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These Minutes were confirmed by City Council on April 23, 2001.

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

**TUESDAY, MARCH 6, 2001,  
WEDNESDAY, MARCH 7, 2001, AND  
THURSDAY, MARCH 8, 2001**

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

**CALL TO ORDER**

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

The meeting opened with O Canada.

3.2 **CONFIRMATION OF MINUTES**

Councillor Lindsay Luby, seconded by Councillor Duguid, moved that the Minutes of the Council meeting held on the 30th and 31st days of January and the 1st day of February, 2001, be confirmed in the form supplied to the Members, which carried.

3.3 **PETITIONS AND ENQUIRIES**

- (1) Council had before it the following regarding the status of the TEDCO investigation requested by City Council:
- (a) Enquiry dated February 5, 2001, from Councillor Walker (See Attachment No. 1, Page 149); and

- (b) Answer to the foregoing Enquiry dated February 27, 2001, from the Chief Administrative Officer and the City Solicitor (See Attachment No. 2, Page 150).

*Motion:*

Councillor Walker moved that Council adopt the following recommendation:

“It is recommended that the provisions of § 27-59 of Chapter 27 of the City of Toronto Municipal Code be waived and that the foregoing Enquiry and Answer regarding TEDCO be considered in conjunction with Clause No. 6 of Report No. 2 of The Administration Committee, headed ‘Status of the TEDCO Investigation’.”

*Vote:*

The motion by Councillor Walker carried, more than two-thirds of Members present having voted in the affirmative.

- (2) Council had before it the following regarding recent media reports on the polling of City residents on property tax increases and budget issues:
- (a) Enquiry dated February 23, 2001, from Councillor Bussin (See Attachment No. 3, Page 152); and
- (b) Answer to the foregoing Enquiry dated March 5, 2001, from the Chief Administrative Officer (See Attachment No. 4, Page 153).

*Motion:*

Councillor Bussin moved that the foregoing Enquiry and Answer thereto be received.

*Vote:*

The motion by Councillor Bussin carried.

## **PRESENTATION OF REPORTS**

- 3.4 Councillor Flint presented the following Reports for consideration by Council:

Report No. 2 of The Policy and Finance Committee,  
Report No. 2 of The Community Services Committee,  
Report No. 2 of The Economic Development and Parks Committee,

Report No. 2 of The Planning and Transportation Committee,  
Report No. 2 of The Works Committee,  
Report No. 2 of The Administration Committee,  
Report No. 3 of The Administration Committee,  
Report No. 2 of The East Community Council,  
Report No. 2 of The Midtown Community Council,  
Report No. 2 of The North Community Council,  
Report No. 2 of The Southwest Community Council,  
Report No. 2 of The West Community Council,  
Report No. 2 of The Downtown Community Council,  
Report No. 1 of The Audit Committee,  
Report No. 2 of The Nominating Committee, and  
Report No. 3 of The Striking Committee,

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

- 3.5 Councillor Flint, with the permission of Council, presented the following Report for the consideration of Council:

Report No. 3 of The Works Committee,

and moved, seconded by Councillor Duguid, that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, Council now give consideration to such Report, which carried, more than two-thirds of Members present having voted in the affirmative.

### 3.6 **DECLARATIONS OF INTEREST**

Councillor Holyday declared his interest in Clause No. 14 of Report No. 2 of The West Community Council, headed "Ontario Municipal Board Hearing: Application to Amend the Etobicoke Zoning Code and Site Plan Approval, Berkley Developments (Ashbourne) Inc., 3890 Bloor Street West (Ward 5 - Etobicoke-Lakeshore)", in that he owns a property adjoining the subject site.

Mayor Lastman declared his interest in Clause No. 9 of Report No. 2 of The Policy and Finance Committee, headed "Claim by the Canadian Broadcasting Corporation Regarding 354 Jarvis Street", and in Clause No. 7 of Report No. 2 of The Southwest Community Council, headed "1555 Jane Street - Application to Amend the Official Plan and Zoning By-law No. 7625; Medallion Properties Limited; Files Nos. UDOP-00-12, UDZ-99-42, UDSP-00-047 (York South-Weston - Ward 12)", in that the applicants' solicitors are employed by the same law firm as his son who is not a real estate lawyer and does not

personally act on these files; and in Clause No. 5 of Report No. 2 of The Economic Development and Parks Committee, headed "Appointments to Business Improvement Area (BIA) Boards of Management (All Wards)", in that his son is recommended for appointment to the Kennedy Road BIA; and in Clause No. 4 of Report No. 2 of The North Community Council, headed "Release of City-Owned Land at the Southeast Corner of Allen Road and Sheppard Avenue West from Proposed Computer and Telecommunications Manufacturer - Ward 10 - York Centre", in that his son lives in the immediate vicinity of the subject development.

Councillor Li Preti declared his interest in Clause No. 4 of Report No. 2 of The North Community Council, headed "Release of City-Owned Land at the Southeast Corner of Allen Road and Sheppard Avenue West from Proposed Computer and Telecommunications Manufacturer - Ward 10 - York Centre", insofar as it pertains to the lands on the east side of Allen Road and west of Wilson Heights Boulevard, in that he owns property in the vicinity of such lands.

Councillor Shaw declared her interest in Clause No. 18 of Report No. 2 of The East Community Council, headed "Final Report - Site Plan Control Application SC-S20000077, The Norfinch Group Inc., 2500 Eglinton Avenue East, Ward 37", in that her family owns property nearby; and in Item (e), entitled "Preliminary Report, Zoning By-law Amendment Application TF ZBL 2001 0002, The Governing Council of the University of Toronto, Northeast Corner of Ellesmere Road and Morningside Avenue, Highland Creek Community - Ward 44", as embodied in Clause No. 22 of such Report, headed "Other Items Considered by the Community Council", in that she teaches part-time at the Centennial College of Applied Arts and Technology.

Councillor Shiner declared his interest in Clause No. 53 of Report No. 2 of The Downtown Community Council, headed "Ontario Municipal Board Decision, Appeal from the Committee of Adjustment - 446 King Street West (Trinity-Spadina, Ward 20)", in that his family owns property within the vicinity of King Street and Spadina Avenue.

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

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

Report No. 2 of The Policy and Finance Committee, Clauses Nos. 1, 2, 5, 6, 7, 8, 10, 11, 12, 13, 14, 18, 19, 21 and 22.

Report No. 2 of The Community Services Committee, Clauses Nos. 1, 3, 6, 7, 8, 9 and 15.

Report No. 2 of The Economic Development and Parks Committee, Clauses Nos. 1, 2 and 8.

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

Report No. 2 of The Works Committee, Clauses Nos. 1, 2, 3, 9, 10, 11, 12 and 13.

Report No. 3 of The Works Committee, Clauses Nos. 1, 2 and 7.

Report No. 2 of The Administration Committee, Clauses Nos. 1, 2, 3, 4, 6, 10, 20, 24 and 25.

Report No. 3 of The Administration Committee, Clauses Nos. 1, 2 and 3.

Report No. 2 of The East Community Council, Clauses Nos. 19, 20 and 21.

Report No. 2 of The Midtown Community Council, Clauses Nos. 9, 11, 18 and 28.

Report No. 2 of The North Community Council, Clause No. 21.

Report No. 2 of The Southwest Community Council, Clauses Nos. 4, 5, 7 and 8.

Report No. 2 of The West Community Council, Clause No. 19.

Report No. 2 of The Downtown Community Council, Clauses Nos. 8, 17 and 21.

Report No. 1 of The Audit Committee, Clauses Nos. 1, 2, 3 and 7.

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

Report No. 3 of The Striking Committee, Clause No. 1.

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

Report No. 2 of The Policy and Finance Committee, Clauses Nos. 10, 12, 13 and 22.

Report No. 2 of The Community Services Committee, Clauses Nos. 3 and 15.

Report No. 2 of The Economic Development and Parks Committee, Clause No. 2.

Report No. 2 of The Works Committee, Clause No. 13.

Report No. 3 of The Administration Committee, Clause No. 2.

Report No. 2 of The Midtown Community Council, Clause No. 18.

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

Report No. 2 of The Nominating Committee, Clause No. 2.

Report No. 3 of The Striking Committee, Clause No. 1.

**The Clauses not held by Council for further consideration were deemed to have been adopted by Council, without amendment, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code.**

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

**3.8 Clause No. 6 of Report No. 2 of The Community Services Committee, headed “Toronto Food Charter and Food and Hunger Action Committee Phase II Report”.**

*Motion:*

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

“It is further recommended that communication dated February 21, 2001, from the Secretary, Board of Health, be received.”

*Votes:*

The motion by Councillor Duguid carried.

The Clause, as amended, carried.

**3.9 Clause No. 28 of Report No. 2 of The Midtown Community Council, headed “Other Items Considered by the Community Council”.**

*Motion:*

Councillor Flint moved that the Clause be received as information, subject to striking out and referring Item (g), entitled “Sherwood Park – Dogs Off Leash (Don Valley West – Ward 25)”, embodied therein, back to the Midtown Community Council for further consideration.

*Votes:*

The motion by Councillor Flint carried.

The Clause, as amended, was received as information.

3.10 **Clause No. 8 of Report No. 2 of The Downtown Community Council, headed “Appointment - Crescent Town Recreation Club Inc. (Toronto-Danforth, Ward 29)”.**

*Motion:*

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

“It is further recommended that the name of Mr. Bob Dale be forwarded to the Board of Crescent Town Recreation Club Inc. for consideration, and that the communication dated February 7, 2001, from Mr. Dale be appended to the Clause.”

*Votes:*

The motion by Councillor Prue carried.

The Clause, as amended, carried.

3.11 **Clause No. 7 of Report No. 1 of The Audit Committee, headed “Other Items Considered by the Committee”.**

*Motion:*

Councillor Chow moved that the Clause be received as information, subject to striking out and referring Item (c), entitled “Response to the “Review of the Investigation of Sexual Assaults - Toronto Police Service”, embodied therein, back to the Audit Committee for further consideration.

*Votes:*

The motion by Councillor Chow carried.

The Clause, as amended, was received as information.

3.12 **Clause No. 6 of Report No. 2 of The Policy and Finance Committee, headed “Basement Flooding Investigation and Assessment, Voluntary Private Home Isolation Program”.**

*Motion:*

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

“It is further recommended that the North York No-Fault Sewer Back-up Program be placed on the agenda of the Works Committee and Members of Council be invited to make representation to the Committee with respect to that program.”

*Ruling by Deputy Mayor:*

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

*Motion:*

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

“It is further recommended that:

- (1) the Commissioner of Works and Emergency Services be requested to:
  - (a) communicate with those homeowners who have current complaints with the City respecting their drains; and
  - (b) provide each Councillor with a list of complaints within their Ward; and
- (2) those residents of the City of Toronto living in the area formerly known as the City of North York and experiencing the same problems also be compensated under the former policy.”

*Ruling by Deputy Mayor:*

Deputy Mayor Ootes, having regard to the nature of Part (2) of motion (b) by Councillor Mammoliti, ruled such motion out of order.

*Motion:*

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

- (1) deleting from Part (ii) of the recommendation of the Policy and Finance Committee the words “fifty percent” and inserting in lieu thereof the words “eighty percent”; and
- (2) adding thereto the following:



“It is further recommended that those homeowners experiencing multiple problems with their drains be given the first opportunity to have the back-flow device installed.”

*Votes:*

Adoption of Part (1) of motion (c) by Councillor Di Giorgio:

Yes - 12 Councillors:	Augimeri, Chow, Di Giorgio, Filion, Johnston, Mammoliti, Mihevc, Milczyn, Miller, Moscoe, Prue, Sutherland
No - 27 Mayor: Councillors:	Lastman Ashton, Balkissoon, Bussin, Cho, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki

Lost by a majority of 15.

Adoption of Part (2) of motion (c) by Councillor Di Giorgio:

Yes - 23 Councillors:	Ashton, Augimeri, Bussin, Chow, Di Giorgio, Duguid, Filion, Flint, Holyday, Johnston, Jones, Layton, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Pitfield, Rae, Shaw, Soknacki
No - 16 Mayor: Councillors:	Lastman Balkissoon, Cho, Disero, Feldman, Ford, Hall, Korwin-Kuczynski, McConnell, Minnan-Wong, Nunziata, Ootes, Prue, Shiner, Silva, Sutherland

Carried by a majority of 7.

Part (1) of motion (b) by Councillor Mammoliti carried.

The Clause, as amended, carried.

In summary, Council amended this Clause by adding thereto the following:

“It is further recommended that:

- (1) those homeowners experiencing multiple problems with their drains be given the first opportunity to have the back-flow device installed; and
- (2) the Commissioner of Works and Emergency Services be requested to:
  - (a) communicate with those homeowners who have current complaints with the City respecting their drains; and
  - (b) provide each Councillor with a list of complaints within their Ward.”

**3.13 Clause No. 11 of Report No. 2 of The Policy and Finance Committee, headed “Response to the Notice of Motion (October 2000) to Submit an Application for a New Home for the Aged (Ward 35 - Scarborough Southwest)”.**

Having regard that the Clause was submitted without recommendation:

*Motions:*

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

“It is recommended that the following recommendation of the Community Services Committee, embodied in the communication dated February 26, 2001, from the City Clerk, be adopted, subject to final approval of the funding by City Council:

‘City Council formally reconfirm its support for the application for the construction and ongoing operation of a new 178-bed long-term care facility to be located on the City-owned property located at the northwest corner of St. Clair and Midland Avenues, and communicate this support to the Ministry of Health and Long Term Care, as required by the application process, by the March 15, 2001 deadline’.”

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

“It is recommended that the City of Toronto-initiated Official Plan Amendment for the Scarborough Transportation Corridor Lands, Phase III, St. Clair West to Brimley Road (W96052), be referred back to the East Community Council for its consideration and direction.”

*Votes:*

Adoption of motion (a) by Councillor Duguid:

Yes - 32 Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Prue, Rae, Shaw, Silva, Soknacki, Walker
No - 5 Councillors: Flint, Kelly, Pitfield, Shiner, Sutherland

Carried by a majority of 27.

Motion (b) by Councillor Ashton carried.

Adoption of Clause, as amended:

Yes - 36 Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Johnston, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Shaw, Silva, Soknacki, Walker
No - 3 Councillors: Kelly, Shiner, Sutherland

Carried by a majority of 33.

- 3.14 **Clause No. 9 of Report No. 2 of The Works Committee, headed “F.G. Gardiner Expressway and Don Valley Parkway Closure - Heart and Stroke Foundation of Ontario ‘2001 Ride for Heart’ (Etobicoke-Lakeshore, Parkdale-High Park, Trinity-Spadina, Don Valley West, Toronto Centre-Rosedale, Toronto-Danforth, Beaches-York, Don Valley East)”.**

*Motion:*

Deputy Mayor Ootes, with the permission of Council, moved that the Clause be amended by amending Recommendation No. (1) embodied in the report dated January 18, 2001, from the Commissioner of Works and Emergency Services, by deleting the time “4:00 p.m.” and

inserting in lieu thereof the time “2:00 p.m.”, so that such Recommendation shall now read as follows:

- “(1) authority be given to close the F.G. Gardiner Expressway, from the Humber River to the Don Valley Parkway, including all ramps, and the Don Valley Parkway, from the F.G. Gardiner Expressway to York Mills Road, on Sunday, June 3, 2001, from 3:00 a.m. to 2:00 p.m., for the ‘2001 Ride for Heart’;”.

*Votes:*

The motion by Deputy Mayor Ootes carried.

The Clause, as amended, carried.

3.15 **Clause No. 21 of Report No. 2 of The Policy and Finance Committee, headed “Lakeshore Psychiatric Hospital Grounds, Land Exchange with Toronto Catholic District School Board”.**

*Motion to Re-Open:*

Councillor Jones, with the permission of Council, moved that, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Jones moved that the Clause be received.

*Vote:*

The motion by Councillor Jones carried.

3.16 **Clause No. 8 of Report No. 2 of The Economic Development and Parks Committee, headed “Former Lakeshore Hospital Site, Toronto Catholic District School Board/City of Toronto Joint Use Agreement”.**

*Motion to Re-Open:*

Councillor Jones, with the permission of Council, moved that, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further

consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

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

“It is further recommended that the confidential report dated March 5, 2001, from the Commissioner of Urban Development Services, be adopted, such report to remain confidential, in its entirety, in accordance with the provisions of the Municipal Act, having regard that it concerns the proposed or pending acquisition of property for municipal or local board purposes.”

*Votes:*

The motion by Councillor Jones carried.

The Clause, as amended, carried.

**3.17 Clause No. 7 of Report No. 2 of The Community Services Committee, headed “Development of a Child Care Centre at 5200 Yonge Street”.**

*Motion:*

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

“It is further recommended that the Commissioner of Community and Neighbourhood Services and the Architect be advised that the maximum funding for this project (Child Care Centre at 5200 Yonge Street), in its entirety, is the \$2.25 million allocated in the Child Care Capital Reserve Fund, and, in the event the tenders are above the amount, the design be amended and re-tendered so as to complete this project within the approved budget.”

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

**3.18 Clause No. 4 of Report No. 2 of The Administration Committee, headed “Bid Committee Authority”.***Motion:*

Councillor Shiner moved that the Clause be amended by:

- (a) deleting from Recommendations Nos. (1) and (2) embodied in the report dated January 19, 2001, from the Chief Financial Officer and Treasurer, the amount “\$3.5 million” and inserting in lieu thereof the amount “\$2.5 million”, so that such recommendations shall now read as follows:

“(1) the Bid Committee’s authority be confirmed on a permanent basis to award contracts valued up to \$2.5 million where the lowest bidder meeting specifications and requirements is being recommended and where no written objection to the award has been received;

(2) Standing Committees’ authority be confirmed on a permanent basis to award contracts valued at above \$2.5 million and less than or equal to \$5.0 million;”;  
and

- (b) adding thereto the following:

“It is further recommended that the Chief Financial Officer and Treasurer be requested to report further thereon in one year’s time.”

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

**3.19 Clause No. 10 of Report No. 2 of The Works Committee, headed “Dufferin Street Jog Elimination at Queen Street West - Addendum to Environmental Study Report (1992) (Davenport)”, and Clause No. 24 of Report No. 2 of The Administration Committee, headed “405 and 426, 430, 436 and 440 Dufferin Street, Application for Approval to Expropriate Interests in Land, Property Acquisitions Required for Proposed Dufferin Street Underpass (Ward 18 - Davenport, Ward 14 - Parkdale-High Park)”.***Motion:*

Councillor Silva moved that consideration of these Clauses be deferred to the next regular meeting of City Council scheduled to be held on April 24, 2001, and the Commissioner of

Works and Emergency Services be requested to meet with Councillors Korwin-Kuczynski, Pantalone, Shiner and Silva in regard thereto and submit a report thereon directly to Council on the ways and means of lowering the cost of this project.

*Vote:*

The motion by Councillor Silva carried.

**3.20 Clause No. 1 of Report No. 2 of The Community Services Committee, headed “Operation of Protocol for Late Night Entertainment Events”.**

*Motions:*

- (a) Mayor Lastman moved that the Clause be amended by striking out and referring Recommendations Nos. (2), (3) and (4) of the Community Services Committee to the Toronto Police Services Board for review and report thereon to Council, through the Community Services Committee.
- (b) Councillor Chow moved that consideration of the Clause be deferred until such time as the Province adopts measures to augment and support municipal efforts to maintain safe communities and to deal with problem addresses.

