the surcharge be annually adjusted to accomplish this; and
 - (iv) draws on this reserve be only permitted for sign by-law enforcement purposes and for no other reason and shall require the signature of the City Auditor for release; and
 - (c) that the sign permit application fees also apply to bus shelters and other similar outdoor advertising;
- (2) on motion by Councillor Moscoe, on the necessary adjustments to reflect the cost recovery principle to enable a fee for a first party application to be adjusted so that a variance for a second party sign be significantly lower than for a third party sign;
 - (3) on motion by Councillor Moscoe, with a recommended monthly fee for mobile signs that reflects a higher standard of enforcement;
 - (4) on motion by Councillor Ashton, on maintaining an annual fee for third party signs in the East District;
 - (5) on motion by Councillor Ashton, on the recommendations of the North York Community Council that the sign permit fee for mobile signs be increased to \$200; and
 - (6) on motion by Councillor Ashton, on the recommendations of the Toronto East York Community Council regarding the hiring of an inspector to conduct proactive inspections

of illegal signs that post a potential hazard to the public;
and

- (3) on motion by Councillor Moscoe, requested the City Solicitor to report to the January 14, 2002 meeting of the Planning and Transportation Committee with a review of the provisions of special legislation, or other provisions of the Municipal Act, which would allow for the seizure of any vending carts to determine if they can be made applicable to the seizure of mobile signs.

(Commissioner, Urban Development Services and City Solicitor - November 19, 2001)

(Clause No. 1, Report No. 14)

10.2 Harmonization of the Noise By-law

The Planning and Transportation Committee gave consideration to a report (November 5, 2001) from the Commissioner, Urban Development Services reporting on the harmonization of the Noise By-law in relation to issues of concern expressed by Community Councils and the Board of Health, and recommending that:

- (1) Recommendations (2) and (3) of the report from the Commissioner of Urban Development Services dated August 16, 2001, be adopted, namely:
 - (a) Council endorse the enforcement strategy and fee structure as outlined in the report; and
 - (b) Council request the Minister of the Environment to include sound emission standards for blowers or vacuums for grounds maintenance in Publication NPC-117, Domestic Outdoor Power Tools;
- (2) the draft by-law attached to the report referred to in Recommendation (1) be approved, subject to the following amendments:
 - (a) Section 4 be amended to reflect the prohibited period of time for the operation of a power device that blows or vacuums leaves, grass cutting, debris or other similar material in a residential area to be from 5:00 p.m. one day to 7:00 a.m. the next day, 9:00 a.m. Saturday and all day Sunday and Statutory Holidays;
 - (b) the words "or vibration" be inserted after the word "noise" in Section 2;

Planning and Transportation Committee
Monday, November 12, 2001

- (c) Section 4 be amended to reflect the prohibited period of time for the operation of construction equipment for quiet zones and any residential area to be from 7:00 p.m. one day to 7:00 a.m. the next day; 8:00 a.m. Saturday and all day Sunday and Statutory Holidays;
 - (d) Section 8(b) be amended to read as follows:
 - “(b) for any emergency requiring immediate action for the preservation, restoration or demolition of any highway.”;
 - (e) Section 9E(1) of the by-law be amended to provide that the applicant shall, at his/her expense, cause a notice of the application to be published in a newspaper of general circulation within the municipality at least 14 days prior to the meeting of the Community Council at which the application will be considered, in the form approved by the Commissioner of Urban Development Services, and that the applicant be required to provide proof of such publication to the satisfaction of the Commissioner of Urban Development Services prior to the application being considered by Community Council;
 - (f) where the City or any of its Agencies, Boards or Commissions is required to make an application for an exemption, the filing fee and the requirement to publish a notice of the application be waived;
 - (g) notwithstanding Section 9 of the draft by-law, where an application for an exemption is being made by the City or any of its Agencies, Boards or Commissions, the application and report will be submitted directly to Community Council by the City Department, Agency, Board or Commission making the request;
- (3) the City Solicitor be authorized to prepare and introduce in Council a bill substantially in the form of the draft by-law, as amended, and any other bill necessary to give effect to Council’s decision; and
 - (4) once adopted by Council, that the City Solicitor make any necessary application to the Minister of the Environment for approval.