*Vote:*

Motion (b) by Councillor Chow carried.

Having regard to the foregoing decision of Council, motion (a) by Mayor Lastman was not put to a vote.

**3.21 Clause No. 9 of Report No. 2 of The Community Services Committee, headed “Youth Representation on the Children and Youth Action Committee”.**

*Motion:*

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

“It is recommended that:

- (a) the joint report dated February 23, 2001, from the Commissioner of Community and Neighbourhood Services and the Children and Youth Advocate, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) Council reconfirm the CYAC’s terms of reference;
  - (2) Council approve increasing the membership of the CYAC by appointing 12 representatives of agencies serving youth;
  - (3) Council approve the appointment of two representatives of the Toronto Youth Cabinet as members of the CYAC;
  - (4) Council reconfirm the present quorum of nine members;
  - (5) the Striking Committee continue to recommend Councillors for appointment to the CYAC;
  - (6) Council request the Commissioner of Community and Neighbourhood Services and the Children and Youth Advocate to continue to report to the Community Services Committee on an annual basis seeking approval for the CYAC’s mandate, citizen membership, and workplan and that the Committee’s budget continue to be approved through the annual budget process; and
  - (7) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’; and
- (b) the report dated March 2, 2001, from the Children and Youth Advocate, embodying the following recommendations, be adopted:

‘It is recommended that:

- (1) City Council approve the appointment of citizen members to the Children and Youth Action Committee as recommended in this report; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

*Votes:*

The motion by Councillor Chow carried.

The Clause, as amended, carried.



**3.22 Clause No. 19 of Report No. 2 of The Policy and Finance Committee, headed “2001 Draft Regulation Mandating Standardized Property Tax Bills (Form and Content)”.**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Bussin moved that Council adopt the following recommendation:

“It is recommended that the report dated March 2, 2001, from the Chief Financial Officer and Treasurer, embodying the following recommendation, be adopted, viz.:

‘That City Council request the Minister of Finance to authorize the City to use its existing final property tax bill form (attached as Appendix A) for use in 2001 and beyond.’ ”

*Votes:*

The motion by Councillor Bussin carried.

The Clause, as amended, carried.

**3.23 Clause No. 21 of Report No. 2 of The Downtown Community Council, headed “Revoking of Sidewalk/Boulevard Vending Permits - Queens Quay West, South Side, 7.25 Metres West of Bay Street, 62.0 Metres East of Bay Street and 109.7 Metres East of Bay Street (Toronto Centre-Rosedale, Ward 28)”.**

*Vote:*

The Clause was adopted, without amendment.

*Motion to Re-Open:*

Councillor Moscoe, with the permission of Council, moved that, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 10	
Councillors:	Balkissoon, Di Giorgio, Duguid, Holyday, Jones, Mammoliti, Milczyn, Miller, Minnan-Wong, Moscoe
No - 31	
Mayor:	Lastman

Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Disero, Feldman, Filion, Flint, Ford, Hall, Johnston, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Shiner, Silva, Soknacki, Walker

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

**3.24 Clause No. 7 of Report No. 3 of The Works Committee, headed “Other Items Considered by the Committee”.**

*Motion to Re-Open:*

Councillor Moscoe, with the permission of Council, moved that, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Moscoe moved that the Clause be received as information, subject to striking out and referring Item (b), entitled “No-Fault Flood Grant Program: Basement Flooding Damages and Clean-up Costs”, embodied therein, to the Budget Advisory Committee, notwithstanding the provisions of Chapter 27 of the City of Toronto Municipal Code, for consideration and the hearing of deputations by Members of Council only.

*Votes:*

The motion by Councillor Moscoe carried, more than two-thirds of Members present having voted in the affirmative.

The Clause, as amended, was received as information.

**3.25 Clause No. 1 of Report No. 2 of The Works Committee, headed “Transportation of Waste to Michigan”.**

*Motion:*

Councillor Disero moved that the Clause be amended by adding to Recommendation No. (3) of the Works Committee, the words “and conduct a similar examination of a potential rail haul option with the City’s other supplier of landfill capacity in Michigan, Superior Arbor Hills Landfill, Inc.”, so that such Recommendation shall now read as follows:

- “(3) the Commissioner of Works and Emergency Services be requested to examine the CP Rail Expressway option for the shipment of all or part of the City’s

waste, in consultation with neighbouring communities, the consultation process established, the contractors, Republic Services and Wilson Logistics, and CP Rail, and conduct a similar examination of a potential rail haul option with the City's other supplier of landfill capacity in Michigan, Superior Arbor Hills Landfill, Inc.;"

*Votes:*

The motion by Councillor Disero carried.

The Clause, as amended, carried.

**3.26 Clause No. 3 of Report No. 3 of The Administration Committee, headed "Fleet Services Future Plan".**

*Motion:*

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

"It is further recommended that a copy of this Clause be forwarded to the Budget Advisory Committee for consideration during the budget deliberations and report thereon through the Policy and Finance Committee, to City Council."

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

**3.27 Clause No. 20 of Report No. 2 of The East Community Council, headed "Ontario Municipal Board Hearing, Draft Plan of Subdivision Application SC-T19990003, Zoning By-law Amendment Application SC-Z19990019, Village Securities Limited, Morningside Heights Secondary Plan Area - Ward 42".**

*Motion:*

Councillor Cho moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on April 24, 2001.

*Vote:*

Adoption of motion by Councillor Cho:

Yes - 29
Councillors: Altobello, Augimeri, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Korwin-Kuczynski, Layton, Lindsay Luby, Mihevc, Milczyn, Miller, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Shiner, Silva, Walker
No - 6
Councillors: Ashton, Mammoliti, McConnell, Shaw, Soknacki, Sutherland

Carried by a majority of 23.

3.28 **Clause No. 1 of Report No. 2 of The Economic Development and Parks Committee, headed “Recreation User Fee and Welcome Policies Evaluation”.**

*Motions:*

- (a) Councillor McConnell moved that the Clause be amended:
- (1) to provide that:
- (a) recreation centre staff be directed to extend free access to families who cannot afford to pay user fees, regardless of their status under social programs, and make the application process as simple as possible; and
- (b) staff be directed to ensure that they have successfully extended these services to an appropriate number of low income families for the catchment area and be requested to submit a report on their success to the Economic Development and Parks Committee after each season;
- (2) by adding thereto the following:
- “It is further recommended that:
- (a) the comprehensive review of seniors programs and services, scheduled to begin in Spring 2001, include a review of ‘Seniors Clubs’, including the cost of the fee, the neighbourhoods in which the clubs are located, the Wards in which the clubs are located, and the percentage of ‘club’ members using the Welcome Policy;
- (b) the list of priority centres be expanded to include the next ten centres on the list: West Hill Collegiate, Parkdale Recreation Centre, Thorncliffe Park, Keelsdale Junior Public School, George Harvey Collegiate, Mid Scarborough, Vaughan Road Academy, Oriole

Resource Centre, S.H. Armstrong and Grand Ravine Recreation Centre; and

(c) City Council adopt an ‘Olympic Commitment’ to provide free recreation services to all residents by the time the Olympics open in 2008.’; and

(3) by striking out and referring the portion of the Clause pertaining to the User Fee schedule to the Budget Advisory Committee for consideration.

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

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on the advisability of increasing the fees outlined in Recommendation No. (3) to a level beyond the \$25.00 fee but less than the fees charged in the rest of the Greater Toronto Area, with the intent of utilizing the additional revenue to fund:

(1) expansion of instructional programming for children required to meet the demand;

(2) expansion and enhancement of programming for youth, in particular programs that target high risk youth; and

(3) savings.”

(c) Councillor Mammoliti moved that the Clause be amended by striking out the recommendations of the Economic Development and Parks Committee and inserting in lieu thereof the following:

“It is recommended that the report dated February 6, 2001, from the Commissioner of Economic Development, Culture and Tourism, be adopted.”

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

“It is further recommended that:

(1) in the event that the issue of the user fee is not referred to the Budget Advisory Committee, the Commissioner of Economic Development, Culture and Tourism be directed to implement a sliding scale for families with more than one child and submit a report to the Economic Development and Parks Committee on a system to be implemented;

- (2) City Council commit itself, for the duration of this term of Council, to not raising the fee beyond the \$25.00 level established this year; and
  - (3) the Commissioner of Economic Development, Culture and Tourism be requested to undertake an honour system in the identification of eligibility for the welcome policy; evaluate the success thereof; and submit a report thereon to Council, through the Economic Development and Parks Committee, in 2002.”
- (e) Councillor Silva moved that the Clause be amended:
- (1) by adding thereto the following:

“It is further recommended that the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the next meeting of the Economic Development and Parks Committee on the percentage of people using the Welcome Policy, by recreation centre, and the percentage of people attending instructional paid programs prior to, and following, the implementation of user fees.”; and
  - (2) to provide that instructional programs for children and seniors that are presently free of charge be maintained.
- (f) Councillor Korwin-Kuczynski moved that the Clause be amended to provide that the current User Fee Policy be left in place for the 2001 Budget year.
- (g) Councillor Miller moved that the Clause be amended:
- (1) to provide that swimming lessons for children under the age of 10 be deleted from the list of programs subject to a user fee;
  - (2) by adding thereto the following:

“It is further recommended that the Welcome Policy be reviewed, possibly through co-operation with the federal government, to ensure that persons who may benefit from the Welcome Policy can avail themselves of this Policy in privacy.”; and
  - (3) by striking out those portions of the Clause pertaining to new user fees and that Council adopt, in principle, a user fee of approximately \$5.00, to be charged on a per household basis on the tax bill to residential and multi-residential households, to replace the revenue.

- (h) Councillor Bussin moved that the Clause be amended by:
- (1) adding thereto the following:
    - “It is further recommended that:
      - (a) a copy of the City’s Welcome Policy be posted at the door of every recreation centre to facilitate the public’s awareness of the options available to them; and
      - (b) the Province of Ontario be requested to grant to the City of Toronto, the authority to establish a City of Toronto lottery; the revenue from such lottery to be used for the development of Parks and Recreation programs and the building of new facilities.”; and
  - (2) deleting Recommendation No. (3) embodied in the report dated February 6, 2001, from the Commissioner of Economic Development, Culture and Tourism.
- (i) Councillor Chow moved that Part (3) of motion (a) by Councillor McConnell be amended by adding thereto the words “and the Commissioner of Economic Development, Culture and Tourism be requested to investigate the feasibility of establishing a membership fee system and report thereon to the Budget Advisory Committee”.

*Votes:*

Adoption of motion (i) by Councillor Chow:

Yes - 20	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Chow, Disero, Flint, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Mihevc, Miller, Pantalone, Prue, Rae, Shaw, Silva, Walker
No - 22	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Cho, Di Giorgio, Duguid, Feldman, Ford, Holyday, Lindsay Luby, Mammoliti, McConnell, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland

Lost by a majority of 2.

Adoption of Part (3) of motion (a) by Councillor McConnell, without amendment:

Yes – 15	
Councillors:	Augimeri, Bussin, Chow, Johnston, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Prue, Rae, Silva, Walker
No – 27	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Holyday, Jones, Kelly, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland

Lost by a majority of 12.

Adoption of Part (2) of motion (h) by Councillor Bussin:

Yes – 15	
Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Johnston, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Silva, Walker
No – 27	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Cho, Disero, Duguid, Feldman, Flint, Ford, Holyday, Jones, Kelly, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Prue, Shaw, Shiner, Soknacki, Sutherland

Lost by a majority of 12.



*Ruling by Deputy Mayor:*

Deputy Mayor Ootes, having regard to the foregoing decision of Council, declared motion (f) by Councillor Korwin-Kuczynski, redundant.

*Votes:*

Adoption of Part (3) of motion (g) by Councillor Miller:

Yes - 16 Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Johnston, Jones, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Prue, Rae, Silva, Walker
No - 26 Mayor: Councillors:	Lastman Altobello, Ashton, Balkissoon, Berardinetti, Cho, Disero, Duguid, Feldman, Flint, Ford, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland

Lost by a majority of 10.

Adoption of Part (2) of motion (e) by Councillor Silva:

Yes - 15 Councillors:	Augimeri, Bussin, Chow, Johnston, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Prue, Rae, Silva, Walker
No - 27 Mayor: Councillors:	Lastman Altobello, Ashton, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Holyday, Jones, Kelly, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland

Lost by a majority of 12.

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

Yes - 18	
Councillors:	Augimeri, Bussin, Chow, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Pantalone, Prue, Rae, Shaw, Silva, Walker
No - 24	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Holyday, Kelly, Lindsay Luby, Mammoliti, Milczyn, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland

Lost by a majority of 6.

Adoption of motion (b) by Councillor Duguid:

Yes - 13	
Councillors:	Balkissoon, Duguid, Feldman, Flint, Ford, Holyday, Kelly, Lindsay Luby, Minnan-Wong, Nunziata, Ootes, Shiner, Sutherland
No - 29	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Johnston, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Pantalone, Pitfield, Prue, Rae, Shaw, Silva, Soknacki, Walker

Lost by a majority of 16.

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

Yes - 20 Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Disero, Johnston, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Prue, Rae, Shaw, Silva, Walker
No - 22 Mayor: Councillors:	Lastman Altobello, Ashton, Balkissoon, Berardinetti, Cho, Duguid, Feldman, Flint, Ford, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland

Lost by a majority of 2.

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

Yes - 17 Councillors:	Augimeri, Bussin, Chow, Flint, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Prue, Rae, Silva, Walker
No - 25 Mayor: Councillors:	Lastman Altobello, Ashton, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Ford, Holyday, Kelly, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland

Lost by a majority of 8.

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

Yes - 30	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Duguid, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Prue, Rae, Shaw, Silva, Soknacki, Sutherland, Walker
No - 12	
Councillors:	Ashton, Cho, Disero, Feldman, Flint, Ford, Holyday, Mammoliti, Minnan-Wong, Moeser, Ootes, Shiner

Carried by a majority of 18.

Adoption of Part (1)(b) of motion (a) by Councillor McConnell:

Yes - 19	
Councillors:	Ashton, Augimeri, Bussin, Chow, Di Giorgio, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Rae, Silva, Soknacki, Walker
No - 23	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Disero, Duguid, Feldman, Flint, Ford, Holyday, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Prue, Shaw, Shiner, Sutherland

Lost by a majority of 4.

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

Yes - 30	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Flint, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Prue, Rae, Shaw, Silva, Walker
No - 12	
Councillors:	Duguid, Feldman, Ford, Holyday, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Pitfield, Shiner, Soknacki, Sutherland

Carried by a majority of 18.

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

Yes - 20	
Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Chow, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Prue, Rae, Shaw, Silva, Sutherland, Walker
No - 22	
Mayor:	Lastman
Councillors:	Ashton, Balkissoon, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Holyday, Kelly, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki

Lost by a majority of 2.

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

Yes - 16 Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Johnston, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Prue, Rae, Silva, Walker
No - 26 Mayor: Councillors:	Lastman Altobello, Ashton, Balkissoon, Berardinetti, Cho, Disero, Duguid, Feldman, Flint, Ford, Holyday, Jones, Kelly, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland

Lost by a majority of 10.

Adoption of motion (c) by Councillor Mammoliti:

Yes - 20 Mayor: Councillors:	Lastman Altobello, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Holyday, Kelly, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Shaw, Shiner, Soknacki, Sutherland
No - 22 Councillors:	Ashton, Augimeri, Bussin, Chow, Flint, Ford, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Pantalone, Pitfield, Prue, Rae, Silva, Walker

Lost by a majority of 2.

Adoption of Part (3) of motion (d) by Councillor Mihevc:

Yes - 18 Councillors:	Augimeri, Bussin, Chow, Duguid, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Miller, Moscoe, Pantalone, Prue, Rae, Silva, Walker
No - 24	

Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Cho, Di Giorgio, Disero, Feldman, Flint, Ford, Holyday, Kelly, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland

Lost by a majority of 6.

Adoption of Part (1) of motion (e) by Councillor Silva:

Yes - 26	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Duguid, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Prue, Rae, Shaw, Silva, Soknacki, Walker
No - 16	
Mayor:	Lastman
Councillors:	Cho, Disero, Feldman, Flint, Ford, Holyday, Kelly, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Sutherland

Carried by a majority of 10.

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

Yes - 28	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Pantalone, Prue, Rae, Shaw, Silva, Soknacki, Walker
No - 14	
Mayor:	Lastman
Councillors:	Balkissoon, Disero, Feldman, Flint, Ford, Kelly, Mammoliti, Moeser, Nunziata, Ootes, Pitfield, Shiner, Sutherland

Carried by a majority of 14.

Part (1)(a) of motion (h) by Councillor Bussin carried.

Adoption of Part (1)(b) of motion (h) by Councillor Bussin:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Holyday, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Pitfield, Prue, Rae, Shaw, Silva, Sutherland
No - 14	
Councillors:	Augimeri, Feldman, Flint, Ford, Johnston, Jones, Kelly, Milczyn, Minnan-Wong, Moeser, Ootes, Shiner, Soknacki, Walker

Carried by a majority of 14.

Adoption of Clause, as amended:

Yes - 29	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Holyday, Jones, Lindsay Luby, Mammoliti, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pitfield, Prue, Shaw, Shiner, Soknacki, Sutherland
No - 13	
Councillors:	Augimeri, Chow, Johnston, Kelly, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Pantalone, Rae, Silva, Walker

Carried by a majority of 16.

In summary, Council amended this Clause:

- (1) to provide that recreation centre staff be directed to extend free access to families who cannot afford to pay user fees, regardless of their status under social programs, and make the application process as simple as possible; and
- (2) by adding thereto the following:  

“It is further recommended that:



- (a) the Province of Ontario be requested to grant to the City of Toronto, the authority to establish a City of Toronto lottery; the revenue from such lottery to be used for the development of Parks and Recreation programs and the building of new facilities;
- (b) the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the next meeting of the Economic Development and Parks Committee on the percentage of people using the Welcome Policy, by recreation centre, and the percentage of people attending instructional paid programs prior to, and following, the implementation of user fees;
- (c) the comprehensive review of seniors programs and services, scheduled to begin in Spring 2001, include a review of 'Seniors Clubs', including the cost of the fee, the neighbourhoods in which the clubs are located, the Wards in which the clubs are located, and the percentage of 'club' members using the Welcome Policy;
- (d) the Welcome Policy be reviewed, possibly through co-operation with the federal government, to ensure that persons who may benefit from the Welcome Policy can avail themselves of this Policy in privacy; and
- (e) a copy of the City's Welcome Policy be posted at the door of every recreation centre to facilitate the public's awareness of the options available to them."

3.29 **Clause No. 25 of Report No. 2 of The Administration Committee, headed "Proposed City of Toronto Land Exchange Agreement with Cathedral Properties Limited - City Lands at 76 Shuter Street and Privately Owned Lands at 78 Mutual Street, City of Toronto (Ward 27 - Toronto Centre-Rosedale)".**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Rae moved that Council adopt the following recommendation:

"It is recommended that the report dated March 5, 2001, from the Commissioner of Corporate Services be adopted."

*Votes:*

The motion by Councillor Rae carried.

The Clause, as amended, carried.

*Motion to Re-Open:*

Councillor Rae, with the permission of Council, moved that, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Rae moved that Council adopt the following recommendation:

“It is recommended that the report dated March 5, 2001, from the Commissioner of Corporate Services be adopted, subject to deleting Recommendation No. (5) embodied therein and inserting in lieu thereof the following new Recommendation No. (5):

- ‘(5) the City Solicitor be authorized to submit a by-law to amend the former City of Toronto Municipal Code Chapter 165, Development of Land, Article 1, with respect to the lands shown as Parcels 1, 2 and 3 on the sketch attached as Schedule “A” to this report and to provide for the payment of cash instead of the conveyance of land.’,

so that the recommendations embodied in such report shall now read as follows:

‘It is recommended that:

- (1) Council approve the changes to the proposed land exchange between the City and CPL with respect to the lands marked as Parcels 1 and 2 respectively on the sketch attached as Schedule “A” and in accordance to the terms and conditions as described in the body of this report;
- (2) Council accept the offer from CPL to convey the building components and the associated lands described as Transferred Building Components (TBC) on Table “A” of the sketch attached as Schedule “B”, as part of the land exchange and at no additional consideration, subject to ML agreeing to accept responsibility for the building components located thereon by way of a lease with the City, on the same terms and conditions as the current lease between the City and ML and in accordance with an agreement between CPL and ML as described in the body of this report;
- (3) Council declare lands described as TBC (the building components) on Table “A” of Schedule “B” and Parts 1, 3 & 4 (driveway, open space

and pedestrian walkway) of the sketch on Schedule “B” surplus to City’s needs pursuant to Section 193 of the Municipal Act;

- (4) Council authorize the City Solicitor, in consultation with the Director of Real Estate, to have prepared and executed all necessary agreements, including amending agreements, with CPL, Metta Housing Co-operative Incorporated (MET), Terrace Housing Co-operative Inc. (Terrace), Margaret Lawrence Housing Co-operative Inc. (ML) and all the other parties having an interest or named in any agreements being amended to implement the land exchange and related matters arising out of the same;
- (5) the City Solicitor be authorized to submit a by-law to amend the former City of Toronto Municipal Code Chapter 165, Development of Land, Article 1, with respect to the lands shown as Parcels 1, 2 and 3 on the sketch attached as Schedule “A” to this report and to provide for the payment of cash instead of the conveyance of land;
- (6) prior to the introduction of a Bill in Council to enact the foregoing, the land exchange agreement between the City and CPL be executed by both parties;
- (7) should the land exchange agreement not be completed, the City Solicitor be authorized to submit a by-law to repeal or appropriately amend the above amendments;
- (8) the Economic Development, Culture and Tourism Department’s Capital Budget be adjusted to include the proceeds of the proposed land exchange between the City and CPL, which is anticipated to be \$472,200.00, less Environmental Site Assessment cost and other incidental expenses associated with the proposed land exchange;
- (9) the amount of \$130,000.00, originally allocated to the Social Housing Reserve Fund, be allocated to Margaret Lawrence Housing Co-operative Inc. for the purpose of improving the building components that will create additional affordable housing units within the Co-op building; and
- (10) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

*Votes:*

The motion by Councillor Rae carried.

The Clause, as amended, carried.

**3.30 Clause No. 2 of Report No. 2 of The Administration Committee, headed “Organizational Structure of the Parks and Recreation Division - Staffing of Front Line Recreationist Positions”.**

*Vote:*

Adoption of Clause, without amendment:

Yes - 16 Councillors: Ashton, Bussin, Di Giorgio, Disero, Holyday, Jones, Korwin-Kuczynski, Layton, McConnell, Milczyn, Moscoe, Nunziata, Ootes, Rae, Shiner, Silva
No - 10 Councillors: Altobello, Augimeri, Balkissoon, Cho, Duguid, Ford, Lindsay Luby, Miller, Prue, Walker

Carried by a majority of 6.

*Motion to Re-Open:*

Councillor Ford, with the permission of Council, moved that, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, the vote on this Clause be re-opened in order that he be permitted to change his vote to the affirmative, the vote upon which was taken as follows:

Yes - 23 Councillors: Ashton, Bussin, Cho, Di Giorgio, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Ootes, Pantalone, Shaw, Walker
No - 5 Councillors: Altobello, Berardinetti, Mihevc, Rae, Shiner

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

Having regard to the foregoing decision of Council, the vote on the adoption of the Clause, without amendment, is now as follows:

Adoption of Clause, without amendment:

Yes - 17	
Councillors:	Ashton, Bussin, Di Giorgio, Disero, Ford, Holyday, Jones, Korwin-Kuczynski, Layton, McConnell, Milczyn, Moscoe, Nunziata, Ootes, Rae, Shiner, Silva
No - 9	
Councillors:	Altobello, Augimeri, Balkissoon, Cho, Duguid, Lindsay Luby, Miller, Prue, Walker

Carried by a majority of 8.

3.31 **Clause No. 11 of Report No. 2 of The Midtown Community Council, headed “Creation of School Pick-up/Drop-off Area, Rolph Road, Between Southvale Drive and Sutherland Drive (Don Valley West - Ward 26)”.**

*Motion:*

Councillor Pitfield moved that the Clause be amended by:

- (a) amending Recommendation No. (1) embodied in the report dated January 29, 2001, from the Director, Transportation Services, District 1, to read as follows:

“(1) there be no stopping/parking from 8:00 a.m. to 5:00 p.m., Monday to Friday, on the east side of Rolph Road, from Southvale Drive to Sutherland Drive;”;  
and

- (b) deleting Recommendations Nos. (2) to (5).

*Votes:*

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

*Motion to Re-Open:*

Councillor Pitfield, with the permission of Council, moved that, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Pitfield moved that the Clause be amended by striking out Recommendations Nos. (1), (2), (3) and (4) embodied in the report dated January 29, 2001, from the Director, Transportation Services, District 1, and inserting in lieu thereof the following new Recommendations Nos. (1) and (2), and renumbering Recommendation No. (5) accordingly:

- “(1) the existing ‘No Parking 8:30 a.m. to 4:30 p.m., Monday to Friday’ on the east side of Rolph Road adjacent to Rolph Road School be rescinded;
- (2) stopping be prohibited on the east side of Rolph Road between 8:00 a.m. to 5:00 p.m., Monday to Friday, between Southvale Drive to Sutherland Drive;”.

*Votes:*

The motion by Councillor Pitfield carried.

The Clause, as amended, carried.

**3.32 Clause No. 3 of Report No. 2 of The Administration Committee, headed “Lobbying Disclosure Policy for Certain Requests for Proposals and Tender/Quotation Calls”.**

*Motion:*

Councillor Walker moved that the Clause be by adding thereto the following:

“It is further recommended that the Chief Financial Officer and Treasurer be requested to submit a report to the Administration Committee respecting a Lobbying Disclosure Policy that affects all lobbyists dealing with the City, particularly with respect to lobbyists representing development applications.”

*Votes:*

The motion by Councillor Walker carried.

The Clause, as amended, carried.

**3.33 Clause No. 19 of Report No. 2 of The East Community Council, headed “Billboard Sign Allocation Process for Third Party Signs”.**

*Motion:*

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

“It is further recommended that:

- (1) as part of the 2001 Work Plan of the Urban Development Services Department, the Commissioner of Urban Development Services be requested to harmonize the billboard provisions of existing sign by-laws into a stand-alone billboard by-law which considers a fixed maximum number of billboards and a full cost recovery fee structure, and additional revenue if possible, for billboards; such harmonized billboard by-law to be presented to the September 11, 2001 meeting of the Planning and Transportation Committee, or earlier; and
- (2) the Commissioner of Urban Development Services, in consultation with the City Solicitor, be requested to submit a report to the Budget Advisory Committee, prior to its deliberations during the week of March 19, 2001, on whether there is an additional revenue opportunity to recover the costs of administering signs, and, if so, the amount of anticipated costs that can be recovered during the 2001 and subsequent budget years.”

*Votes:*

The motion by Councillor Soknacki carried.

The Clause, as amended, carried.

**3.34 Clause No. 17 of Report No. 2 of The Downtown Community Council, headed “Amendments to Official Plan and Zoning By-law 438-86 - Leslie-Lakeshore Developments Inc. 199019 - 731 Eastern Avenue (Toronto-Danforth, Ward 30)”.**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Layton moved that Council adopt the following recommendation:

“It is recommended that the report dated March 5, 2001, from the Commissioner of Urban Development Services, embodying the following recommendations, be adopted, viz.:

‘It is recommended that City Council:

- (1) approve the proposed approach to amend the Official Plan and Zoning By-law for the former City of Toronto as they apply to 731 Eastern Avenue substantially in accordance with the draft Official Plan and Zoning By-law Amendments contained in Appendix B of this report;

- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan and Zoning By-law Amendments as may be required, and instruct the City Solicitor and the Commissioner of Urban Development Services to attend at the Ontario Municipal Board in support of the amendments proposed in this report;
- (3) request the Ontario Municipal Board to withhold the issuance of its Order approving the Official Plan or Zoning By-law Amendments for 731 Eastern Avenue until such time as all site planning matters, including traffic ingress and egress, have been resolved and the applicant has entered into a Site Plan Agreement under Section 41 of the Planning Act;
- (4) request that the Commissioner of Urban Development Services hold a community consultation meeting on March 26, 2001, at Bruce Public School, prior to the Ontario Municipal Board hearing, to discuss the status of the application and the findings of the Eastern Avenue study; and
- (5) request the Commissioner of Urban Development Services to report further on the Draft Urban Design Guidelines, attached in Appendix C, for the study area south of Eastern Avenue.’ ”

*Votes:*

The motion by Councillor Layton carried.

The Clause, as amended, carried.

3.35 **Clause No. 2 of Report No. 2 of The Policy and Finance Committee, headed “The City of Toronto’s Performance Measurement Framework - The Provincial Requirement to Report Under the Municipal Performance Measurement Program (MPMP)”.**

*Motions:*

- (a) Councillor Moscoe moved that the Clause be amended by:
  - (1) amending Recommendation No. (1) of the Policy and Finance Committee to read as follows:
    - “(1) Council request the Province of Ontario to:
      - (a) consult on additional performance evaluation criteria;



- (b) extend the taxpayer reporting guidelines deadline to April 30, 2001; and
  - (c) pay for the cost of communicating with citizens;”; and
- (2) adding thereto the following:
  - “It is further recommended that:
    - (a) the Province of Ontario be advised that the City of Toronto is best compared with cities of a similar size, such as Montreal, Chicago and Atlanta;
    - (b) the Chief Administrative Officer be requested to work with staff of the Association of Municipalities of Ontario in preparing a performance evaluation of the Ontario Government; and
    - (c) all performance measurement data be provided to the Province as required, through the Association of Municipalities of Ontario only.”
  - (b) Councillor Ashton moved that the Clause be amended by amending Recommendation No. (1) embodied in the report dated February 7, 2001, from the Chief Administrative Officer, by deleting the word “annually”, and inserting in lieu thereof the word “semi-annually”, so that such recommendation shall now read as follows:
    - “(1) the Chief Administrative Officer report to the Policy and Finance Committee semi-annually on progress made in implementing Phase II of the Performance Measurement Framework;”.
  - (c) Councillor Kelly moved that the Clause be amended by adding thereto the following:
    - “It is further recommended that the Chief Administrative Officer be requested to provide additional ways of measuring performance in other categories.”

*Votes:*

Motion (a) by Councillor Moscoe carried.

Motion (b) by Councillor Ashton carried.

Motion (c) by Councillor Kelly carried.

Adoption of Clause, as amended:

Yes - 32	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Berardinetti, Bussin, Cho, Duguid, Feldman, Fillion, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki
No - 4	
Councillors:	Augimeri, Di Giorgio, Mammoliti, Pantalone

Carried by a majority of 28.

In summary, Council amended this Clause by:

- (1) amending Recommendation No. (1) of the Policy and Finance Committee to read as follows:
  - “(1) Council request the Province of Ontario to:
    - (a) consult on additional performance evaluation criteria;
    - (b) extend the taxpayer reporting guidelines deadline to April 30, 2001; and
  - (c) pay for the cost of communicating with citizens;”;
- (2) amending Recommendation No. (1) embodied in the report dated February 7, 2001, from the Chief Administrative Officer, by deleting the word ‘annually’, and inserting in lieu thereof the word ‘semi-annually’, so that such recommendation shall now read as follows:
  - “(1) the Chief Administrative Officer report to the Policy and Finance Committee semi-annually on progress made in implementing Phase II of the Performance Measurement Framework;”;
- (3) adding thereto the following:
 

“It is further recommended that:

- (a) the Province of Ontario be advised that the City of Toronto is best compared with cities of a similar size, such as Montreal, Chicago and Atlanta;
- (b) the Chief Administrative Officer be requested to:
  - (i) provide additional ways of measuring performance in other categories; and
  - (ii) work with staff of the Association of Municipalities of Ontario in preparing a performance evaluation of the Ontario Government; and
- (c) all performance measurement data be provided to the Province as required, through the Association of Municipalities of Ontario only.”

**3.36 Clause No. 1 of Report No. 3 of The Administration Committee, headed “Union Station: Proposal for a Governance Structure”.**

*Motion:*

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

“It is further recommended that:

- (1) the ex-officio representatives on the Board not be counted towards the maximum number of elected representatives;
  - (2) the ‘distinct corporation’ be subject to shareholder direction;
  - (3) agreements specify a requirement to pay full property taxes;
  - (4) any agreements regarding telecommunications be subject to City Council’s municipal policies and by-laws; and
  - (5) Union Station be subject to the City’s Official Plan and be required to pay all development and building permit fees to the City.”
- (b) Councillor Berardinetti moved that Part (4) of motion (a) by Councillor Moscoe be referred to the Administration Committee for further consideration.

*Votes:*

Motion (b) by Councillor Berardinetti carried.

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

The Clause, as amended, carried.

In summary, Council amended this Clause by adding thereto the following:

“It is further recommended that:

- (1) the ex-officio representatives on the Board not be counted towards the maximum number of elected representatives;
- (2) the ‘distinct corporation’ be subject to shareholder direction;
- (3) agreements specify a requirement to pay full property taxes;
- (4) Union Station be subject to the City’s Official Plan and be required to pay all development and building permit fees to the City; and
- (5) the following motion be referred to the Administration Committee for further consideration:

Moved by Councillor Moscoe:

‘It is further recommended that any agreements regarding telecommunications be subject to City Council’s municipal policies and by-laws.’ ”

**3.37 Clause No. 8 of Report No. 2 of The Southwest Community Council, headed “Sale of 715 Runnymede Road (York South-Weston – Ward 11)”.**

*Motion:*

- (a) Councillor Milczyn moved that the Clause be amended by striking out the recommendation of the Southwest Community Council and inserting in lieu thereof the following:  
“It is recommended that Option 1 embodied in the report dated March 2, 2001, from the Commissioner of Corporate Services, be adopted, viz.:
  - ‘(1) approve the original recommendations in the report dated January 31, 2001, from the Commissioner of Corporate Services, and authorize the sale of 715 Runnymede Road to Mr. Frank Ehrentraud;’.”
- (b) Councillor Feldman moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Corporate Services be requested to submit a report to the Administration Committee commenting on the proposed process to be followed when multiple bids are received on City-owned properties declared surplus, i.e., that the two or three highest bids, without disclosing amounts, be sent back to the prospective purchasers for their best offer, and they be advised of the time period during which an offer will be received.”

*Votes:*

Adoption of motion (a) by Councillor Milczyn:

Yes - 25	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Duguid, Feldman, Fillion, Flint, Holyday, Jones, Kelly, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Prue, Rae, Shaw, Shiner, Soknacki
No - 8	
Councillors:	Altobello, Disero, Ford, Hall, Korwin-Kuczynski, Mammoliti, Moeser, Nunziata

Carried by a majority 17.

Motion by (b) by Councillor Feldman carried.

The Clause, as amended, carried.

**3.38 Clause No. 18 of Report No. 2 of The Policy and Finance Committee, headed “Concerns Respecting the Methodology of the Ontario Property Assessment Corporation”.**

Having regard that the Clause was submitted without recommendation and was subsequently released without amendment, Council took no action on this Clause.

**3.39 Clause No. 9 of Report No. 2 of The Midtown Community Council, headed “Sheldrake Boulevard, Between Premises Nos. 108 and 124 – Implementation of a ‘No Parking’ Regulation (Don Valley West - Ward 25)”.**

*Motion:*

Councillor Flint moved that the Clause be amended by amending Recommendation No. (1) embodied in the report dated January 5, 2001, from the Director, Transportation Services District 1, by deleting the time “2:00 p.m.” and inserting in lieu thereof the time “5:00 p.m.”, so that such recommendation shall now read as follows:

- “(1) parking be prohibited from 10:00 a.m. to 5:00 p.m., Monday to Saturday, on the north side of Sheldrake Boulevard from a point 24 metres east of Stibbard Avenue to a point 41.5 metres further east;”.

*Votes:*

The motion by Councillor Flint carried.

The Clause, as amended, carried.

3.40 **Clause No. 2 of Report No. 2 of The Planning and Transportation Committee, headed “Proposed Provincial Measures to Augment and Support Municipal Efforts to Maintain Safe Communities and to Deal with Problem Addresses”.**

*Motion:*

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

“It is further recommended that:

- (1) a copy of this Clause be forwarded to the Task Force on Community Safety for its information; and
- (2) the Chairs of the Community Services Committee and the Planning and Transportation Committee, together with appropriate City staff, be requested to seek a meeting with the Minister of Municipal Affairs and Housing to brief the Minister on Council’s request and to emphasize Council’s support for a timely response to the recommendations embodied in the Clause.”

*Votes:*

The motion by Councillor Duguid carried.

The Clause, as amended, carried.

3.41 **Clause No. 1 of Report No. 3 of The Works Committee, headed “Prince Edward Viaduct - Don Section, Funding Proposal for Safety Barrier (Toronto Centre-Rosedale and Toronto-Danforth)”.**

*Motion:*

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

*Vote on Referral:*

Yes - 7 Councillors: Filion, Ford, Holyday, Korwin-Kuczynski, Milczyn, Minnan-Wong, Moeser
No - 30 Mayor: Lastman Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Disero, Duguid, Flint, Hall, Johnston, Jones, Kelly, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Shaw, Shiner, Soknacki

Lost by a majority of 23.

*Motions:*

- (b) Councillor Minnan-Wong 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:

- (1) the Commissioner of Works and Emergency Services be requested to investigate other revenue generating opportunities and submit a report thereon to the Works Committee;
- (2) the City of Toronto endorse the concept that the Don Valley is an important area and should be free from advertising; and
- (3) all advertising contracts that the City of Toronto enters into be offered to tender to all interested parties.”

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

“It is further recommended that:

- (1) the joint report dated March 5, 2001, from the Commissioner of Works and Emergency Services and the City Solicitor, be adopted, subject to deleting Recommendation No. (2) embodied therein and inserting in lieu thereof the following new Recommendation No. (2):

- ‘(2) the Commissioner of Works and Emergency Services, in consultation with the City Solicitor, be directed to enter into negotiations, and finalize an agreement with Bridgecon, the low bidder on the tender in the year 1999.’; and
- (2) the City Solicitor, in consultation with the Commissioner of Urban Development Services, be requested to submit a report to the Midtown Community Council on the status of the CPR application and the effect of the Tribar proposal thereon; and
- (3) the City extend its thanks to all the volunteers and people who worked with the Bloor Viaduct Project Steering Committee and express its condolences to the bereaved families on their loss.”
- (d) Councillor Korwin-Kuczynski moved that the Clause be amended to provide that an accelerated tendering process for advertising in support of a Suicide Barrier for the Prince Edward Viaduct be initiated by the City of Toronto immediately.
- (e) Councillor Pantalone moved that the Clause be amended to provide that:
- (1) the City of Toronto provide additional financing of \$3.5 million, in the form of pre-approval in the 2001 Capital Budget, and the Commissioner of Works and Emergency Services be requested to proceed with the Luminous Veil proposal immediately;
- (2) the Commissioner of Works and Emergency Services be requested to explore further the signage issue along the Don River corridor with the appropriate Committee of Council and other interested parties; and
- (3) the Commissioner of Works and Emergency Services be requested to submit a report to the Budget Advisory Committee on the deferral of \$3.5 million in the proposed 2001 Capital Budget.