The Committee also had before it the following material:

- report (August 16, 2001) from the Commissioner, Urban Development Services reporting on the harmonization of the Noise By-law and recommending that:

Planning and Transportation Committee
Monday, November 12, 2001

- (1) this report and the attached draft by-law be received and forwarded to the Community Councils and the Board of Health for their consideration and comments back to Planning and Transportation Committee;
 - (2) Council endorse the enforcement strategy and fee structure as outlined in this report; and
 - (3) Council request the Minister of the Environment to include sound emission standards for blowers or vacuums for grounds maintenance in Publication NPC-117, Domestic Outdoor Power Tools;
- communication (July 19, 2001) from the Secretary, Board of Health regarding leaf blowers and other lawn garden equipment, advising that the Board of Health, at its meeting on July 16, 2001, recommended that:
- (1) the report (July 3, 2001) from the Medical Officer of Health be forwarded to the Planning and Transportation Committee and the Works Committee for consideration;
 - (2) the Planning and Transportation Committee seek public input on this report at Community Councils (at the same time that Community Councils give consideration to the Urban Development Services report on a harmonized Noise By-law for Toronto); and
 - (3) the Planning and Transportation Committee be requested, during its deliberations on the draft harmonized Noise By-law, to recommend that the operation of a device that blows or vacuums leaves, grass clippings or debris be prohibited:
 - (a) at all times in quiet zones and on residential properties; and
 - (b) between 6:00 p.m. and 8:00 a.m. on weekdays, and at all times on Saturday and Sunday, on non-residential properties;
- report (October 23, 2001) from the Commissioner, Urban Development Services advising of the staffing needs to administer the harmonized Noise By-law and recommending that this report be received for information;
- report (October 31, 2001) from the City Solicitor regarding leaf blowers, reporting on the City's authority to pass by-laws and regulations which would minimize negative noise and other negative environmental impacts of leaf blowers, and recommending that this report be received for information;

Planning and Transportation Committee
Monday, November 12, 2001

- communication (October 25, 2001) from the City Clerk, Etobicoke Community Council regarding the draft Noise By-law, advising that Etobicoke Community Council, at its meeting held on October 24, 2001:

(1) recommended to the Planning and Transportation Committee that the draft Noise By-law contained in the report dated August 16, 2001, from the Commissioner, Urban Development Services, be adopted, subject to amending:

A. Part 8, headed “Exemption: Public Safety and Highways”, by adding thereto a new item (c) as follows:

“(c) in any City-owned facilities or at City-sponsored events.”,

so that Part 8 shall now read as follows:

“8. Exemption: Public Safety and Highways

Notwithstanding any other provision of this chapter, it shall be lawful for the City or any local board thereof, the Province of Ontario, the Government of Canada or any of their authorized agents, to emit or cause to permit the emission of sound in connection with measures undertaken:

- (a) for the immediate health, safety or welfare of the inhabitants of the City, or
- (b) for the preservation, restoration or demolition of any highway, or
- (c) in any City-owned facilities or for City-sponsored events.”

B. Part 9, headed “Grant of Exemption by Council”, subsection A., headed “Application to Community Council”, by adding thereto the following words:

“or Designate”,

so that the heading shall now read as follows:

“Application to Community Council or Designate”;

Planning and Transportation Committee
Monday, November 12, 2001

- C. Part 4, headed "Prohibition by Time and Place", "Table to Section 4", Part 6, by deleting "B.(7)" and inserting in lieu thereof "B.(4)", having regard for the action taken by the Etobicoke Community Council regarding "Leaf Blowers" in recommending to the Planning and Transportation Committee that the hours during which City staff can continue using leaf blowers be during the hours of 7:00 a.m. to 7:00 p.m.; and
- (2) requested the District Manager, Municipal Licensing and Standards, West District, to submit a report directly to the Planning and Transportation Committee, for consideration with this matter, on appropriate amendments that would be required to Part 9, headed "Grant of Exemption by Council", so that the process for granting exemptions be amended to permit a Council's designate to grant or refuse applications or refer the matter to Community Council for a final decision;
- communication (October 25, 2001) from the City Clerk, Etobicoke Community Council, regarding leaf blowers, advising that Etobicoke Community Council, at its meeting held on October 24, 2001, recommended to the Planning and Transportation Committee the adoption of the report dated October 10, 2001 from the Commissioner, Works and Emergency Services, subject to amending Recommendation No. (1) by deleting "5:00 p.m." and inserting in lieu thereof "7:00 p.m.", so that Recommendation No. (1) shall now read as follows:
- "(1) City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 7:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations; and";
- communication (October 29, 2001) from the City Clerk, Humber York Community Council advising that the Humber York Community Council, at its meeting held on October 23, 2001, recommended that the Planning and Transportation Committee be advised that it concurs with the report (July 19, 2001) from the Board of Health; and further recommended the following to the Planning and Transportation Committee, with respect to the report (August 16, 2001) from the Commissioner, Urban Development Services:
- (1) under the heading, Public Safety and Highways, that the following paragraph be deleted:
- "The draft by-law creates an exemption for the City or any local board thereof, the Province of Ontario, the Government of Canada or any of their agents, when the emission of sound is in connection with work undertaken for:

Planning and Transportation Committee
Monday, November 12, 2001

- (1) the immediate health, safety or welfare of the inhabitants of the City; or
 - (2) the preservation, restoration or demolition of any highway.”
- (2) under the heading, Third Party Verification, that the following be included:
- “Where the noise has been heard by a by-law officer or any other employee of the City, that person shall automatically be deemed to be the third party for verification purposes.”
- (3) under the heading, Events Monitoring, that the words “with few exceptions and” be deleted, so as to read as follows:
- “As part of the enforcement strategy, we are recommending that where an exemption to the by-law is approved by Council, that as a condition of approval, sound levels resulting from the event be monitored at the applicant’s expense.”;
- communication (October 25, 2001) from the City Clerk, Midtown Community Council advising that Midtown Community Council, at its meeting on October 23, 2001, recommended that:
- (1) consideration be given to strengthening the provisions of the harmonized Noise By-law pertaining to the use of a device that blows or vacuums leaves, grass clippings or debris, so that the use is restricted:
 - (a) at all times in Quiet Zones;
 - (b) at all times on residential properties except during the months of October and November for leaf removal;
 - (c) between 6:00 p.m. and 8:00 a.m. on weekdays and at all times on Saturday and Sunday on non-residential properties; and
 - (2) consideration be given to strengthening the provisions of the harmonized Noise By-law pertaining to air conditioning unit noise to reflect the standards in effect under the former City of Toronto Noise By-law;
- communication (October 29, 2001) from the City Clerk, North York Community Council advising that North York Community Council on October 24, 2001:
- (a) Recommended to the Planning and Transportation Committee that:

Planning and Transportation Committee
Monday, November 12, 2001

- (1) Section 8 (b), titled, "Exemption: Public Safety and Highways" attached to the report (August 16, 2001) from the Commissioner of Urban Development Services, be deleted;
- (2) the draft by-law be further amended to provide that:
 - (a) the City and its various Agencies, Boards and Commissions, be exempt from the requirement of placing an advertisement in the newspapers and other publications when making applications for an exemption to the Noise By-law; and
 - (b) construction noise be prohibited prior to 8:00 a.m. on Saturdays.
- (3) Recommendation (2) (a) embodied in the communication (July 19, 2001) from the Board of Health to the Planning and Transportation Committee and Works Committee, be deleted.
- (4) Recommendation (2) (b) embodied in the communication (July 19, 2001) from the Board of Health to the Planning and Transportation Committee and Works Committee be amended to read as follows:

“(2)(b) between 6:00 p.m. and 8:00 a.m. on weekdays, and at all times on Saturday and Sunday, on residential and non-residential properties.”; and
- (b) requested the Commissioner of Urban Development Services to submit a report to the Planning and Transportation Committee, for its meeting scheduled for November 12, 2001, on the noise levels of new air conditioners and recommending a maximum noise level emission for air conditioners;
- communication (October 25, 2001) from the City Clerk, Scarborough Community Council advising that Scarborough Community Council, at its meeting on October 23, 2001, recommended:
 - (1) where the words "No person" appear in the proposed By-law, the words "or owner" be inserted immediately thereafter;
 - (2) that the Commissioner of Urban Development Services be requested:
 - (i) to consider, where the By-law refers to "noise", that the words "and any accompanying vibration" be inserted immediately

Planning and Transportation Committee
Monday, November 12, 2001

thereafter, and the Commissioner submit a report thereon to Committee;

- (ii) to report to Committee on the establishment of a third Quiet Zone category of "Mixed Use Residential Area"; such that "Table to Section 4" Item 11. "Playing of Music" be amended by deleting "B.(3)" and inserting in lieu thereof "B.(1)";
- (iii) to consult with a representative number of institutions to ascertain whether this By-law would be an improvement over the status quo and report thereon to Committee;

- (3) that the proposed By-law be forwarded to the Toronto Police Services Board for comment, and be deferred at Committee pending receipt of such comment;

- communication (October 29, 2001) from the City Clerk, Toronto East York Community Council advising that Toronto East York Community Council, on October 23, 2001, recommended that:

- (1) the draft by-law attached to the report (August 16, 2001) from the Commissioner of Urban Development Services be amended to provide that:
 - (a) leaf blowers not be permitted on Smog Alert days; and
 - (b) leaf blowers not be permitted on weekends;
- (2) the draft by-law attached to the report (August 16, 2001) from the Commissioner of Urban Development Services, as amended by Recommendation No. (1), be approved;
- (3) City Council endorse the enforcement strategy and fee structure outlined in the report (August 16, 2001) from the Commissioner of Urban Development Services;
- (4) City Council request the Minister of the Environment to include sound emission standards for blowers or vacuums for grounds maintenance in Publication NPC-117, Domestic Outdoor Power Tools;
- (5) City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations nor Smog Alert days; and