Councillor Disero in the Chair.

Deputy Mayor Ootes in the Chair.

- (f) Councillor Layton moved that the adoption of the Clause be subject to the Commissioner of Works and Emergency Services, representatives from Tribar Industries Inc. and the Implementation Committee being requested to explore and report on possible alternative locations for signage which could meet the requirements of the contribution proposal.



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

“It is further recommended that, in the event that alternative locations for advertising signage are considered, a tendering process be commenced.”

- (h) Councillor Berardinetti moved that the Clause be amended by deleting Recommendation No. (1)(vii) of the Works Committee and inserting in lieu thereof the following:

“(1)(vii) funding be provided from the project budget for firstly, a pre-installation human factors evaluation and secondly, a post-installation evaluation to quantitatively measure the effects on traffic safety of the new signs on the Don Valley Parkway and that the Commissioner of Works and Emergency Services be requested to report back to the Works Committee on the results within 18 months;”.

- (i) Councillor Chow moved that the Clause be amended by amending Recommendation No. (1)(ix) of the Works Committee by deleting the words “appropriate Community Council” and inserting in lieu thereof the words “Planning and Transportation Committee”, so that such recommendation shall now read as follows:

“(1)(ix) the planning report and draft by-law be forwarded to the Planning and Transportation Committee for the holding of a public meeting in accordance with the provisions of the Planning Act;”.

- (j) Councillor Mihevc moved that Part (2) of motion (e) by Councillor Pantalone be amended by inserting, after the word “corridor”, the words “or other locations so as to help defray the cost of the project”.

*Votes:*

Adoption of Part (1) of motion (b) by Councillor Minnan-Wong:

Yes - 10 Councillors: Augimeri, Di Giorgio, Filion, Ford, Holyday, Korwin-Kuczynski, Milczyn, Minnan-Wong, Moeser, Shaw
No - 29 Mayor: Lastman

Councillors:	Altobello, Ashton, Berardinetti, Bussin, Cho, Chow, Disero, Duguid, Flint, Hall, Johnston, Jones, Kelly, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Shiner, Walker
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Lost by a majority of 19.

Adoption of Part (2) of motion (b) by Councillor Minnan-Wong:

Yes - 14	
Councillors:	Augimeri, Cho, Di Giorgio, Filion, Flint, Ford, Holyday, Jones, Kelly, Milczyn, Minnan-Wong, Moeser, Shaw, Walker

No - 25	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Berardinetti, Bussin, Chow, Disero, Duguid, Hall, Johnston, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Nunziata, Ootes, Pantalone, Pitfield, Prue, Rae, Shiner

Lost by a majority of 11.

Adoption of Part (3) of motion (b) by Councillor Minnan-Wong:

Yes - 17	
Councillors:	Augimeri, Berardinetti, Cho, Di Giorgio, Filion, Flint, Ford, Holyday, Kelly, Korwin-Kuczynski, Milczyn, Minnan-Wong, Moeser, Nunziata, Prue, Shaw, Walker

No - 21	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Bussin, Chow, Disero, Duguid, Hall, Johnston, Jones, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Miller, Ootes, Pantalone, Pitfield, Rae, Shiner

Lost by a majority of 4.

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

Yes - 10 Councillors:	Cho, Di Giorgio, Filion, Ford, Holyday, Korwin-Kuczynski, Moeser, Nunziata, Shaw, Walker
No - 27 Mayor: Councillors:	Lastman Altobello, Augimeri, Berardinetti, Bussin, Chow, Disero, Duguid, Flint, Hall, Johnston, Jones, Kelly, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Ootes, Pantalone, Pitfield, Prue, Rae, Shiner

Lost by a majority of 17.

Motion (j) by Councillor Mihevc carried.

Adoption of Part (1) of motion (e) by Councillor Pantalone:

Yes - 17 Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Flint, Johnston, Kelly, Layton, McConnell, Mihevc, Miller, Pantalone, Prue, Rae, Walker
No - 22 Mayor: Councillors:	Lastman Altobello, Berardinetti, Disero, Duguid, Filion, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner

Lost by a majority of 5.

Adoption of Part (2) of motion (e) by Councillor Pantalone, as amended:

Yes - 24	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Flint, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Ootes, Pantalone, Prue, Rae, Walker
No - 15	
Mayor:	Lastman
Councillors:	Disero, Duguid, Filion, Ford, Hall, Holyday, Lindsay Luby, Li Preti, Mammoliti, Moeser, Nunziata, Pitfield, Shaw, Shiner

Carried by a majority of 9.

Deputy Mayor Ootes, having regard to the decision of Council with respect to Part (1) of motion (e) by Councillor Pantalone, declared Part (3) of such motion redundant.

Motion (f) by Councillor Layton carried.

Adoption of motion (g) by Councillor Di Giorgio:

Yes - 18	
Councillors:	Augimeri, Berardinetti, Cho, Di Giorgio, Filion, Flint, Ford, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Milczyn, Minnan-Wong, Moeser, Prue, Shaw, Shiner, Walker
No - 20	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Bussin, Chow, Disero, Duguid, Hall, Johnston, Jones, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Miller, Ootes, Pantalone, Pitfield, Rae

Lost by a majority of 2.

Motion (i) by Councillor Chow carried.

Adoption of Parts (1) and (2) of motion (c) by Councillor Disero, as amended:

Yes - 28	
Mayor:	Lastman

Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Flint, Hall, Johnston, Jones, Kelly, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Ootes, Pantalone, Pitfield, Prue, Rae, Shiner
No - 10	
Councillors:	Cho, Filion, Ford, Holyday, Korwin-Kuczynski, Milczyn, Minnan-Wong, Moeser, Shaw, Walker

Carried by a majority of 18.

Adoption of Part (3) of motion (c) by Councillor Disero:

Yes - 38	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Ootes, Pantalone, Pitfield, Prue, Rae, Shaw, Shiner, Walker
No - 0	

Carried, without dissent.

Adoption of motion (h) by Councillor Berardinetti:

Yes - 23	
Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Cho, Di Giorgio, Duguid, Filion, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Mihevc, Milczyn, Miller, Minnan-Wong, Ootes, Pantalone, Pitfield, Prue, Shaw, Walker
No - 13	
Mayor:	Lastman
Councillors:	Chow, Disero, Flint, Ford, Johnston, Layton, Lindsay Luby, Mammoliti, McConnell, Moeser, Rae, Shiner

Carried by a majority of 10.

Adoption of Clause, as amended:

Yes - 25	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Johnston, Jones, Kelly, Layton, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Ootes, Pantalone, Pitfield, Prue, Rae, Shiner
No - 12	
Councillors:	Ashton, Cho, Filion, Flint, Ford, Holyday, Korwin-Kuczynski, Milczyn, Minnan-Wong, Moeser, Shaw, Walker

Carried by a majority of 13.

In summary, Council adopted the Clause, subject to the following:

- (1) deleting Recommendation No. (1)(vii) of the Works Committee and inserting in lieu thereof the following:
  - “(1)(vii) funding be provided from the project budget for firstly, a pre-installation human factors evaluation and secondly, a post-installation evaluation to quantitatively measure the effects on traffic safety of the new signs on the Don Valley Parkway and that the Commissioner of Works and Emergency Services be requested to report back to the Works Committee on the results within 18 months;”;
- (2) amending Recommendation No. (1)(ix) of the Works Committee by deleting the words “appropriate Community Council” and inserting in lieu thereof the words “Planning and Transportation Committee”, so that such recommendation shall now read as follows:
  - “(1)(ix) the planning report and draft by-law be forwarded to the Planning and Transportation Committee for the holding of a public meeting in accordance with the provisions of the Planning Act;”;
- (3) the Commissioner of Works and Emergency Services being requested to explore further the signage issue along the Don River Corridor, or other locations so as to help defray the cost of the project, with the appropriate Committee of Council and other interested parties; and

- (4) the Commissioner of Works and Emergency Services, representatives from Tribar Industries Inc. and the Implementation Committee being requested to explore and report on possible alternative locations for signage which could meet the requirements of the contribution proposal; and
- (5) adopting the joint report dated March 5, 2001, from the Commissioner of Works and Emergency Services and the City Solicitor, subject to:
  - (a) amending Recommendation No. (1) by deleting the reference to condition (1)(vii) and by deleting from Part (b), the words “Midtown Community Council” and inserting in lieu thereof the words “Planning and Transportation Committee”; and
  - (b) deleting Recommendation No. (2) embodied therein and inserting in lieu thereof the following new Recommendation No. (2):

“(2) the Commissioner of Works and Emergency Services, in consultation with the City Solicitor, be directed to enter into negotiations, and finalize an agreement with Bridgecon, the low bidder on the tender in the year 1999;”

so that the recommendations embodied in the joint report dated March 5, 2001, from the Commissioner of Works and Emergency Services and the City Solicitor shall now read as follows:

“It is recommended that:

- (1) Council delete condition (1)(viii) contained in the recommendations of the Works Committee, such conditions being applicable to lands outside the road allowance of the Don Valley Parkway, and instead authorize:
  - (a) pursuant to section 308 of the Municipal Act, an agreement to lease with Tribar Industries Inc. for the location of two signs within the untravelled portion of the Don Valley Parkway in or about the locations identified on the sketch attached to this report, for the monetary consideration set out in the recommendations from the Works Committee and for a term not to exceed 15 years and otherwise upon terms and conditions, including provisions for insurance, indemnity and removal of the signs, to the satisfaction of the Commissioner of Works and Emergency Services and the City Solicitor, in consultation with the

Implementation Committee, and that the signs comply with North York Sign By-law 30788; and

- (b) the Commissioner of Urban Development Services to prepare a report, together with a draft by-law amendment to North York Sign By-law 30788 to permit the proposed signs, and that the report and draft by-law be forwarded to the Planning and Transportation Committee for the holding of a public meeting in accordance with the provisions of the Municipal Act; and
- (2) the Commissioner of Works and Emergency Services, in consultation with the City Solicitor, be directed to enter into negotiations, and finalize an agreement with Bridgecon, the low bidder on the tender in the year 1999.”

In addition, Council directed that:

- (1) the City Solicitor, in consultation with the Commissioner of Urban Development Services, be requested to submit a report to the Planning and Transportation Committee on the status of the CPR application and the effect of the Tribar proposal thereon; and
- (2) the City extend its thanks to all the volunteers and people who worked with the Bloor Viaduct Project Steering Committee and express its condolences to the bereaved families on their loss.”

**3.42 Clause No. 7 of Report No. 2 of The Southwest Community Council, headed “1555 Jane Street - Application to Amend the Official Plan and Zoning By-law No. 7625; Medallion Properties Limited; File Nos. UDOP-00-12, UDZ-99-42 and UDSP-00-047 (York South-Weston – Ward 12)”.**

*Motions:*

- (a) Councillor Di Giorgio moved that the Clause be amended by striking out the recommendation of the Southwest Community Council and inserting in lieu thereof the following:

“It is recommended that the report dated August 30, 2000, from the Director of Community Planning, North District, be adopted for presentation to the Ontario Municipal Board Hearing scheduled for March 19, 2001, subject to the following amendments:



- (1) City Legal staff be authorized to appear at the Ontario Municipal Board to defend the City Council position, and to hire an external planner to support City Council's position at the OMB;
- (2) the length of the building along Harding Avenue be reduced by 5 metres;
- (3) a minimum of 220 square metres of amenity space will be provided at the east end of the new building on Harding Avenue. An additional amenity area which is the lesser of 1.5 square metres per unit within the two new apartment buildings along Jane Street, or 220 square metres, shall also be provided in proximity to these buildings;
- (4) the maximum number of apartment house dwellings be limited to 555;
- (5) the maximum number of multiple attached dwellings be 15;
- (6) provision be made for loading spaces for each of the two new buildings and up to 20 percent of visitor parking spaces be designated surface parking spaces;
- (7) the Director of Community Planning, North District, confirm that all parking spaces meet city standards. Substandard surface parking spaces be deleted, and the residential buildings be reduced by 79 metres for each space deleted, which reduces the number of surface parking spaces on the surface lot, to the west of the existing 18 storey apartment building, to less than 120. Parking for the residential buildings, existing and new, shall be provided as follows: 329 spaces for the existing 18 storey apartment building, and 1 space for every 1.25 units for the new residential buildings;
- (8) subject to paragraphs 2, 3, 4, 5, and 6, that the maximum FSI shall be 2.10;
- (9) the landscaped area to the east of the existing 18 storey apartment building that is not used for the proposed townhouses be restored as landscaped area and amenity space following construction of the new underground parking structure;
- (10) the proponent voluntarily contribute an amount of \$50,000.00 towards the provision of recreational amenities and that this amount be directed specifically to facilities in this neighbourhood; and

- (11) consideration be given to designating one of the new buildings as a seniors building, and seeking appropriate reduced parking requirements and other changes which reduce accompanying costs.”
- (b) Councillor Chow, on behalf of Councillor Moscoe, moved that the Clause be amended by:
- (1) striking out the recommendation of the Southwest Community Council and inserting in lieu thereof the following:
- “It is recommended that City Council adopt the recommendations of the Southwest Community Council of January 16, 2001, specifically:
- (1) that the application by Medallion Properties Limited to amend the Official Plan and Zoning By-law No. 7625 of the former City of North York, be approved, subject to the following conditions:
- (a) that any renovation costs or improvements associated with the existing building be borne by the new project and not be passed on to the tenants of the existing building;
- (b) that the applicant register condition (a) above with the Ontario Rental Housing Tribunal; and
- (c) that the applicant notify the tenants of the existing rental building of the action taken with respect to conditions (a) and (b) above,
- (2) that the project be subject to Site Plan approval and that in the interest of continuing the public process, a meeting be hosted by the local Councillor between the area residents and the applicant, to allow the residents to view the specifics of the proposal prior to finalization of the Site Plan; and
- (3) that the applicant:
- (a) be responsible for replacing any trees that are removed from the property, such replacement trees to be to the satisfaction of the City Planning Division and the City Arborist as to suitability;

- (b) voluntarily contribute an amount of \$100,000.00 towards the provision of recreational amenities and that this amount be directed specifically to facilities in this neighbourhood;
  - (c) meet with staff to re-design the proposed apartment building on Harding Avenue by reducing its height and redistributing the density onto the buildings fronting on Jane Street instead; and
  - (d) give consideration to designating one of the new buildings as a seniors building and seek appropriate reduced parking requirements and other changes which reduce accompanying costs.”; and
- (2) adding thereto the following:

“It is further recommended that staff be directed to appear at the OMB hearing scheduled for March 19, 2001, to defend the Council’s approval of the application.”

*Votes:*

Adoption of motion (a) by Councillor Di Giorgio:

Yes - 19	
Councillors:	Altobello, Berardinetti, Bussin, Cho, Di Giorgio, Duguid, Filion, Flint, Ford, Holyday, Jones, Kelly, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Shiner, Walker
No - 10	
Councillors:	Ashton, Feldman, Hall, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, McConnell, Mihevc, Rae

Carried by a majority of 9.

Having regard to the foregoing decision of Council, motion (b) by Councillor Chow, on behalf of Councillor Moscoe, was not put to a vote.

The Clause, as amended, carried.

- 3.43 **Clause No. 19 of Report No. 2 of The West Community Council, headed “Application to Amend the Etobicoke Zoning Code, Transcorp Inc. (GSI Real Estate and Planning Advisors Inc.), 316-318 Burnhamthorpe Road; File No. ZBA20000006 (Ward 5 - Etobicoke-Lakeshore)”.**

Having regard that the Clause was submitted without recommendation:

*Motion:*

Councillor Jones moved that Council adopt the following recommendation:

“It is recommended that the report dated February 28, 2001, from the Commissioner of Urban Development Services, be adopted, subject to adding to the end of Recommendation No. (1) embodied therein, the words “and that adequate facilities have been provided on site to ensure screening of garbage”, so that such recommendations shall now read as follows:

‘It is recommended that City Council:

- (1) instruct the City Solicitor, Urban Development Services staff and Works and Emergency Services staff to appear at the Ontario Municipal Board in support of the application provided that the restaurant uses are limited to 291 square metres, the parking standards are met, the forthcoming parking and traffic study indicates no significant impact, and that conclusion is supported through Transportation Services Division review, and that adequate facilities have been provided on site to ensure screening of garbage; or
- (2) instruct the City Solicitor, Urban Development Services staff and Works and Emergency Services staff to appear at the Ontario Municipal Board in opposition to the application if the parking and traffic study identifies significant impact and/or the Transportation Services review indicates that there is significant impact that cannot be accommodated by the existing road network and site capacity.”

*Votes:*

The motion by Councillor Jones carried.

The Clause, as amended, carried.

Councillor Milczyn requested that his opposition to this Clause be noted in the Minutes of this meeting.

- 3.44 **Clause No. 7 of Report No. 2 of The Policy and Finance Committee, headed “Evaluation of Toronto Hydro Energy Services Inc. Proposal for the Implementation of Energy Retrofit Measures in a Group of City-Owned Facilities as Part of the Better Buildings Partnership Program (All Wards)”.**

*Motion:*

Councillor Layton moved that consideration of the Clause be deferred to the next regular meeting of Council scheduled to be held on April 24, 2001.

*Vote:*

The motion by Councillor Layton carried.

3.45 **Clause No. 2 of Report No. 1 of The Audit Committee, headed “Toronto Harbour Commissioners - Financial Review - Further Information”.**

*Motion:*

Councillor Moscoe moved that consideration of the Clause be deferred to the next regular meeting of Council scheduled to be held on April 24, 2001.

*Vote:*

The motion by Councillor Moscoe carried.

3.46 **Clause No. 14 of Report No. 2 of The Policy and Finance Committee, headed “Kraft Paper Leaf and Yard Waste Bag Promotion and Enforcement”.**

*Motions:*

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

- (1) amending the recommendations embodied in the report dated January 24, 2001, from the Commissioner of Works and Emergency Services, to read as follows:

“It is recommended that, in order to enhance the education of Toronto residents regarding the new Kraft Paper Bag Policy for leaf and yard waste:

- (1) from April 1 to May 31, 2001, leaf and yard waste material placed in clear plastic bags will be collected, with the exception of one bag at each residence which will remain with an enforcement sticker attached explaining the new leaf and yard waste policy; and
- (2) effective June 1, 2001, a zero tolerance level of plastic bags will be enforced and leaf and yard waste material will only be collected in

kraft paper leaf and yard waste bags and in rigid open-top containers.”;  
and

- (2) adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to review the kraft bag program in light of the funding cuts to the program, providing recommendations on education and enforcement measures, and submit a report thereon to the Works Committee for consideration at the next scheduled meeting of Council.”

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

“It is further recommended that the Commissioner of Works and Emergency Services be requested to consult with local Councillors with respect to the languages used in the promotion of the kraft paper leaf and yard waste bag, in order to reach out to as many constituents as possible; and that each Councillor be given the opportunity to suggest other preferred languages.”

*Votes:*

Adoption of motion (a) by Councillor Milczyn:

Yes - 32	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Hall, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Shiner, Sutherland, Walker
No - 1	
Councillor:	Holyday

Carried, by a majority of 31.

Motion (b) by Councillor Mammoliti carried.

Adoption of Clause, as amended:

Yes - 32	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Shiner, Walker
No - 1	
Councillor:	Sutherland

Carried by a majority of 31.

3.47 **Clause No. 5 of Report No. 2 of The Policy and Finance Committee, headed “A Service Delivery Policy Framework”.**

*Motions:*

- (a) Councillor McConnell moved that the Clause be amended by striking out Recommendation No. (1) embodied in the report dated February 2, 2001, from the Chief Administrative Officer, and inserting in lieu thereof the following new Recommendation No. (1):

“(1) Council adopt the following policy to guide City Services:

The City of Toronto is committed to providing accountable quality services at an affordable cost, on a sustainable basis. To this end, the City will systematically review its programs, services and delivery mechanisms and will pursue the most appropriate methods and structures for providing accountable quality service and the best value for the municipal tax dollar, in general accordance with relevant and appropriate City policies and standards;”.

Councillor Disero in the Chair.

Deputy Mayor Ootes in the Chair.

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

“It is further recommended that the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee on:

- (a) applying performance value auditing principles benchmarked in the Best Practices Program in the Water and Waste Water Division; and
- (b) an implementation plan respecting the Service Delivery Policy Framework, including a workplan, timetable and potential efficiency targets.”
- (c) Councillor Pitfield moved that the Clause be amended by adding thereto the following:

“It is further recommended that if any savings in service delivery can be identified by April 2001, the Chief Administrative Officer be requested to submit a report thereon to the Policy and Finance Committee.”

Councillor Lindsay Luby in the Chair.

Deputy Mayor Ootes in the Chair.

*Votes:*

Motion (a) by Councillor McConnell, wherein it is recommended that the Clause be amended by striking out Recommendation No. (1) embodied in the report dated February 2, 2001, from the Chief Administrative Officer, and inserting in lieu thereof a new Recommendation No. (1), insofar as it pertains to the words “The City of Toronto is committed to providing accountable quality services at an affordable cost, on a sustainable basis.”, carried.

Motion (a) by Councillor McConnell, wherein it is recommended that the Clause be amended by striking out Recommendation No. (1) embodied in the report dated February 2, 2001, from the Chief Administrative Officer, and inserting in lieu thereof a new Recommendation No. (1), insofar as it pertains to the words “To this end, the City will systematically review its programs, services and delivery mechanisms and will pursue the most appropriate methods and structures for providing accountable quality service and the best value for the municipal tax dollar.”, carried.

Adoption of motion (a) by Councillor McConnell, wherein it is recommended that the Clause be amended by striking out Recommendation No. (1) embodied in the report dated February 2, 2001, from the Chief Administrative Officer, and inserting in lieu thereof a new Recommendation No. (1), insofar as it pertains to the words “in general accordance with relevant and appropriate City policies and standards”:

Yes – 15	
Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Hall, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Prue, Soknacki, Walker
No – 22	
Mayor:	Lastman



Councillors:	Altobello, Berardinetti, Di Giorgio, Disero, Duguid, Flint, Ford, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Sutherland
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Lost by a majority of 7.

Motion (b) by Councillor Ashton carried.

Motion (c) by Councillor Pitfield carried.

Adoption of Clause, as amended:

Yes - 25	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Berardinetti, Di Giorgio, Disero, Duguid, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland
No - 12	
Councillors:	Augimeri, Bussin, Cho, Chow, Johnston, Jones, McConnell, Mihevc, Miller, Pantalone, Prue, Walker

Carried by a majority of 13.

In summary, Council amended this Clause by:

- (1) striking out Recommendation No. (1) embodied in the report dated February 2, 2001, from the Chief Administrative Officer and inserting in lieu thereof the following new Recommendation No. (1):

“(1) Council adopt the following policy to guide City Services:

The City of Toronto is committed to providing accountable quality services at an affordable cost, on a sustainable basis. To this end, the City will systematically review its programs, services and delivery mechanisms and will pursue the most appropriate methods and structures for providing accountable quality service and the best value for the municipal tax dollar;” and

- (2) adding thereto the following:

“It is further recommended that:

- (1) the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee on:

- (a) applying performance value auditing principles benchmarked in the Best Practices Program in the Water and Waste Water Division; and
- (b) an implementation plan respecting the Service Delivery Policy Framework, including a workplan, timetable and potential efficiency targets; and
- (2) if any savings in service delivery can be identified by April, 2001, the Chief Administrative Officer be requested to report thereon to the Policy and Finance Committee.”

**3.48 Clause No. 5 of Report No. 2 of The Southwest Community Council, headed “Supplementary Reports - Application to Amend the Official Plan and Zoning By-law No. 1-83 of the Former City of York, 2322-2400 Eglinton Avenue West, Westside Developments Ltd., File Nos. OR00-001, SP00-006 (York South-Weston – Ward 12)”.**

*Motion:*

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

“It is further recommended that the report dated March 5, 2001, from the Commissioner of Urban Development Services, embodying the following recommendations, be adopted, viz.:

‘It is recommended that:

- (1) Zoning By-law No. 1-83 be amended generally in accordance with the further revised draft Zoning By-law appended to this report as Attachment 3, and worded to the satisfaction of the City Solicitor; and
- (2) in consideration of the By-law revisions noted in this report, no further notice of a public meeting be given in respect of the revised draft Official Plan Amendment and the further revised draft Zoning By-law.’ ”

*Votes:*

The motion by Councillor Di Giorgio carried.

The Clause, as amended, carried.

**3.49 Clause No. 21 of Report No. 2 of The North Community Council, headed “Tree Removal Request - 9 Findlay Boulevard - Ward 10 - York Centre”.**

*Motion:*

Councillor Filion moved that the Clause be struck out and referred to the Commissioner of Economic Development, Culture and Tourism, for report thereon to the North Community Council, at such time as a Site Plan is filed for this property.

*Vote:*

The motion by Councillor Filion carried.

3.50 **Clause No. 8 of Report No. 2 of The Community Services Committee, headed “Quotation for Fourteen Digital Scanners and Related Software”.**

*Motion:*

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

“It is further recommended that the Commissioner of Community and Neighbourhood Services be directed to request the Province of Ontario to fund 100 percent, rather than 50 percent, of the expenditure on digital scanners and related software as a transition cost.”

*Votes:*

The motion by Councillor Duguid carried.

The Clause, as amended, carried.

3.51 **Clause No. 10 of Report No. 2 of The Administration Committee, headed “Request for Proposals No. 9130-00-7353, Selection of a Successful Proponent for Real Estate Consulting and Brokerage Services for the Marketing and Sale of Metro Hall - 55 John Street, Toronto (Ward 20 - Trinity-Spadina)”.**

*Motions:*

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

“It is further recommended that the length of the contact be set at 90 days and the Commissioner of Corporate Services and the Chief Financial Officer and Treasurer be requested to submit a report to the Administration Committee at the conclusion of the 90-day period.”

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

“It is further recommended that the Real Estate Brokerage firm be requested to monitor the downtown office market for any Class ‘B’ office buildings which may be offered for sale and could accommodate the South District office space needs and bring any such buildings to the attention of the Commissioner of Corporate Services for appropriate action and report thereon to the Administration Committee.”

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

“It is further recommended that the Commissioner of Corporate Services be requested to submit a report to the Administration Committee on:

- (a) the future of the Child Care Centre located at Metro Hall;
- (b) the suitability of the City Hall basement for the Urban Affairs Library, including both load bearing and atmospheric needs;
- (c) where the public, particularly those with disabilities, who utilize the meeting space at Metro Hall, will meet in future;
- (d) the future of the Terry Fox Hall of Fame, located on the east side of Metro Hall;
- (e) where the Gardiner awards collection will be located; and
- (f) where committee meetings presently held in Metro Hall will be held in future.”

*Votes:*

Motion (a) by Councillor Sutherland carried.

Motion (b) by Councillor Pantalone carried.

Motion (c) by Councillor Johnston carried.

The Clause, as amended, carried.

- 3.52 **Clause No. 20 of Report No. 2 of The Administration Committee, headed “Declaration as Surplus and Long-Term Lease of Additional Lands to the West of 1978 Lake Shore Boulevard West to the Fred Victor Centre (Ward 13 – Parkdale-High Park)”.**

*Motion:*

- (a) Councillor Korwin-Kuczynski moved that the Clause be struck out and referred back to the Administration Committee for further consideration, in order to provide sufficient time for the community to hold a public meeting in this regard.

*Vote on Referral:*

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

Yes - 3 Councillors: Ford, Korwin-Kuczynski, Minnan-Wong
No - 25 Councillors: Altobello, Berardinetti, Cho, Chow, Di Giorgio, Duguid, Flint, Hall, Johnston, Jones, Lindsay Luby, Li Preti, McConnell, Mihevc, Milczyn, Miller, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Soknacki, Sutherland, Walker

Lost by a majority of 22.

*Motion:*

- (b) Councillor Miller moved that the Clause be amended by deleting Recommendation No. (2) embodied in the joint report dated January 23, 2001, from the Commissioner of Community and Neighbourhood Services and the Commissioner of Corporate Services, and inserting in lieu thereof the following new Recommendation No. (2):

“(2) within four months of Council approval, the Commissioner of Community and Neighbourhood Services be authorized to enter into a 50-year less one day lease, an Affordable Housing Agreement, a Grant and Loan Agreement, and any other agreements deemed appropriate to facilitate the making of grants and loans and the leasing and use of the lands identified as Part 2 on the attached sketch and the adjoining lands at 1978 Lakeshore Boulevard West in respect of which such authority was previously obtained from Council by the adoption of Clause No. 1 of Report No. 19 of The Administration Committee at its regular meeting held on October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 2000, October 10 and 11, 2000 and October 12, 2000. These agreements are for the purpose of providing affordable housing to lower income families, and are to be entered into in a form satisfactory to the City Solicitor;”.

*Votes:*

Motion (b) by Councillor Miller carried.

The Clause, as amended, carried.

**3.53 Clause No. 1 of Report No. 2 of The Planning and Transportation Committee, headed “Development Charges - Refund Program for First-Time Home Buyers City Wide”.**

*Motion:*

Councillor Walker moved that the Clause be struck out and referred back to the Planning and Transportation Committee for further consideration, with a request that the Commissioner of Urban Development Services submit a report to the Committee, for consideration therewith, outlining options that may have the effect of lessening the impact on the tax base.

*Votes:*

Adoption of motion by Councillor Walker:

Yes - 2 Councillors:	Johnston, Walker
No - 26 Mayor: Councillors:	Lastman Altobello, Augimeri, Berardinetti, Cho, Di Giorgio, Duguid, Filion, Flint, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Moeser, Nunziata, Ootes, Pantalone, Prue, Soknacki

Lost by a majority of 24.

Adoption of Clause, without amendment:

Yes - 26 Mayor: Councillors:	Lastman Altobello, Ashton, Augimeri, Berardinetti, Cho, Di Giorgio, Duguid, Filion, Flint, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moeser, Nunziata, Ootes, Pantalone, Prue, Shiner, Soknacki
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No - 2 Councillors: Kelly, Walker
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Carried by a majority of 24.

3.54 **Clause No. 12 of Report No. 2 of The Works Committee, headed “Adjustments to On-Street Parking Meter Hours of Operation”.**

*Motion:*

Councillor Di Giorgio moved that the Clause be amended by:

- (1) amending Recommendation No. (1)(b) embodied in the report dated January 24, 2001, from the President, Toronto Parking Authority, to read as follows:

“(1)(b) Eglinton Avenue West – Both Sides – Keele Street to Blackthorn Avenue”;  
and

- (2) adding thereto the following:

“It is further recommended that:

- (a) the report dated February 26, 2001, from the President, Toronto Parking Authority be received; and
- (b) the Commissioner of Works and Emergency Services be requested to give further consideration to the location between Blackthorn Avenue and the Allen Expressway and submit a report thereon to the Works Committee.”

*Votes:*

Part (1) of the motion by Councillor Di Giorgio carried.

Part (2) of the motion by Councillor Di Giorgio carried.

The Clause, as amended, carried.

3.55 **Clause No. 11 of Report No. 2 of The Works Committee, headed “Speed Limit Reduction: O’Connor Drive Between Wakunda Place and Sunrise Avenue (Don Valley East)”.**

*Motion:*

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

“It is further recommended that a speed limit of 50 kilometres per hour be implemented on the entire length of O’Connor Drive.”

*Votes:*

The motion by Councillor Prue carried.

The Clause, as amended, carried.

3.56 **Clause No. 1 of Report No. 2 of The Administration Committee, headed “Parking Tag Fine Collection Strategy”.**

*Motions:*

(a) Councillor Miller moved that the Clause be amended:

- (1) to provide that the fine for violating the Alternative Side Street parking policy not be increased;
- (2) by deleting Recommendation No. (15) embodied in the report dated February 1, 2001, from the Chief Financial Officer and Treasurer, viz.:

“(15) the Chief Financial Officer and Treasurer, and the City Auditor, in consultation with the Chief of Police and the General Manager of the Toronto Parking Authority, review the practice of issuing courtesy envelopes to illegally parked vehicles on Toronto Parking Authority lots and be directed to report to Administration Committee on the feasibility of replacing courtesy envelopes with City of Toronto Parking Infraction Notices, when conducting parking enforcement on Toronto Parking Authority lots;” and

- (3) by adding thereto the following:

“It is further recommended that the report dated February 16, 2001, from the President, Toronto Parking Authority, entitled ‘The Courtesy Envelope Program’, together with the report dated March 6, 2001, from the Chief Financial Officer and Treasurer, entitled ‘Parking Tag Fine Collection Strategy’, be referred to the Budget Advisory Committee for consideration.”



- (b) Councillor Altobello moved that the Clause be amended by amending Recommendation No. (15) embodied in the report dated February 1, 2001, from the Chief Financial Officer and Treasurer, to read as follows:

“(15) the City Auditor, in consultation with the Chief General Manager of the Toronto Parking Authority and the Chief of Police, be requested to review the practice of issuing courtesy envelopes to illegally parked vehicles on Toronto Parking Authority lots and be directed to submit a report to the Administration Committee, through the Board of Directors of the Toronto Parking Authority, on the feasibility of replacing courtesy envelopes with City of Toronto Parking Infraction Notices, when conducting parking enforcement on Toronto Parking Authority lots;”.

- (c) Councillor Soknacki moved that the Clause be amended by amending Recommendation No. (15) embodied in the report dated February 1, 2001, from the Chief Financial Officer and Treasurer, to read as follows:

“(15) the City Auditor, in consultation with the Chief of Police, the General Manager of the Toronto Parking Authority and the Chief Financial Officer and Treasurer, review the practice of issuing courtesy envelopes to illegally parked vehicles on Toronto Parking Authority lots and be directed to submit a report to the Administration Committee on the feasibility of replacing courtesy envelopes with City of Toronto Parking Infraction Notices, when conducting parking enforcement on Toronto Parking Authority lots;”.

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

- (1) to provide that the City Auditor, in his forthcoming report, specifically examine any cost savings and efficiencies that might be achieved by using Toronto Parking Authority Staff to issue tickets; and
- (2) by adding thereto the following:

“It is further recommended that the City Solicitor be authorized to prepare and introduce any necessary Bill in Council to amend the offence provisions for the following By-laws, so as to allow them to be brought into conformance with Section 61 of the Provincial Offences Act:

- (a) By-law 647 of The Corporation of the former Borough of East York, a by-law to provide for the safety of residents in and occupants of buildings by prohibiting the parking or leaving of vehicles in designated fire access routes;
- (b) Chapter 134, Fire Routes of the Municipal Code of the Corporation of the former City of Etobicoke;

- (c) By-law 29704 of The Corporation of the former City of North York, a by-law respecting fire routes;
- (d) By-law 13897 of The Corporation of the former City of Scarborough, a by-law to prohibit the parking of vehicles in driveways of apartment buildings, hospitals, schools, nursing homes, shopping plazas or other public buildings which have been designated as fire routes in order to prevent fires or the spread of fires; and
- (e) By-law 3387-79 of The Corporation of the former City of York, a by-law with respect to fire routes.”

*Votes:*

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

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

Yes – 13	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Di Giorgio, Jones, Korwin-Kuczynski, Mihevc, Miller, Pantalone, Prue, Walker
No – 18	
Mayor:	Lastman
Councillors:	Berardinetti, Disero, Duguid, Flint, Ford, Hall, Holyday, Lindsay Luby, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Soknacki

Lost by a majority of 5.

Adoption of motion (b) by Councillor Altobello:

Yes – 19	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Di Giorgio, Flint, Ford, Jones, Korwin-Kuczynski, Li Preti, Mihevc, Milczyn, Miller, Moeser, Pantalone, Pitfield, Prue, Walker
No – 12	
Mayor:	Lastman
Councillors:	Berardinetti, Disero, Duguid, Hall, Holyday, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Ootes, Soknacki

Carried by a majority of 7.

Deputy Mayor Ootes, having regard to the foregoing decision of Council, declared motion (c) by Councillor Soknacki, redundant.

Part (1) of motion (d) by Councillor Berardinetti carried.

Part (2) of motion (d) by Councillor Berardinetti carried.

Adoption of Clause, as amended, save and except Recommendation No. (14) embodied in the report dated February 1, 2001, from the Chief Financial Officer and Treasurer:

Yes – 29	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone , Pitfield, Prue, Soknacki, Walker
No - 2	
Councillors:	Bussin, Ford

Carried by a majority of 27.

Adoption of Clause, as amended, insofar as it pertains to Recommendation No. (14) embodied in the report dated February 1, 2001, from the Chief Financial Officer and Treasurer:

Yes - 12	
Mayor:	Lastman
Councillors:	Berardinetti, Di Giorgio, Disero, Hall, Holyday, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes
No - 19	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Duguid, Flint, Ford, Jones, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mihevc, Miller, Pantalone, Pitfield, Prue, Soknacki, Walker

Lost by a majority of 7.

Adoption of Part (3) of motion (a) by Councillor Miller:

Yes - 20
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Councillors:	Altobello, Ashton, Augimeri, Cho, Di Giorgio, Duguid, Flint, Ford, Holyday, Jones, Korwin-Kuczynski, Mihevc, Milczyn, Miller, Moeser, Nunziata, Pantalone, Prue, Soknacki, Walker
No - 8	
Mayor:	Lastman
Councillors:	Berardinetti, Bussin, Disero, Lindsay Luby, Mammoliti, Minnan-Wong, Ootes

Carried by a majority of 12.