Planning and Transportation Committee
Monday, November 12, 2001

- (6) City staff be directed to develop an implementation plan to review work procedures, training requirements, and to research new types of equipment and leaf removal methods;
- communication (October 30, 2001) from the Secretary, Board of Health, advising that the Board of Health, at its meeting on October 29, 2001, recommended the adoption of the following recommendations contained in the report (October 16, 2001) from the Medical Officer of Health:
 - (1) that the Planning and Transportation Committee give consideration to strengthening the provisions of the harmonized Noise By-law pertaining to the use of a device that blows or vacuums leaves, grass clippings or debris, so that the use is restricted:
 - (a) at all times in Quiet Zones;
 - (b) at all times on residential properties except during the months of October and November for leaf removal, and
 - (c) between 6:00 p.m. and 8:00 a.m. on weekdays and at all times on Saturday and Sunday on non-residential properties;
 - (2) that the Planning and Transportation Committee give consideration to strengthening the provisions of the harmonized Noise By-law pertaining to air conditioning unit noise to reflect the standards in effect under the former City of Toronto Noise By-law; and
 - (3) that the appropriate City officials be authorized and directed to take the necessary action to give effect thereto;
- confidential report (October 1, 2001) regarding regulations and prohibition of leaf blowers within the City of Toronto;
- communication (September 10, 2001) from the City Clerk, Works Committee advising that the Works Committee, at its meeting on September 10, 2001, referred the communication dated July 19, 2001, from the Secretary, Board of Health, respecting leaf blowers and other lawn garden equipment, to the Planning and Transportation Committee for consideration, with a request that the Planning and Transportation Committee distinguish between electrical and gas-powered leaf blowers during their consideration of this matter;
- communication (June 15, 2001) from Albert Roffey submitting comments regarding the noise by-law;

Planning and Transportation Committee
Monday, November 12, 2001

- communication (September 10, 2001) from Ronald Robinson, Chain Saw Clinic® Ltd., advising that manufacturers of power blowers and vacuums have been working towards manufacturing quieter machines;
- communication (October 15, 2001) from Roger Hammer, MBA, P.Eng., Regional Director, Ontario Ministry of Transportation, noting that Section 8 which deals with granting an exemption for public safety and highways will be very helpful for the Ministry to maintain and construct Provincial Highways within the boundaries of the City of Toronto, and recommending that the word "construction" be inserted before preservation in Part (b), so that it now reads: "for the construction, preservation, restoration or demolition of any highway".;
- communication (October 22, 2001) from Ramona F. Burke, supporting the prohibition of small, gas-powered gardening tools;
- communication (November 5, 2001) from Ramona F. Burke supporting a reduction of noise;
- communication (November 4, 2001) from Eric Greenspoon, President, Noise Watch, requesting that the issue of the harmonization of the noise by-law be deferred for one month;
- communication (November 7, 2001) from the City Clerk advising that City Council on November 6, 7 and 8, 2001, struck out and referred to the Planning and Transportation Committee for further consideration at its next meeting scheduled to be held on November 12, 2001, Clause No .14 of Report No. 9 of the Humber York Community Council, titled "Leaf Blowers (All Wards)", which recommended that:
 - (1) City staff continue using leaf blowers but only during the hours of 7:00 a.m. to 5:00 p.m., Monday to Friday, and not at any time in quiet zones unless required for emergency operations; and
 - (2) staff be directed to develop an implementation plan to review work procedures, training requirements, and to research new types of equipment and leaf removal methods;
- communication (November 8, 2001) from Gail C. Pearce requesting deferral;
- communication (November 8, 2001) from Judy Shiels, Burnhamthorpe Residents for Traffic Safety, requesting deferral;
- communication (November 9, 2001) from S. Goldwater requesting that noisy motorcycles not be permitted;

Planning and Transportation Committee
Monday, November 12, 2001

- communication (November 9, 2001) from Richard H. Boehnke requesting deferral;
- communication (undated) from Gail Cooper and Gerald William Cooper requesting that leaf blowers be banned;
- communication (November 12, 2001) from Pat Findlay requesting adequate funding, staffing, education and strict enforcement of the Noise By-law;
- communication (November 12, 2001) from Eric Greenspoon, President, Noise Watch, submitting various recommendations concerning the new Noise By-law;
- communication (undated) from Larry Phillip Cappe forwarding comments regarding the Noise By-law;
- communication (November 12, 2001) from Patricia Welsh, SERRA, requesting deferral;
- communication (undated) from Judy Shiels, Burnhamthorpe Residents for Traffic Safety, forwarding concerns regarding the draft Noise By-law;
- communication (November 12, 2001) from Keith Stewart, Ph.D., Smog and Climate Change Coordinator, Toronto Environmental Alliance, supporting phasing out the use of gasoline-powered leaf blowers; and
- communication (undated) from the Organic Landscape Alliance opposing the use of leaf blowers.

The following persons appeared before the Planning and Transportation Committee in connection with the foregoing matter:

- Greg J. Quigg, CA, President, STIHL Limited and Chairman of the Portable Power Equipment Manufacturers Association;
- Gerald William Cooper;
- Star Frampton;
- Pat Findlay;
- Judy Shiels;
- Steve James, District Manager, Echo Power Equipment;
- Robin Pendergrast, ECHO;
- Tony DiGiovanni, Landscape Ontario;
- Greg Salivan, Salivan Landscape;
- Larry Cappe;
- Antonio D. Dimilta;
- Pat Findlay, obo NoiseWatch;

Planning and Transportation Committee
Monday, November 12, 2001

- Keith Stewart, Smog and Climate Change Co-ordinator, Toronto Environmental Alliance;
- Rhoda Moldofsky, President, Bathurst Village Ratepayers' Association;
- Rita Banach;
- Patricia Welsh, South Eglinton Ratepayers and Residents Association (SERRA);
- Kathleen Lawson;
- Mac Makarchuk;
- Helen Armstrong; and
- John Fischer.

The Planning and Transportation Committee:

- (1) on motion by Councillor Pantalone, recommended to City Council, for its meeting to be held on December 4, 2001, that Recommendation (2) of the report (November 5, 2001) from the Commissioner of Urban Development Services be amended by:
 - (a) deleting Recommendation 2(a) and substituting in lieu thereof the following:

“2(a) Section 4 be amended to reflect the prohibited period of time for the operation of a power device that blows or vacuums leaves, grass cuttings, debris or other similar material as follows:

 - (i) at all times in Quiet Zones;
 - (ii) at all times on residential properties except during the months of October and November for leaf removal;
 - (iii) between 6:00 p.m. and 8:00 a.m. Monday to Saturday and at all times on Sunday on non-residential properties; and
 - (iv) on Smog Alert days;”;
 - (b) on motion by Councillor Moscoe, deleting Recommendation 2(d) and substituting in lieu thereof the following:

“2(d) that Section 8(a) and 8(b) of the draft by-law be amended to read:

“8. Exemption: Public Safety and Highways

Notwithstanding any other provision of this chapter, it shall be lawful for the City or any local board thereof, the Province of Ontario, the Government of Canada or any of their authorized agents, to emit or cause to permit the emission of sound in connection with measures undertaken:

- (a) for the immediate health, safety or welfare of the inhabitants of the City under emergency circumstances, or as specifically approved by Council during hours not permitted by this By-law;
 - (b) for any emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway or as specifically approved by City Council during hours not permitted by this By-law;”
- (c) on motion by Councillor Moscoe, adding the following additional Recommendation 2(h):
- “2(h) that the appropriate section of the draft by-law be amended to provide for a prohibition against the disturbance of a religious ceremony in a place of worship;”;

so that the following recommendations of the report in their entirety, as amended by the foregoing, be adopted:

- “(1) Recommendations (2) and (3) of the report from the Commissioner of Urban Development Services dated August 16, 2001, be adopted, namely:
- (a) Council endorse the enforcement strategy and fee structure as outlined in the report; and
 - (b) Council request the Minister of the Environment to include sound emission standards for blowers or

vacuums for grounds maintenance in Publication NPC-117, Domestic Outdoor Power Tools;

(2) the draft by-law attached to the report referred to in Recommendation (1) be approved, subject to the following amendments:

(a) Section 4 be amended to reflect the prohibited period of time for the operation of a power device that blows or vacuums leaves, grass cuttings, debris or other similar material as follows:

(i) at all times in Quiet Zones;

(ii) at all times on residential properties except during the months of October and November for leaf removal;

(iii) between 6:00 p.m. and 8:00 a.m. Monday to Saturday and at all times on Sunday on non-residential properties; and

(iv) on Smog Alert days;

(b) the words “or vibration” be inserted after the word “noise” in Section 2;

(c) Section 4 be amended to reflect the prohibited period of time for the operation of construction equipment for quiet zones and any residential area to be from 7:00 p.m. one day to 7:00 a.m. the next day; 8:00 a.m. Saturday and all day Sunday and Statutory Holidays;

(d) Section 8(a) and 8(b) of the draft by-law be amended to read:

“8. Exemption: Public Safety and Highways

Notwithstanding any other provision of this chapter, it shall be lawful for the City or any local board thereof, the Province of Ontario, the Government of Canada or any of their authorized agents, to emit or cause to permit

the emission of sound in connection with measures undertaken:

- (a) for the immediate health, safety or welfare of the inhabitants of the City under emergency circumstances, or as specifically approved by Council during hours not permitted by this By-law;
- (b) for any emergency requiring immediate action for the construction, preservation, restoration or demolition of any highway or as specifically approved by City Council during hours not permitted by this By-law;”
- (e) Section 9E(1) of the by-law be amended to provide that the applicant shall, at his/her expense, cause a notice of the application to be published in a newspaper of general circulation within the municipality at least 14 days prior to the meeting of the Community Council at which the application will be considered, in the form approved by the Commissioner of Urban Development Services, and that the applicant be required to provide proof of such publication to the satisfaction of the Commissioner of Urban Development Services prior to the application being considered by Community Council;
- (f) where the City or any of its Agencies, Boards or Commissions is required to make an application for an exemption, the filing fee and the requirement to publish a notice of the application be waived;
- (g) notwithstanding Section 9 of the draft by-law, where an application for an exemption is being made by the City or any of its Agencies, Boards or Commissions, the application and report will be submitted directly to Community Council by the City Department, Agency, Board or Commission making the request;