In summary, Council amended this Clause:

- (1) by amending the report dated February 1, 2001, from the Chief Financial Officer and Treasurer by:
  - (a) striking out Recommendation No. (14) embodied therein, having regard that the vote to adopt such Recommendation lost, viz.:
 

“(14) the parking by-laws of the former Metro and area municipalities be amended to eliminate the voluntary payment amount;”; and
  - (b) amending Recommendation No. (15) embodied therein to read as follows:
 

“(15) the City Auditor, in consultation with the Chief General Manager of the Toronto Parking Authority and the Chief of Police, be requested to review the practice of issuing courtesy envelopes to illegally parked vehicles on Toronto Parking Authority lots and be directed to submit a report to the Administration Committee, through the Board of Directors of the Toronto Parking Authority, on the feasibility of replacing courtesy envelopes with City of Toronto Parking Infraction Notices, when conducting parking enforcement on Toronto Parking Authority lots;”;
- (2) to provide that:
  - (a) the City Auditor, in his forthcoming report, specifically examine any cost savings and efficiencies that might be achieved by using Toronto Parking Authority Staff to issue tickets; and
  - (b) the fine for violating the Alternative Side Street parking policy not be increased; and
- (3) by adding thereto the following:

“It is further recommended that:

- (a) the City Solicitor be authorized to prepare and introduce any necessary Bill in Council to amend the offence provisions for the following By-laws, so as to allow them to be brought into conformance with Section 61 of the Provincial Offences Act:
  - (i) By-law 647 of The Corporation of the former Borough of East York, a by-law to provide for the safety of residents in and occupants of buildings by prohibiting the parking or leaving of vehicles in designated fire access routes;
  - (ii) Chapter 134, Fire Routes of the Municipal Code of the Corporation of the former City of Etobicoke;
  - (iii) By-law 29704 of The Corporation of the former City of North York, a by-law respecting fire routes;
  - (iv) By-law 13897 of The Corporation of the former City of Scarborough, a by-law to prohibit the parking of vehicles in driveways of apartment buildings, hospitals, schools, nursing homes, shopping plazas or other public buildings which have been designated as fire routes in order to prevent fires or the spread of fires; and
  - (v) By-law 3387-79 of The Corporation of the former City of York, a by-law with respect to fire routes; and
- (b) the report dated February 16, 2001, from the President, Toronto Parking Authority entitled ‘The Courtesy Envelope Program’, together with the report dated March 6, 2001, from the Chief Financial Officer and Treasurer, entitled ‘Parking Tag Fine Collection Strategy’ be referred to the Budget Advisory Committee for consideration.”

**3.57 Clause No. 2 of Report No. 3 of The Works Committee, headed “Award of Contracts for Tender Call No. 121-2000 - Collection of Curbside Waste, Bulky Items and Yard Waste, Litter Waste from Public Waste Receptacles, and Curbside Recyclable Materials in District 1, York Community”.**

*Motions:*

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

- “(2) authority be granted to the Commissioner of Works and Emergency Services to utilize City staff for the bi-weekly curbside collection of recyclable materials in the York community;”;
- (2) by deleting from Recommendation No. (1) of the Works Committee the date “June 30, 2007”, and inserting in lieu thereof the date “June 30, 2005”; and
- (3) in the event Part (1) of this motion fails, by deleting from Recommendation No. (2) of the Works Committee the date “June 30, 2007”, and inserting in lieu thereof the date “June 30, 2005”.
- (b) Councillor Disero moved that the Clause be amended by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be directed to adjust the boundaries of the area covered by this contract to provide that the small part of the former City of York that is now part of Ward 13 – Parkdale High Park receive collection by City workers, and not by contracted services.”

*Vote Be Now Taken:*

Councillor Pitfield moved that, in accordance with § 27-45C of Chapter 27 of the City of Toronto Municipal Code, the vote be now taken, the vote upon which was taken as follows:

Yes - 20	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Disero, Duguid, Ford, Hall, Holyday, Johnston, Jones, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland
No - 10	
Councillors:	Ashton, Augimeri, Bussin, Di Giorgio, Flint, Mihevc, Miller, Moeser, Prue, Walker

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

*Votes:*

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

Yes - 10	
Councillors:	Augimeri, Bussin, Di Giorgio, Johnston, Jones, Mihevc, Miller, Pantalone, Prue, Walker

No - 21
Mayor: Lastman
Councillors: Altobello, Ashton, Berardinetti, Disero, Duguid, Flint, Ford, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland

Lost by a majority of 11.

Adoption of Part (3) of motion (a) by Councillor Bussin:

Yes - 10
Councillors: Augimeri, Bussin, Di Giorgio, Johnston, Jones, Mihevc, Miller, Pantalone, Prue, Walker
No - 21
Mayor: Lastman
Councillors: Altobello, Ashton, Berardinetti, Disero, Duguid, Flint, Ford, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland

Lost by a majority of 11.

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

Yes - 10
Councillors: Augimeri, Bussin, Di Giorgio, Johnston, Jones, Mihevc, Miller, Pantalone, Prue, Walker
No - 21
Mayor: Lastman
Councillors: Altobello, Ashton, Berardinetti, Disero, Duguid, Flint, Ford, Hall, Holyday, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland

Lost by a majority of 11.

Motion (b) by Councillor Disero carried.

Adoption of Clause, as amended:

Yes - 23
Mayor: Lastman

Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Di Giorgio, Disero, Duguid, Ford, Hall, Holyday, Johnston, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland
No - 8	
Councillors:	Bussin, Flint, Jones, Mihevc, Miller, Pantalone, Prue, Walker

Carried by a majority of 15.

### 3.58 IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE

#### **March 6, 2001:**

*Motion:*

Deputy Mayor Ootes, at 5:59 p.m., moved that Council now resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider 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. 8 of Report No. 2 of The Policy and Finance Committee, headed “Toronto Hydro Corporation: Adjustment of Interest Accrued in 2000; and Shareholder Resolution Regarding the Ability to Provide Financial Guarantees”, having regard that such Clause contains information related to the security of property of the municipality or local board;
- (b) Clause No. 10 of Report No. 2 of The Policy and Finance Committee, headed “Capital Calls and Business Plan of Enwave District Energy Limited”, having regard that such Clause contains information related to the security of property of the municipality or local board;
- (c) Clause No. 21 of Report No. 2 of The East Community Council, headed “Ontario Municipal Board Appeal, Official Plan Amendment Application SC-P19990018, Zoning By-law Amendment Application SC-Z19990036, Settlement of Details of Site Plan SC-19990082, Shell Canada Products Ltd., 3101 Victoria Park Avenue, Redevelopment of Existing Service Station - Ward 40”, having regard that such Clause contains information which is subject to litigation or potential litigation; and
- (d) Clause No. 1 of Report No. 2 of The Nominating Committee, headed “Citizen Appointments to Agencies, Boards and Commissions”, having regard that such Clause contains personal information about identifiable individuals.

*Vote:*



The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 6:00 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 and met in public session in the Council Chamber.

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

3.59 **Clause No. 8 of Report No. 2 of The Policy and Finance Committee, headed “Toronto Hydro Corporation: Adjustment of Interest Accrued in 2000; and Shareholder Resolution Regarding the Ability to Provide Financial Guarantees”.**

*Report of the Committee of the Whole:*

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 Moscoe:

“That the Clause be amended by adding the words ‘conditional upon Toronto Hydro Telecom Inc. providing its immediate agreement in writing that it shall work with City staff to finalize and enter into a Municipal Access Agreement with the City by April 1, 2001, on the terms and conditions previously approved by City Council’, to Recommendation No. (1) embodied in the confidential report dated February 6, 2001, from the Chief Financial Officer and Treasurer, such report to remain confidential in accordance with the provisions of the Municipal Act, having regard that it concerns the security of a property interest of the municipality or local board, save and except the following recommendations embodied therein, amended to read as follows:

‘It is recommended that:

- (1) Council authorize the City Chief Financial Officer and Treasurer to adjust the consideration of the original transfer of Toronto Hydro-Electric System Limited, and make the necessary changes to the promissory note, as permitted under By-law No. 374-1999 (the “Transfer By-law”), with respect to the payment of the balance of the interest on the promissory note from the distribution company for the 2000 year,

amounting to \$33,327,852, conditional upon Toronto Hydro Telecom Inc. providing its immediate agreement in writing that it shall work with City staff to finalize and enter into a Municipal Access Agreement with the City by April 1, 2001, on the terms and conditions previously approved by City Council;

- (2) Council authorize the City Chief Financial Officer and Treasurer to make the necessary changes to the promissory note, as permitted under the Transfer By-law, in order to make it consistent with the company's ability to pay interest for the 2001 year, anticipated at \$42 million, as compared with original expectations of \$67 million;
- (3) the City, as sole shareholder of Toronto Hydro Corporation, approve and adopt the resolution attached to this report as Appendix A, for the purpose of permitting the Corporation to provide financial guarantees to suppliers of gas and electricity, and to the IMO, in support of Hydro and Hydro Services. The ability of the Corporation to provide these financial guarantees without requiring further Shareholder approval will be restricted to these purposes, and to a total amount of \$500 million; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.' "

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

*Further Report of the Committee of the Whole:*

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

**3.60 Clause No. 10 of Report No. 2 of The Policy and Finance Committee, headed "Capital Calls and Business Plan of Enwave District Energy Limited".**

*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:*

The Clause was adopted, without amendment.

- 3.61 **Clause No. 21 of Report No. 2 of The East Community Council, headed “Ontario Municipal Board Appeal, Official Plan Amendment Application SC-P19990018, Zoning By-law Amendment Application SC-Z19990036, Settlement of Details of Site Plan SC-19990082, Shell Canada Products Ltd., 3101 Victoria Park Avenue, Redevelopment of Existing Service Station - Ward 40”.**

Having regard that the Clause was submitted without recommendation:

*Report of the Committee of the Whole:*

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 Kelly:

“It is recommended that the Clause be received.”

*Votes:*

The motion by Councillor Kelly carried.

*Motion to Re-Open:*

Councillor Kelly, with the permission of Council, moved that, in accordance with § 27-49 of Chapter 27 of the City of Toronto Municipal Code, this Clause be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Kelly moved that Council adopt the following recommendation:

“It is recommended that the confidential report dated February 12, 2001, from the City Solicitor, be received, such report to remain confidential, in its entirety, in accordance

with the provisions of the Municipal Act, having regard that it concerns matters of litigation or potential litigation, and the City Solicitor be directed not to attend at the Ontario Municipal Board hearing with respect to this matter.”

*Vote:*

The motion by Councillor Kelly carried.

The Clause, as amended, carried.

3.62 **Clause No. 1 of Report No. 2 of The Nominating Committee, headed “Citizen Appointments to Agencies, Boards and Commissions”.**

*Report of the Committee of the Whole:*

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 the Clause be amended by:
- (1) deleting from Recommendation No. (2) of the Nominating Committee pertaining to the appointment of a citizen member to the Greater Toronto Airports Authority, the name “Jeffrey S. Lyons”, and inserting in lieu thereof the name “Richard M. Soberman”; and
  - (2) striking out and referring Recommendation No. (6) of the Nominating Committee pertaining to the appointment of citizen members to the Toronto Licensing Tribunal back to the Nominating Committee for further consideration.
- (b) Councillor Moeser moved that the Clause be amended by deleting from Recommendation No. (10) of the Nominating Committee pertaining to the appointment of citizen members to the Toronto and Region Conservation Authority, the name “Ila Bossons”, and inserting in lieu thereof the name “Bill Saundercook”.

*Vote Be Now Taken:*

Councillor Nunziata moved that, in accordance with § 27-45C of Chapter 27 of the City of Toronto Municipal Code, the vote be now taken, the vote upon which was taken as follows:

Yes - 23	Mayor:	Lastman
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Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Flint, Ford, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mihevc, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland
No - 9	
Councillors:	Ashton, Duguid, Holyday, Milczyn, Minnan-Wong, Moeser, Pantalone, Prue, Walker

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

*Votes:*

Adoption of Part (1) of motion (a) by Councillor Moscoe, moved by Councillor Walker in the absence of Councillor Moscoe:

Yes - 3	
Councillors:	Jones, Prue, Walker
No - 30	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Flint, Ford, Hall, Holyday, Johnston, Kelly, Korwin-Kuczynski, Lindsay Luby, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Shiner, Soknacki, Sutherland

Lost by a majority of 27.

Adoption of Part (2) of motion (a) by Councillor Moscoe, moved by Councillor Minnan-Wong in the absence of Councillor Moscoe:

Yes - 4	
Councillors:	Ashton, Augimeri, Milczyn, Minnan-Wong
No - 29	
Mayor:	Lastman

Councillors:	Altobello, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mihevc, Miller, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Shiner, Soknacki, Sutherland, Walker
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Lost by a majority of 25.

Adoption of motion (b) by Councillor Moeser:

Yes - 5	
Mayor:	Lastman
Councillors:	Duguid, Milczyn, Minnan-Wong, Moeser
No - 28	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Mihevc, Miller, Nunziata, Ootes, Pantalone, Pitfield, Prue, Shiner, Soknacki, Sutherland, Walker

Lost by a majority of 23.

The Clause was adopted, without amendment.

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

### 3.63 Phasing Out of Corporate Vehicle Service for Members of Council

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

**Moved by:** Councillor Duguid

**Seconded by:** Councillor Soknacki

“**WHEREAS** the City Auditor in a report dated November 30, 1999, concluded that the City could save between \$230,000.00 to \$305,000.00 by phasing out the corporate vehicle service to Councillors and replacing it with the use of taxis or a personal vehicle mileage reimbursement system; and

**WHEREAS** the City Auditor in his report stated, ‘there are more cost effective alternatives than utilizing corporate cars to provide transportation to Councillors in their conduct of City business’; and

**WHEREAS** all indications are that it will be very challenging to avoid a tax increase in 2001 and that we must re-double our efforts to find potential savings; and

**WHEREAS** the Chair of the Toronto Transit Commission has indicated a need for Councillors to use the transit system, when possible, rather than corporate vehicles; and

**WHEREAS** it appears that use of the corporate vehicle service by Councillors is declining, based on usage in 2000;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk, in consultation with the City Auditor, be requested to report to the Administration Committee on February 6, 2001, on a plan to phase out the corporate vehicle service for Councillors by the end of the year 2001.”

In accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, Motion I was referred to the Budget Advisory Committee.

3.64 **Cancellation of Taxes Related to Current Value Assessment (CVA)**

Councillor Walker moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(1), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Walker

**Seconded by:** Councillor Johnston

“**WHEREAS** the second round of re-assessment under the Provincial Government’s Current Value Assessment (CVA) system has again resulted in significant tax shifts within the residential property class and substantial assessment-related tax changes for a large number of individual homeowners; and

**WHEREAS** Current Value Assessment has caused substantial property tax increases in a relatively short period of time for many homeowners, particularly in the old City of Toronto, the former Borough of East York and in neighbourhoods throughout the entire City; and

**WHEREAS** these tax increases do not relate to the cost of servicing the individual property, increased municipal services or municipal budgetary shortfalls, but are based solely on the wildly fluctuating Toronto real estate market; and

**WHEREAS** CVA is, in essence, a tax on an unrealized capital gain making taxpayers that have lived for many years in the same home and those on a fixed income extremely vulnerable to re-assessment and tax shifts; and

**WHEREAS** both the City of Toronto and the Province of Ontario have recognized low and moderate income Senior and Disabled Homeowners as taxpayers who would be particularly vulnerable to the negative impacts of reassessment; and

**WHEREAS** the Province of Ontario has mandated that municipalities provide tax relief for low income seniors and disabled homeowners; and

**WHEREAS** the City of Toronto established a program in 1998 whereby eligible low and moderate income Seniors and Disabled Persons could defer between 25 percent – 100 percent of their assessment-related tax increase annually, with no interest penalties. The deferred taxes would be registered as a lien to be paid back upon sale of the property or the death of the homeowner; and

**WHEREAS** the majority of those taxpayers eligible for the deferral program quite rightly reject the suggestion that after years of working and saving to afford a home and pay off a mortgage they should consider going through it all over again in order to pay an unfair tax increase; and

**WHEREAS** the program currently in place has been largely ignored by eligible taxpayers with a scant 3 percent participation rate indicating that the program is unpopular, cost ineffective and in need of drastic alterations if it is to accomplish its intended goal – that is to allow low to moderate income seniors and disabled persons to remain in their homes and in their communities;

**NOW THEREFORE BE IT RESOLVED THAT:**

- (1) the Chief Financial Officer and Treasurer be requested to prepare a report outlining the financial impacts associated with cancellation of CVA-related tax increases for low and moderate income senior and disabled homeowners, using the same eligibility criteria as what is currently in place under the City of Toronto's Senior and Disabled Tax Deferral Program; and
- (2) the Government of Ontario, as the architects of the Current Value Assessment system and thus bearing responsibility for assessment-related tax changes (increases and decreases), be requested to fund all or part (i.e., the education portion) of the cost of any potential program to cancel assessment related tax increases for low and moderate income senior and disabled homeowners."

In accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, Motion J(1) was referred to the Policy and Finance Committee.



3.65 **El Salvador Earthquake Relief**

Councillor Mihevc moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(2), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Mihevc

**Seconded by:** Councillor Moscoe

**“WHEREAS** the three earthquakes that occurred on January 13, and February 13 and 17, 2001, have had a devastating impact on numerous communities in El Salvador; and

**WHEREAS** over two million people have been made homeless in the aftermath of the earthquakes; and

**WHEREAS** the earthquakes have killed over 11,000 people in El Salvador, with another 15,000 to 20,000 persons missing; and

**WHEREAS** the Salvadoran community in Toronto is an important part of the social fabric of the City; and

**WHEREAS** the Salvadoran members of our community have turned to the City of Toronto for assistance in the rebuilding of the country of their loved ones;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto undertake a broad public appeal for urgently needed cash donations to participate in the international assistance for the victims of the earthquakes in El Salvador;

**AND BE IT FURTHER RESOLVED THAT** the City undertake an ‘El Salvador Earthquakes Relief’ campaign of which the immediate focus would be a special appeal for cash donations from citizens and the corporate sector in Toronto;

**AND BE IT FURTHER RESOLVED THAT** Toronto residents be encouraged to make donations to the development agencies working in El Salvador and to the Salvadorian Canadian Association of Toronto’s relief efforts;

**AND BE IT FURTHER RESOLVED THAT** the City of Toronto use its internal and external communications vehicles, including the City’s web site, to appeal to the public and to employees;

**AND BE IT FURTHER RESOLVED THAT** all City Councillors be encouraged to undertake activities with the communities in their Wards to assist in the relief effort.”

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(2) to the Administration Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(2) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(2) was adopted, without amendment.

**3.66 Proposed Development at 982 Dundas Street West**

Councillor Pantalone moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(3), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Pantalone**

**Seconded by: Councillor Miller**

**“WHEREAS** at its meeting held on August 1, 2, 3 and 4, 2000, Toronto City Council passed By-law No. 569-2000 (the ‘By-law’) to permit the erection and use of 6 dwelling units, 3 row houses and 2 retail stores on the lands known municipally as 982 Dundas Street West (the ‘Site’); and

**WHEREAS** subsequent to the passing of the By-law, the Site owner, 1330762 Ontario Inc. (the ‘Owner’), made an application to the Committee of Adjustment (‘the Committee’) for consent to convey and permit the creation of five parcels and associated easements and rights-of-way within the Site to accommodate the approved development; and

**WHEREAS** the Committee approved the application at its meeting of November 7, 2000, subject to certain conditions imposed by the Committee, to be secured through a Consent Agreement between the Owner and the City of Toronto; and

**WHEREAS** these conditions will secure certain standard City requirements regarding the development and will ensure that the Owner undertakes a Site and Building Audit, a Dust Control Plan, a Historical Review and a Soil and Groundwater Testing Program to mitigate any impacts of the development; and

**WHEREAS** the Owner has advised that time is of the essence in securing the financing for the development;

**NOW THEREFORE BE IT RESOLVED THAT** Council adopt the report dated February 27, 2001, from the City Solicitor, and the City Clerk and the Chief Financial Officer and Treasurer be authorized to sign the Consent Agreement, made between 1330762 Ontario Inc. and the City of Toronto, with respect to 982 Dundas Street West and any other documentation necessary to give effect thereto.”