Planning and Transportation Committee
Monday, November 12, 2001

- (h) that the appropriate section of the draft by-law be amended to provide for a prohibition against the disturbance of a religious ceremony in a place of worship;
- (3) the City Solicitor be authorized to prepare and introduce in Council a bill substantially in the form of the draft by-law, as amended, and any other bill necessary to give effect to Council's decision; and
- (4) once adopted by Council, that the City Solicitor make any necessary application to the Minister of the Environment for approval."; and
- (2) on motion by Councillor McConnell, the Commissioner of Urban Development Services be authorized to continue to hold discussions with cruise boat operators on noise levels emanating from the harbour.
- (3) the Planning and Transportation Committee also requested that the following reports be submitted directly to Council for its next meeting on December 4, 2001:
 - (a) the Commissioner of Urban Development Services, and, if applicable, the Commissioner of Works and Emergency Services and other appropriate staff to report on:
 - (i) on motion by Councillor Pantalone, an implementation plan to review work procedures, training requirements and to research new types of equipment and leaf removal methods;
 - (ii) on motion by Councillor Pantalone, the lowering of the decibel level for air conditioners from 5 to a lower figure noting that the former City of Toronto's level was 2 decibels;
 - (iii) on motion by Councillor Flint, a noise variance not being required for the demolition of single family dwellings provided that neighbours within a 100 metre radius are informed by the developer at least three days before the proposed demolition;

Planning and Transportation Committee
Monday, November 12, 2001

- (iv) on motion by Councillor Flint, tenders for the purchase of Parks and Recreation equipment to include conditions relating to noise and emission standards;
 - (v) on motion by Councillor Flint, the possibility of amending the Building Code or Zoning By-law to control the placement of air conditioners;
 - (vi) on motion by Councillor Silva, methods to better enforce the By-law including imposing a standard fine of \$1,000 to \$5,000; and
 - (vii) on motion by Councillor Silva, the feasibility of enabling Noise By-law Officers to work a night shift;
- (b) the Commissioner of Works and Emergency Services to report on:
- (i) on motion by Councillor Flint, the recommendation that the City's residential streets not be swept before 7.00 a.m.; and
 - (ii) on motion by Councillor Flint, noise amelioration measures that could be undertaken for highways, especially Highways 400, 401 and 404; and
- (c) on motion by Councillor Milczyn, the Medical Officer of Health to report on research available on the health impact of road traffic noise.

The following motions were voted on and lost:

On motion by Councillor Moscoe, that there be no exemption for leaf blowers in parks.

On motion by Councillor Flint, that:

- (1) Section 1(c)(2) of the report be amended by deleting the words "senior citizens residences";
- (2) leaf blowers be permitted in April and May during the hours as indicated in Councillor Pantalone's motion provided that they have a decibel level of 6.5 or less, and also have a 1/50 fuel ratio.

(Commissioner, Urban Development Services; Commissioner, Works and Emergency Services and Medical Officer of Health - November 19, 2001)

(Clause No. 2, Report No. 14)

10.3 Proposed City-Wide Official Plan and Zoning By-law Amendments to Permit Seniors Community Houses

The Planning and Transportation Committee gave consideration to a report (November 6, 2001) from the Commissioner, Urban Development Services considering appropriate City-wide official plan and zoning by-law amendments to permit seniors community houses across the City, wherever residential uses are generally permitted, and recommending that:

- (1) draft Zoning By-law amendments, generally as described in this report, to permit a Seniors Community House use in any zone where residential uses are generally permitted, except within the Parkdale community in the former City of Toronto, be forwarded to a statutory Public Meeting held pursuant to the Planning Act at the January 14, 2002 meeting of Planning and Transportation Committee;
- (2) the necessary amendments to the former Metro and former Area Municipal Official Plans, as may be required to authorize the draft Zoning By-law amendments referenced above, be drafted and also be forwarded to a statutory Public Meeting held pursuant to the Planning Act at the January 14, 2002 meeting of Planning and Transportation Committee; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

The Committee also had before it a communication (November 9, 2001) from Hugh Wilkinson, Abbeyfield Houses, Toronto, forwarding comments respecting the Noise By-law.

The following persons appeared before the Planning and Transportation Committee in connection with the foregoing matter:

- Hugh Wilkinson, Abbeyfield Houses Society; and
- Betsy Roche, Abbeyfield Houses Society.

On motion by Councillor Milczyn, the Planning and Transportation Committee recommended to City Council, for its meeting to be held on

December 4, 2001, the adoption of the report (November 6, 2001) from the Commissioner of Urban Development Services.

(Clause No. 3, Report No. 14)

10.4 Requiring Cab Drivers Issued Ambassador Taxicab Licences to Purchase Ultra Low Emission Vehicles

The Planning and Transportation Committee gave consideration to a report (October 22, 2001) from the Commissioner, Urban Development Services reporting on the feasibility of the City to require cab drivers that are issued an Ambassador taxicab licence to purchase ultra low emission vehicles for use as taxicabs, and recommending that this report be received for information purposes only.

The Committee also had before it a communication (November 9, 2001) from George H. Rust-D'Eye, Weir Foulds LLP, Barristers & Solicitors, forwarding a legal opinion as to whether or not the City of Toronto has the authority to enact a by-law amendment to its taxicab licensing by-law to provide that all future Ambassador taxicab licences, in addition to those already approved under By-law No. 574-2000, be issued only in respect of Ultra Low Emission Vehicles.

Bruce Davis, Executive Vice-President, Urban Intelligence, appeared before the Planning and Transportation Committee in connection with the foregoing matter.

The Planning and Transportation Committee:

(1) on motion by Councillor Ashton, referred the report (October 22, 2001) from the Commissioner of Urban Development Services back to the Commissioner with a request that the Commissioner:

(a) with representatives of the Toronto Atmospheric Fund meet with representatives of the Natural Gas Industry to discuss:

on motion by Councillor Flint, the foregoing motion by Councillor Ashton was amended by including the words "and including, but not targeting, representatives of the taxi industry," so that this motion now reads in its entirety:

(a) with representatives of the Toronto Atmospheric Fund, and including, but not targeting, representatives of the taxi industry, meet with representatives of the Natural Gas Industry to discuss:

- (i) a proposed fee structure and economic incentives which would allow Ambassador Taxicab owners to purchase ultra low emission vehicles (ULEVs);
 - (ii) on motion by Councillor Milczyn, concept of phasing in the use of ULEVs to the entire taxicab industry in the City of Toronto and incentives for moving forward to achieve this goal; and
- (b) on motion by Councillor McConnell, examine any other additional incentives for requiring an Ambassador taxicab license holder to purchase ULEVs, including the issuance of additional Ambassador Licence Plates for 2002;

on motion by Councillor Flint, and report back to the Planning and Transportation Committee as early as possible in 2002 on the outcome of these discussions; and

- (2) on motion by Councillor McConnell, referred this matter to the Sustainability Roundtable for discussion with a request that it report back to the Planning and Transportation Committee at the same meeting that the Commissioner of Urban Development submits her foregoing requested report.

The following motion was voted on and lost:

By Councillor Silva:

"That any additional Ambassador Taxicab licences to be issued, require that the license holders purchase ultra low emission vehicles, and that the Commissioner of Urban Development Services be requested to consult with the Gas Industry to achieve this objective."

(Commissioner, Urban Development Services and Sustainability Roundtable; cc: Executive Director, Toronto Atmospheric Fund; Executive Director, Municipal Licensing & Standards, Urban Development Services; Chair, Taxicab Advisory Committee and Interested Persons - November 20, 2001)

(Clause No. 8(a), Report No. 14)

10.5 Amendment to Chapter 441-6 of the Municipal Code Dealing with Fees for Services Provided by the Municipal Licensing and Standards Division (MLS) of Urban Development Services

The Planning and Transportation Committee gave consideration to a communication (October 25, 2001) from the City Clerk, Licensing Sub-Committee advising that the Licensing Sub-Committee, at its meeting on October 10, 2001, recommended that:

- (1) the existing fee schedule of Chapter 441-6 of the Municipal Code Dealing with Fees for Services Provided by the Municipal Licensing and Standards Division (MLS) of Urban Development Services, be amended to:
 - (a) add a fee of \$25.00 for the rescheduling of attendance at the Taxicab Driver Refresher Training Course;
 - (b) add a fee of \$25.00 for the rescheduling of attendance for the First Aid and Cardiopulmonary Resuscitation Course (CPR) provided by the Emergency Medical Services Division; Works and Emergency Services Department;
 - (c) amend the existing rescheduling fee for the First Aid and CPR course associated with the 17-day Effective Taxicab Driver Training Programme from \$50.00 to \$25.00;
 - (d) allow for the above-noted fee(s) to be waived should extenuating circumstances exist, subject to submission of supporting documentation acceptable to the Executive Director or his/her designate; and
- (2) the appropriate City officials be directed to take the necessary action to give effect thereto and that authorization be given for the introduction of the necessary bill in Council to amend Chapter 441-6 of the Municipal Code.

On motion by Councillor Ashton, the Planning and Transportation Committee recommended to City Council, for its meeting to be held on December 4, 2001, the adoption of the recommendations of the Licensing Sub-Committee contained in the communication (October 25, 2001) from the City Clerk.