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(3) to the Downtown Community Council would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(3) to the Downtown Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(3), a report dated February 27, 2001, from the City Solicitor, entitled “982 Dundas Street West, Consent Agreement with 1330762 Ontario Inc.; Requirement of Committee of Adjustment, Ward 19, Trinity-Spadina”. (See Attachment No. 5, Page 154).

*Vote:*

Motion J(3) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated February 27, 2001, from the City Solicitor, embodying the following recommendation:

“It is recommended that the City Clerk and Treasurer be authorized to sign the Consent Agreement, made between 1330762 Ontario Inc. and the City of Toronto with respect to 982 Dundas Street and any other documentation necessary to give effect thereto.”

3.67 **“Sounds of the Music” and the “Taste of the Danforth Events”**

Councillor Layton moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(4), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:                      Councillor Layton**

**Seconded by:           Councillor Ootes**

**“WHEREAS** the Greektown on the Danforth Business Improvement Association has requested City Council to declare the ‘Sounds of the Music’ to be held on May 26 to 27, 2001, and June 16 and 17, 2001, and the ‘Krinos Foods Taste of the Danforth’ to be held on August 10 to 12, 2001, events of municipal and/or community significance; and

**WHEREAS** the Greektown on the Danforth Business Improvement Association has requested that the restaurants participating in the ‘Sounds of the Music’ and the ‘Taste of the Danforth Event’ be permitted to serve alcohol on their extended patios for the same hours as already existing patios on Danforth Avenue only; and

**WHEREAS** the Alcohol and Gaming Commission of Ontario requires at least 30 days advance notice to issue a liquor licence and refuses to issue any permit to the Greektown on the Danforth Business Improvement Association with less than 30 days notice; and

**WHEREAS** the next City Council meeting is scheduled to be held on April 24, 25 and 26, 2001, which would not leave sufficient time for the City of Toronto to notify the Alcohol and Gaming Commission of Ontario and have the application processed;

**NOW THEREFORE BE IT RESOLVED THAT** the ‘Sounds of the Music’ be declared an event of municipal and/or community significance, taking place on May 26, 2001, from 4 p.m. to 12:00 a.m., and May 27, 2001, from 3:00 p.m. to 10:00 p.m., June 16, 2001 from 4:00 p.m. to 12:00 a.m., and June 17, 2001, from 3:00 p.m. to 10:00 p.m.;

**AND BE IT FURTHER RESOLVED THAT** the ‘Krinos Foods Taste of the Danforth’ be declared an event of municipal and/or community significance, taking place on August 10, 2001, from 6:00 p.m. to 1:00 a.m., August 11, 2001, 12 noon to 1:00 a.m., and August 12, 2001, 12 noon to 10:00 p.m.;

**AND BE IT FURTHER RESOLVED THAT** the patio extensions be permitted to serve alcohol until 12:00 a.m. on May 26, 2001 and June 16, 2001, until 10:00 p.m. on May 27, 2001 and June 17, 2001, until 1:00 a.m. on August 10, 2001 and August 11, 2001, and until 10:00 p.m. on Sunday August 12, 2000, and that the Alcohol and Gaming Commission be so advised.”

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(4) to the Downtown Community

Council would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(4) to the Downtown Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(4) was adopted, without amendment.

**3.68 Implications of Bill 140**

Councillor Miller moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(5), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:**                    **Councillor Miller**

**Seconded by:**            **Councillor Chow**

**“WHEREAS** the Mayor and the Members of Council are elected to make decisions regarding the level of property taxation, not the Provincial Legislature; and

**WHEREAS** the provisions of Bill 140 restrict the ability of the City of Toronto to make its own decisions regarding appropriate levels of taxation; and

**WHEREAS** the Provincial and Federal governments extract a high surplus from Toronto that is not reinvested in the City; and

**WHEREAS** the City faces budget pressures of \$305 million dollars for the year 2001; and

**WHEREAS** it is desirable to meet these budget pressures through measures that do not cut service or involve layoffs of staff; and

**WHEREAS** the current budget pressures faced by the City are in large measure due to actions by the Provincial Government, including downloading currently estimated by City staff at \$276,800,000 and Bill 140;

**NOW THEREFORE BE IT RESOLVED THAT** the Province of Ontario be requested to:

- (1) revoke regulations under Bill 140 which have the effect of restricting property tax increases to certain classes of property;
- (2) establish a public process for hearing from the City and its residents on regulations under Bill 140 and on methods to help protect residents in large multi-unit rental buildings from unfair tax increases;
- (3) levy the same commercial property tax rate for education purposes in Toronto in 2001 as in Mississauga;

**AND BE IT FURTHER RESOLVED THAT** the City Clerk:

- (1) be directed to notify all other municipalities facing the same limitations as Toronto, because of tax ratios under Bill 140, of this action and be requested to convene a meeting of officials from these municipalities and the City to develop an appropriate strategy to change the impact of Bill 140; and
- (2) notify commercial property owners in the City assessed at more than \$3 million of this request, and members of the Policy and Finance Committee follow up with such owners to help them make their opinions known;

**AND BE IT FURTHER RESOLVED THAT** the Federal and Provincial governments be requested to enter into long term financial arrangements to support Canada's cities, including Toronto;

**AND BE IT FURTHER RESOLVED THAT** the Mayor's office, in consultation with the Charter City Strategy Group, devise and implement a strategy to harness public support for this request."

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(5) 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(5) to the Policy and Finance Committee was taken as follows:

Yes – 26
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Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Feldman, Fillion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Lindsay Luby, McConnell, Mihevc, Milczyn, Miller, Moscoe, Ootes, Pantalone, Pitfield, Prue, Rae, Shiner
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No – 5 Councillors:	Ashton, Duguid, Holyday, Minnan-Wong, Sutherland
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Carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(5) was adopted, without amendment.

3.69 **Snow Removal in Front of Toronto District School Board Properties**

Councillor Mihevc moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(6), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Mihevc

**Seconded by:** Councillor Ashton

**“WHEREAS** the Toronto District School Board (TDSB) disputes the City of Toronto’s assertion that it is responsible for snow removal services on sidewalks and laneways bounding its properties; and

**WHEREAS** if the City of Toronto were to remove the snow in front of TDSB properties it would set a dangerous precedent that would impact on its relations with other private and public institutions and companies; and

**WHEREAS** the City of Toronto is in no financial position to expand its snow removal services to properties outside of its direct jurisdiction;

**NOW THEREFORE BE IT RESOLVED THAT** the appropriate staff be instructed to negotiate with the Toronto District School Board an agreement on removal of snow in front of all TDSB-related properties.”

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(6) 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(6) to the Works Committee was taken as follows:

Yes – 24	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Chow, Di Giorgio, Fillion, Flint, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Miller, Moscoe, Ootes, Pantalone, Prue, Rae, Sutherland
No – 10	
Councillors:	Altobello, Cho, Duguid, Feldman, Lindsay Luby, Minnan-Wong, Moeser, Nunziata, Pitfield, Shiner

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

*Motion:*

Councillor Shiner moved that Motion J(6) be adopted, subject to adding the words “at no cost to the City” to the end of the Operative Paragraph, so that such Operative Paragraph shall now read as follows:

**“NOW THEREFORE BE IT RESOLVED THAT** the appropriate staff be instructed to negotiate with the Toronto District School Board an agreement on removal of snow in front of all TDSB-related properties at no cost to the City.”

*Vote:*

The motion by Councillor Shiner carried.

Motion J(6), as amended, carried.

### 3.70 **City of Toronto Submission Regarding the Provincial Review of the Ontario Property Assessment Corporation**

Councillor Flint moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(7), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Flint**

**Seconded by: Councillor Balkissoon**

**“WHEREAS** the Minister of Finance sets assessment policy and standards across the Province, and the Ontario Property Assessment Corporation’s (OPAC) role is to carry



out property assessments in accordance with these policies; and

**WHEREAS** the former Finance Minister, the Honourable Ernie Eves, had appointed Mr. Marcel Beaubien, MPP for Lambton-Kent-Middlesex, as a special advisor to conduct a review of OPAC; and

**WHEREAS** Mr. Beaubien will:

- (1) review the operational structure of OPAC, including the composition of the Board of Directors;
- (2) study the working relationship between OPAC and the provincial government; and
- (3) conduct a comprehensive review of the regulation that determines property classifications; and

**WHEREAS** Mr. Beaubien will be conducting public focus groups and will be inviting submissions from various municipal associations representing property taxpayers and municipalities; and

**WHEREAS** he will submit his findings to the Minister by March 31, 2001; and

**WHEREAS** Council, at its meeting of January 30, 31 and February 1, 2001, referred a Motion to the Policy and Finance Committee requesting that the Chief Financial Officer and Treasurer prepare a submission, on behalf of Toronto, outlining the City's difficulties in dealing with OPAC and recommending appropriate changes that would enable a more open and fair method of determining assessments, appealing assessments, releasing information and improving the relationship between OPAC, the Province and municipalities;

**WHEREAS** Council, in order to approve a submission to Mr. Beaubien in advance of the March 31, 2001 deadline, must do so at the March 6, 7 and 8, 2001 meeting of Council;

**NOW THEREFORE BE IT RESOLVED THAT** the attached report dated March 5, 2001, from the Chief Financial Officer and Treasurer, entitled 'City of Toronto Submission Regarding the Provincial Review of the Ontario Property Assessment Corporation (OPAC)' be adopted by Council."

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(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 carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(7), a report dated March 5, 2001, from the Chief Financial Officer and Treasurer, entitled "City of Toronto Submission Regarding the Provincial Review of the Ontario Property Assessment Corporation (OPAC)". (See Attachment No. 6, Page 156).

*Motions:*

- (a) Councillor Flint, on behalf of Councillor Moscoe, moved that the Operative Paragraph of Motion J(7) be amended to provide that the report dated March 5, 2001, from the Chief Financial Officer and Treasurer, be amended by adding the following new Recommendations Nos. (18), (19) and (20), under the Section, entitled "Ministry of Finance Issues", and the City's submission to Mr. Marcel Beaubien be revised accordingly:

"Recommendation No. (18):

The Province amend the Act to separate parking lots from railway lands in the determination of property within the vacant land classification.

Recommendation. No. (19):

Municipalities be permitted to establish sub-classes within the Parking Lot designation to distinguish between commuter parking lots, municipal parking lots and private commercial lots.

Recommendation No. (20):

Appointments to the OPAC Board of Directors be made by municipal stakeholders, rather than by the Province, as at present."

- (b) Councillor Flint, on behalf of Councillor Balkissoon, moved that the Operative Paragraph of Motion J(7) be amended to provide that the report dated March 5, 2001, from the Chief Financial Officer and Treasurer, be amended by deleting Recommendation No. (15), embodied therein and that the City's submission to Mr. Marcel Beaubien be revised accordingly.
- (c) Councillor Chow moved that the Operative Paragraph of Motion J(7) be amended to

provide that the report dated March 5, 2001, from the Chief Financial Officer and Treasurer, be amended by amending Recommendation No. (8) embodied therein by deleting the words “a maximum time period” and inserting in lieu thereof the words “a deadline of no more than 120 days”, and by adding the words “and that the appeal deadline be after the OPAC process of reconsideration is completed”, and that the City’s submission to Mr. Marcel Beaubien be revised accordingly.

(d) Councillor Miller moved that the Operative Paragraph of Motion J(7) be amended to provide that the report dated March 5, 2001, from the Chief Financial Officer and Treasurer, be amended by:

- (1) amending Recommendation No. (15) embodied therein by deleting the words “or at a minimum, that the eight-year period of applicability be extended to 25 years”; and
- (2) adding the following new Recommendation No. (21), under the Section, entitled “Ministry of Finance Issues”:  
“Recommendation No. (21):

OPAC, in undertaking its assessments, be requested to consider the impact on property taxes of the assessment, and adjust the assessment accordingly.”,

and that the City’s submission to Mr. Marcel Beaubien be revised accordingly.

*Votes:*

Adoption of motion (b) by Councillor Flint, on behalf of Councillor Balkissoon:

Yes – 7	
Councillors:	Duguid, Ford, Holyday, Korwin-Kuczynski, Lindsay Luby, Mammoliti, Soknacki
No – 27	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Flint, Hall, Johnston, Jones, Kelly, Li Preti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Sutherland, Walker

Lost by a majority of 20.

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

Yes – 26
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Mayor:	Lastman
Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Duguid, Johnston, Jones, Kelly, Korwin-Kuczynski, Lindsay Luby, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Ootes, Pantalone, Pitfield, Prue, Soknacki, Sutherland, Walker
No - 8	
Councillors:	Disero, Flint, Ford, Hall, Holyday, Milczyn, Moeser, Nunziata

Carried by a majority of 18.

Motion (a) by Councillor Flint, on behalf of Councillor Moscoe, carried.

Part (2) of Motion (d) by Councillor Miller carried.

Motion (c) by Councillor Chow carried.

Motion J(7), as amended, carried.

In summary, Council adopted Motion J(7), subject to amending the Operative Paragraph to provide that the report dated March 5, 2001, from the Chief Financial Officer and Treasurer, be amended as follows, and the City's submission to Mr. Marcel Beaubien be revised accordingly:

- (1) amending Recommendation No. (8) by deleting the words "a maximum time period" and inserting in lieu thereof the words "a deadline of no more than 120 days", and adding the words "and that the appeal deadline be after the OPAC process of reconsideration is completed";
- (2) amending Recommendation No. (15) by deleting the words "or at a minimum, that the eight-year period of applicability be extended to 25 years"; and
- (3) adding the following new Recommendations Nos. (18), (19), (20) and (21), under the Section, entitled "Ministry of Finance Issues":

"Recommendation No. (18):

the Province amend the Act to separate parking lots from railway lands in the determination of property within the vacant land classification.

Recommendation. No. (19):

Municipalities be permitted to establish sub-classes within the Parking Lot designation to distinguish between commuter parking lots, municipal parking

lots and private commercial lots.

Recommendation No. (20):

appointments to the OPAC Board of Directors be made by municipal stakeholders, rather than by the Province, as at present; and

Recommendation No. (21):

OPAC, in undertaking its assessments, be requested to consider the impact on property taxes of the assessment, and adjust the assessment accordingly.”,

so that the recommendations embodied in the City’s submission to Mr. Marcel Beaubien shall now read as follows:

“Recommendation No. (1):

OPAC critically review its systems of Quality Assurance/Quality Control, and implement new measures to improve the accuracy and completeness of data on the annual assessment roll provided to municipalities.

Recommendation No. (2):

OPAC ensure that all changes in property value or tax status on the assessment roll are correctly and completely coded to indicate the reason for the change, and the effective date of any change, and that this information be included on the annual assessment roll.

Recommendation No. (3):

OPAC review its procedures for updating ownership information and seek improvements to ensure that ownership changes are reflected in a timely manner, and that OPAC explore methods of providing updated ownership information to municipalities in electronic format on a regular (e.g. weekly or more frequent) basis, or by a direct electronic feed.

Recommendation No. (4):

OPAC seek to reduce the reliance on Section 442 and 443 adjustments to correct errors to the assessment roll, through enhancements and improvements to quality assurance procedures, and through education of OPAC staff, that would eliminate errors on the returned roll and the need to make subsequent corrections.

Recommendation No. (5):

OPAC seek improvements to the scheduling and processing cycle for supplementary/ omitted amounts, and link this process to the issuance of occupancy permits by municipal building departments, to ensure that any in-year value changes (e.g. improvements or new construction) are captured and communicated to the municipality as soon as possible after the change becomes effective.

Recommendation No. (6):

OPAC undertake to improve communications with municipalities, and that procedures be developed that would require OPAC to formally notify municipalities of any programs that may result in value changes, and that such notification include a summary of such changes, an explanation of the rationale for the changes, and a list of affected properties.

Recommendation No. (7):

OPAC develop protocols to notify municipalities of pending assessment appeals that may have significant impacts on municipal finances, and to verify that ARB Decisions correctly reflect the court's determination. Further, that OPAC establish procedures to provide assessment appeal information to municipalities in electronic format on a monthly basis.

Recommendation No. (8):

OPAC further explore methods to ensure that reconsiderations are dealt with in a timely manner, and that this process incorporate a deadline of no more than 120 days for a response by OPAC, and that OPAC, in consultation with municipalities and the Assessment Review Board, adopt measures to further streamline the appeal process to eliminate delays in scheduling, communicating decisions and processing tax adjustments and that the appeal deadline be after the OPAC process of reconsideration is completed.

Recommendation No. (9):

OPAC develop means to ensure that property records are updated to reflect previous assessment reductions, or revised property information, and that this information is taken into account in the determination of assessed value in subsequent re-assessments.

Recommendation No. (10):

OPAC review the current composition of the corporation's Board of Directors and methods of appointment, and implement means to ensure the Board composition reflects representation based on a proportionate share of provincial population and/or assessable units.

Recommendation No. (11):

The Province contribute a share of OPAC's costs proportionate to its representation on the corporation's Board of Directors.

Recommendation No. (12):

OPAC formalize measures of fiscal accountability to its municipal stakeholders that would see municipalities financially compensated by the assessment corporation for tax revenue losses that are directly attributable to errors or omissions on the part of OPAC, where such tax revenue losses cannot be recovered through legislative means.

Recommendation No. (13):

OPAC seek to make information on individual property characteristics and assessment methods, including factors that may affect a property's market value, accessible to both municipalities and municipal ratepayers.

Recommendation No. (14):

The Province must have regard to the revenue implications for municipalities of changes in provincial assessment and taxation policy, and undertake not only to repeal certain constraints but further, to not introduce new measures that erode the municipal tax base or constrain tax revenues.

Recommendation No. (15):

The optional New Multi-Residential tax class that taxes newly constructed rental buildings at a reduced rate for an eight-year period be changed to allow for a permanent tax rate reduction for this class.

Recommendation No. (16):

The Province create an optional tax class or sub-class for Heritage Properties, to enable a reduced tax rate to apply to properties within the class or sub-class.

Recommendation No. (17):

The Province amend the method of assessment of railway rights-of-way to exclude any and all portion of these lands that are utilized for telecommunications infrastructure to a width of one metre on either side of the cable installation, and to provide that lands so excluded be taxed at the industrial rate to reflect their business use.

Recommendation No. (18):

The Province amend the Act to separate parking lots from railway lands in the determination of property within the vacant land classification.

Recommendation No. (19):

Municipalities be permitted to establish sub-classes within the Parking Lot designation to distinguish between commuter parking lots, municipal parking lots and private commercial lots.

Recommendation No. (20):

Appointments to the OPAC Board of Directors be made by municipal stakeholders, rather than by the Province, as at present.

Recommendation No. (21):

OPAC, in undertaking its assessments, be requested to consider the impact on property taxes of the assessment, and adjust the assessment accordingly.”

In adopting Motion J(7), as amended, Council adopted the report dated March 5, 2001, from the Chief Financial Officer and Treasurer, embodying the following recommendations, amended to read as follows:

“It is recommended that:

- (1) the Submission in Appendix A be adopted, as amended by Council;  
and
- (2) the Chief Financial Officer and Treasurer and the Chair of the Policy and Finance Committee be authorized to seek a date to present a submission, in person, before Mr. Beaubien, on behalf of the taxpayers of Toronto and Toronto City Council.”