(Clause No. 4, Report No. 14)

10.6 Proposed Amendment to By-law 574-2000, Schedule 8, as it Relates to Taxicab Owner Vehicle Transferability

The Planning and Transportation Committee gave consideration to a communication (October 25, 2001) from the City Clerk, Licensing Sub-Committee advising that the Licensing Sub-Committee, at its meeting held on October 10, 2001, recommended that:

- (1) By-law 574-2000 be amended to allow for the transferability of vehicles to be used as taxicabs providing the vehicle is in active use as a registered taxicab or was in active use as a registered taxicab in the 45-day period immediately preceding the date of application for transfer; and
- (2) the appropriate City Officials be authorized and directed to take the necessary action to give effect hereto including authorization of the introduction of the necessary bill in Council to amend By-law 574-2000.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended to City Council, for its meeting to be held on December 4, 2001, the adoption of the recommendations of the Licensing Sub-Committee contained in the communication (October 25, 2001) from the City Clerk.

(Clause No. 5, Report No. 14)

10.7 Illegal Taxicabs and Limousines (Livery Cabs)

The Planning and Transportation Committee gave consideration to a communication (October 29, 2001) from the City Clerk, Licensing Sub-Committee advising that the Licensing Sub-Committee, at its meeting held on October 10, 2001) recommended that:

- (1) a working group be established, through the Taxicab Advisory Committee, to meet with staff to review the report (September 19, 2001) from the Commissioner of Urban Development Services to consider suggestions on how enforcement regarding taxicabs and limousines operating illegally within the City of Toronto may be improved, such enforcement to include seeking the co-operation of the City of Mississauga, and the Regional Municipalities of Durham and York, and that the Working Group's recommendations be submitted to the Licensing Sub-Committee; and
- (2) the Commissioner of Urban Development Services be requested to report to the Licensing Sub-Committee on the consideration of requesting the services of

certain off-duty police officers for a month to assist in the prosecutions of unlicensed taxicab and limousines operating illegally within the City of Toronto.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended to City Council, for its meeting to be held on December 4, 2001, that:

- (1) recommendations of the Licensing Sub-Committee contained in the communication (October 29, 2001) from the City Clerk be adopted subject to amending Recommendation (1) by increasing the membership of the Working Group by including a representative from the Airport Taxi Association; and
- (2) the Commissioner of Urban Development Services be requested to report to the Licensing Sub-Committee on the feasibility of requiring pre-arrangements by e-mail at least two hours in advance of a pick-up by a livery cab.

(Clause No. 6, Report No. 14)

10.8 Licensing of Strip Plazas (Strip Malls) in Order to Regulate their Maintenance

The Planning and Transportation Committee gave consideration to a report (October 26, 2001) from the City Solicitor commenting on the feasibility of a proposal to use the City's licensing powers to require all businesses located in a strip plaza to be parties to a collective strip plaza licence and to enter into a collective property maintenance agreement, and recommending that this report be received for information.

On motion by Councillor Moscoe, the Planning and Transportation Committee referred the report (October 26, 2001) from the City Solicitor back the City Solicitor with a request that he report, in consultation with the Commissioner or Urban Development Services, to the Planning and Transportation Committee on appropriate by-law amendments and licensing requirements which would create an incentive for businesses sharing a common parking area to be required to maintain such area.

(City Solicitor - November 16, 2001)

(Clause No. 8(b), Report No. 14)

10.9 Municipal Law Enforcement Officers - Amendments to Toronto Municipal Code Chapter 150

The Planning and Transportation Committee gave consideration to a report (November 9, 2001) from Maurice Anderson, President, Toronto Parking Authority, advising of technical amendments to the Toronto Municipal Code, Chapter 150- Municipal Law Enforcement Officers, which are required to broaden the parking by-law enforcement capabilities of the Toronto Parking Authority as they relate to the authorities granted to the Toronto Parking Authority by Council in Toronto Municipal Code, Chapter 179 - Parking Authority, with respect to agreements to maintain, operate and manage parking facilities on municipal and private property in the City of Toronto, and recommending that the Toronto Municipal Code, Chapter 150, Municipal Law Enforcement Officers be amended as necessary to ensure that employees of the Toronto Parking Authority are authorized to enforce parking by-laws of the City on all municipal and private property managed by the Toronto Parking Authority.

Gwyn Thomas, Manager, Operational Planning and Customer Service, Toronto Parking Authority, appeared before the Planning and Transportation Committee in connection with the foregoing matter.

On motion by Councillor Ashton, the Planning and Transportation Committee recommended to City Council, for its meeting to be held on December 4, 2001, the adoption of the report (November 9, 2001) from the President, Toronto Parking Authority and that authority be granted for the introduction of the necessary Bill in Council to give effect thereto.

(Clause No. 7, Report No. 14)

The meeting adjourned at 4:45 p.m.

Chair