**3.71 Declaration as Surplus Property Known Municipally as 590 Jarvis Street**



Councillor Rae moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate 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 Rae**

**Seconded by: Councillor McConnell**

**“WHEREAS** City Council at its meeting held on October 3, 4 and 5, 2000 and its Special Meetings held on October 6, 10, 11 and 12, 2000, adopted Clause No. 21 of Report No. 19 of The Administration Committee entitled, ‘Declaration as Surplus, Property Known Municipally as 590 Jarvis Street’, thereby declaring surplus to the City’s requirements and authorizing offering for sale as described in the body of the report, the lands known municipally as 590 Jarvis Street, more particularly described as part of Park Lots 6 and 7, Concession 1 From the Bay, and part of Lot 5 on Plan 19E, save and except for the widening of Hayden Street; and

**WHEREAS** the intended manner of sale approved at the October 3, 4 and 5, 2000 meeting and the Special Meetings held on October 6, 10, 11 and 12, 2000, includes authorization to sell a portion of the parcel containing an area of 5,376 square feet to enhance the privately owned, publicly accessible green space proposed to be incorporated within the development of the adjacent lands at 600 Jarvis Street, a portion containing an area of 8,816 square feet to be sold or leased to the Gerstein Centre and the remaining lands to be sold on the open market; and

**WHEREAS** the Commissioner of Corporate Services is now in receipt of correspondence dated November 20, 2000, and November 29, 2000, from the adjacent owner, Philmor Group Inc., requesting approval to purchase additional lands (Part 2 on the Sketch No. PS-2001-011) directly west of the lands authorized for sale to this adjacent owner; and

**WHEREAS** the currently approved manner of sale for these ‘additional lands’ is sale on the open market; and

**WHEREAS** the City will not have complied with the authority as previously granted if it were to agree to the enlarged area, it is necessary that approval for the revised apportionment be given; and

**NOW THEREFORE BE IT RESOLVED THAT** Clause No. 21 of Administration Committee Report No. 19 adopted by City Council at its meeting held on October 3, 4, and 5, 2000, and its Special Meetings held on October 6, 10, 11 and 12, 2000,

entitled, 'Declaration as Surplus, Property Known Municipally as 590 Jarvis Street', be amended only insofar as it pertains to the manner of sale; and

**AND BE IT FURTHER RESOLVED THAT** the report from the Commissioner of Corporate Services dated March 2, 2001, entitled 'Revised Method of Disposition – 590 Jarvis Street', be adopted."

Council also had before it, during consideration of Motion J(8), a report dated March 2, 2001, from the Commissioner of Corporate Services, entitled "Revised Method of Disposition - 590 Jarvis Street (Ward 27 – Toronto Centre-Rosedale)". (See Attachment No. 7, Page 175).

*Vote:*

Motion J(8) was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated March 2, 2001, from the Commissioner of Corporate Services, embodying the following recommendations:

"It is recommended that:

- (1) the approved method of sale of the surplus property known municipally as 590 Jarvis Street be revised as detailed in the body of this report;
- (2) all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code be taken; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto."

### 3.72 **Program Enhancements and Consolidation of By-laws Affecting Parking Enforcement on Private Property**

Councillor Moscoe moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(9):

**Moved by: Councillor Moscoe**

**Seconded by: Councillor Prue**

**"WHEREAS** Council at its regular meeting held on October 3, 4, and 5, 2000, and at its Special Meetings held on October 6, 2000, October 10 and 11, 2000, and October 12, 2000 considered Report No. 17 Clause No. 1 of the Administration Committee entitled "Program Enhancements and Consolidation of By-laws Affecting Parking Enforcement on Private Property", which Clause incorporated recommendations from the Planning and Transportation Committee; and

**WHEREAS** Council adopted recommendations of the Planning and Transportation

Committee embodied in a communication dated September 19, 2000 from the City Clerk, subject to two amendments; and

**WHEREAS** the amended recommendations adopted by Council deferred consideration of all aspects of the Clause pertaining to the 30-minute grace period between the ticketing and towing of vehicles and directed that the Commissioner of Urban Development Services and the City Solicitor report on that issue directly to Council; and

**WHEREAS** Council also directed that staff submit the amended by-laws directly to Council and report on any significant issues arising during their preparation; and

**WHEREAS** the City Solicitor and Commissioner of Urban Development Services have prepared the attached joint report dated February 21, 2001 in accordance with Council's direction; and

**WHEREAS** the City Solicitor has prepared Bills as directed by Council to reflect the recommendations contained in the attached joint report of February 21, 2001;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the above-mentioned joint report dated February 21, 2001 from the Commissioner of Urban Development Services and the City Solicitor and that Council adopt such joint report.”,

the vote upon which was taken as follows:

Yes – 16	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Ford, Hall, Johnston, Jones, Mihevc, Miller, Moscoe, Pantalone, Prue, Shiner
No – 18	
Mayor:	Lastman
Councillors:	Ashton, Bussin, Duguid, Feldman, Holyday, Korwin-Kuczynski, Layton, Lindsay Luby, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Rae, Shaw, Sutherland

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

Council also had before it, for consideration with Motion J(9), a joint report dated February 21, 2001, from the City Solicitor and the Commissioner of Urban Development Services, entitled “Programme Enhancements and Consolidation of By-laws Affecting Parking Enforcement on Private Property”. (See Attachment No. 8, Page 177).

Having regard that the motion to waive Notice did not carry, Councillor Moscoe, with the permission of Council, proposed that Motion J(9) be referred to the Planning and

Transportation Committee.

Council concurred in the proposal by Councillor Moscoe.

3.73 **Committee of Adjustment Decision – 32 Richview Drive**

Councillor Lindsay Luby moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate 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 Lindsay Luby**

**Seconded by: Councillor Jones**

**“WHEREAS** the Etobicoke Committee of Adjustment at its meeting held on March 1, 2001 approved an application subject to Section 45(2)(b) of the Planning Act R.S.O, 1990 Chapter P.13 by Richview Gate Development Corporation to permit stacked townhouse units in the Residential Sixth Density (R6); and

**WHEREAS** the Residential Sixth Density (R6) zone does not contain any zoning regulations for stacked townhouse units and therefore the Committee of Adjustment’s approval of stacked townhouses as a permitted use also gives effect to approval of all zoning regulations as they are shown on the plans submitted to the Committee of Adjustment; and

**WHEREAS** the amount of landscaped open space and number of automobile parking spaces approved by the Committee of Adjustment is deficient; and

**WHEREAS** the deficiency in the number of automobile parking spaces will create a serious parking shortfall and potentially lead to illegal parking on Richview Road; and

**WHEREAS** Section 45(12) of the Planning Act R.S.O., 1990 Chapter P.13 provides that any public body who has an interest in a decision of the Committee of Adjustment may appeal the decision within 20 days of the making of the decision; and

**WHEREAS** the last day for appealing Decision A48/01 ET is March 21, 2001 and therefore Council’s normal practice of considering Committee of Adjustment appeals through a recommendation from the Community Council is not possible prior to the last date of appeal;

**NOW THEREFORE BE IT RESOLVED THAT:**

- (1) Council appeal Committee of Adjustment Decision A48/01 ET; and
- (2) the City Solicitor be authorized to prepare the necessary documentation to launch the appeal and that the City Solicitor and City staff be authorized to appear before the Ontario Municipal Board in support of the City position.”

*Motion:*

Councillor Holyday moved that Motion J(10) 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 City Solicitor be instructed to file an appeal in this matter and this Motion be forwarded to the West Community Council for consideration.”

*Votes:*

The motion by Councillor Holyday carried.

Motion J(10), as amended, carried.

3.74 **Environment Days**

Councillor Nunziata moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(11), Moved by Councillor Disero, seconded by Councillor Pitfield, and, in the absence of Councillor Disero, moved by Councillor Nunziata, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Nunziata**

**Seconded by: Councillor Pitfield**

“**WHEREAS** the Works Committee approved to change Environment Days from 28 to 44, without additional costs; and

**WHEREAS** this was achieved by deleting some of the service and free products at each Environment Day; and

**WHEREAS** Members of Council can supplement their Environment Day through their Global Budget; and

**WHEREAS** the budget meeting of the Works Committee approved \$404,000.00 required to pay for the program as the Works Committee feels this is an important way to continue communications with the citizens of this City on waste issues; and

**WHEREAS** the Works and Emergency Services Department needs six to eight weeks lead-time in order to commence Environment Days;

**NOW THEREFORE BE IT RESOLVED THAT** City Council grant prior approval to the budget of the Works and Emergency Services Department for \$404,000.00 to pay for the Environment Day program.”

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(11) to the Budget Advisory 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 Budget Advisory Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(11) was adopted, without amendment.

3.75 **Request to Federal Government to Establish Ministry of Urban Affairs**

Councillor Cho moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(12), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Cho

**Seconded by:** Councillor Berardinetti

**“WHEREAS** the City of Toronto has many reasons to have ongoing relations with the Federal Government on a variety of issues; and

**WHEREAS** the City of Toronto and other large urban centres in Canada are impacted by many of the decisions of the Federal Government; and

**WHEREAS** there is no available structure to approach the Federal Government on urban issues; and

**WHEREAS** it is essential that the Federal Government, and the City of Toronto and other Urban Centres work together co-operatively and efficiently; and

**WHEREAS** our cities continue to grow through the movement of people from rural areas to urban centres and external immigration; and

**WHEREAS** major urban centres throughout the world are in competition with each other; and

**WHEREAS** the needs of municipal governments have grown extensively over the years and will continue to grow in areas of social housing, children's services, homelessness, taxation, transportation, and other vital services; and

**WHEREAS** there previously existed a Federal Ministry of Urban Affairs;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto request the Federal Government to establish a Ministry of Urban Affairs to develop and implement a national urban agenda;

**AND BE IT FURTHER RESOLVED THAT** the Federal government appoint a Minister of Urban Affairs that will be responsible for working with municipal representatives in the development of the urban agenda and its implementation."

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(12) 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(12) to the Policy and Finance Committee was taken as follows:

Yes – 17	
Councillors:	Altobello, Berardinetti, Bussin, Cho, Di Giorgio, Feldman, Flint, Johnston, Jones, Korwin-Kuczynski, Miller, Pantalone, Pitfield, Rae, Shaw, Shiner, Sutherland
No – 22	
Mayor:	Lastman

Councillors:	Ashton, Augimeri, Balkissoon, Chow, Duguid, Filion, Ford, Hall, Holyday, Kelly, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Prue
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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 Policy and Finance Committee.

*Additional Motion:*

Councillor Moscoe with the permission of Council, moved that the Chief Administrative Officer be requested to review Motion J(12), in consultation with the City of Toronto's Federation of Canadian Municipalities Board representatives, and report thereon to the Policy and Finance Committee.

*Vote:*

The motion by Councillor Moscoe carried.

**3.76 Appointments to Humber Watershed Alliance**

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

**Moved by:** Councillor Miller

**Seconded by:** Councillor Hall

**“WHEREAS** the Toronto and Region Conservation Authority, by its adoption of resolution number A266/00, requested the West, North, and Southwest Community Councils each to nominate a Member of their respective Community Council for appointment to the Toronto and Region Conservation Authority's Humber Watershed Alliance; and

**WHEREAS** the Toronto and Region Conservation Authority further requested City Council to appoint the three Members by February 28, 2001, in order that the Alliance may be confirmed by the Authority at its March meeting and begin its work as soon as possible thereafter, so that there is some urgency to this request; and

**WHEREAS** a delay in the appointment of such Members would deprive the City of



representation on the Humber Watershed Alliance as it begins work that has potential impacts for the City of Toronto; and

**WHEREAS** there are no financial impacts associated with this Motion;

**NOW THEREFORE BE IT RESOLVED THAT** the following Members be appointed to the Humber Watershed Alliance for a term of office to expire on May 31, 2002, and until their successors are appointed:

M. Augimeri  
S. Hall  
D. Miller.”

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(13) to the North, Southwest and West Community Councils 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 North, Southwest and West Community Councils, carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(13) was adopted, without amendment.

### 3.77 **Composition of Membership of Olympic Task Force**

Councillor Ootes moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate 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 Ootes

**Seconded by:** Councillor Feldman

“**WHEREAS** Council, at its meeting held on January 30, 31, and February 1, 2001, by its adoption of Clause No. 5 of Report No. 1 of The Economic Development and Parks Committee, headed ‘Re-Establishment of Olympic Task Force (All Wards)’ re-established the Olympic Task Force with a composition of 7 Members of Council,

to include the Chair and Vice-Chair of the Economic Development and Parks Committee and 5 additional Members; and

**WHEREAS** Council, at its meeting held on March 6, 2001, by its adoption of Clause No. 1 of Report No. 3 of The Striking Committee, recommended the appointment of 5 Members in addition to the Chair and Vice-Chair, Economic Development and Parks Committee; and

**WHEREAS** it is imperative that the City of Toronto demonstrate the breadth of its support for the Olympic Bid at such a critical time, and therefore, it is desirable to have participation from additional Members of Council who expressed their interest in being considered for appointment to this Task Force; and

**WHEREAS** in accordance with provisions of §27-106 of the Municipal Code, Members of Council have already been advised of the vacancies and have been permitted to submit names for consideration for appointment to said Task Force; and

**WHEREAS** there are no financial impacts associated with this Motion;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 5 of Report No. 1 of The Economic Development and Parks Committee, headed 'Re-Establishment of Olympic Task Force (All Wards)' and Clause No. 1 of Report No. 3 of The Striking Committee, headed 'Appointments to Various Advisory Committees, Special Committees and Task Forces' be re-opened for further consideration, only insofar as they pertain to the composition and membership of the Olympic Task Force;

**AND BE IT FURTHER RESOLVED THAT** the composition of the Olympic Task Force be increased to 13 Members, and that in addition to the 7 Members appointed by Council's adoption of the recommendations of Clause No. 1 of Report No. 3 of The Striking Committee, the following Members be appointed to the Olympic Task Force:

B. Ashton  
R. Cho  
P. Li Preti  
G. Mammoliti  
R. Moeser  
S. Shaw

so that the membership of the Olympic Task Force shall now be as follows:

B. Ashton  
M. Augimeri  
R. Cho  
A. Johnston  
P. Li Preti  
G. Mammoliti  
P. Milczyn  
R. Moeser  
S. Shaw  
D. Shiner  
P. Sutherland  
M. Feldman, ex-officio, as Chair of the Economic Development and Parks Committee  
C. Korwin-Kuczynski, ex-officio, as Vice-Chair of the Economic Development and Parks Committee.”

*Vote:*

The first Operative Paragraph embodied in Motion J(14) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(14) was adopted, without amendment.

### 3.78 **Composition of Membership of City World Youth Day Reference Group**

Councillor Ootes moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code 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 Ootes**

**Seconded by: Councillor Feldman**

“**WHEREAS** Council, at its meeting held on January 30, 31, and February 1, 2001, by its adoption of Clause No. 14 of Report No. 1 of The Policy and Finance Committee headed ‘Review of Sub-Committees, Advisory Committees, Special Committees, and Task Forces Established by Council since January 1998’ re-established the City World Youth Day Reference Group with a composition of up to 5 Members of Council; and

**WHEREAS** Council, at its meeting held on March 6, 2001, by its adoption of Clause No. 1 of Report No. 3 of The Striking Committee headed Appointments to Various Advisory Committees, Special Committees and Task Forces’, recommended the appointment of 5 Members to such Reference Group; and

**WHEREAS** the World Youth Days is an event of great significance and impact that will attract great interest and participation from across the entire City and it is desirable to have participation from additional Members of Council who expressed their interest in being considered for appointment; and

**WHEREAS** in accordance with the provisions of §27-106 of the Municipal Code, Members of Council have already been advised of the vacancies and have been permitted to submit names for consideration for appointment to such Reference Group; and

**WHEREAS** there are no financial impacts associated with this Motion;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 14 of Report No. 1 of The Policy and Finance Committee, headed 'Review of Sub-Committees, Advisory Committees, Special Committees, and Task Forces Established by Council since January, 1998', and Clause No. 1 of Report No. 3 of The Striking Committee, headed 'Appointments to Various Advisory Committees, Special Committees and Task Forces', be re-opened for further consideration only insofar as they pertain to the composition and membership of the City World Youth Day Reference Group;

**AND BE IT FURTHER RESOLVED THAT** the composition of the City World Youth Day Reference Group be increased to 15 Members to include all members who submitted their names to the Striking Committee, and that in addition to the 5 Members appointed by Council's adoption of the recommendations of Clause No. 1 of Report No. 3 of The Striking Committee, the following Members be appointed to the City World Youth Day Reference Group:

B. Ashton  
R. Cho  
B. Disero  
J. Filion  
C. Korwin-Kuczynski  
P. Li Preti  
P. Milczyn  
F. Nunziata  
M. Prue  
M. Silva

so that the Membership of the City World Youth Day Reference Group shall now be as follows:

B. Ashton  
M. Augimeri

R. Cho  
B. Disero  
J. Filion  
C. Korwin-Kuczynski  
P. Li Preti  
G. Lindsay Luby  
J. Mihevc  
P. Milczyn  
F. Nunziata  
J. Pantalone  
M. Prue  
S. Shaw  
M. Silva.”

*Vote:*

The vote to adopt the first Operative Paragraph embodied in Motion J(15) was taken as follows:

Yes - 33	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Johnston, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Li Preti, Mammoliti, Mihevc, Milczyn, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Shaw, Shiner, Sutherland
No - 8	
Councillors:	Augimeri, Ford, Holyday, Jones, McConnell, Minnan-Wong, Moscoe, Rae

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

*Request to Withdraw Names:*

Councillor Ashton and Councillor Filion requested that their names be withdrawn from the membership of the World Youth Day Reference Group.

*Motion:*

Councillor Mihevc moved that the second Operative Paragraph of Motion J(15) be amended by deleting the names “B. Ashton” and “J Filion”.

*Votes:*

The motion by Councillor Mihevc carried.

The balance of Motion J(15), as amended, carried.

In summary, Council adopted Motion J(15), as amended, so that the membership of the City World Youth Day Reference Group shall now be as follows:

M. Augimeri  
R. Cho  
B. Disero  
C. Korwin-Kuczynski  
P. Li Preti  
G. Lindsay Luby  
J. Mihevc  
P. Milczyn  
F. Nunziata  
J. Pantalone  
M. Prue  
S. Shaw  
M. Silva.

### 3.79 **Composition of Social Development Strategy Steering Committee**

Councillor Feldman moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate 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 Feldman

**Seconded by:** Councillor Shaw

**“WHEREAS** Council, at its meeting held on January 30, 31, and February 1, 2001, by its adoption of Clause No. 4 of Report No. 1 of The Community Services Committee, headed ‘Review of Sub-Committees, Advisory Committees, Special Committees, and Task Forces Established by Council since January, 1998’, re-established the Social Development Strategy Steering Committee and approved its composition; and

**WHEREAS** The Striking Committee, at its meeting held on February 28, 2001, recommended the appointment of Members to said Committee; and

**WHEREAS** Council, at its meeting held on December 5, 6, and 7, 2000, by its adoption of a Motion P(15), established the position of Diversity Advocate and

appointed Councillor Sherene Shaw as such Advocate; and

**WHEREAS** there are no financial impacts associated with this Motion;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 4 of Report No. 1 of The Community Services Committee, headed >Review of Sub-Committees, Advisory Committees, Special Committees, and Task Forces Established by Council since January, 1998=, be re-opened for further consideration only insofar as it pertains to the composition of the Social Development Strategy Steering Committee;

**AND BE IT FURTHER RESOLVED THAT** the composition of the Social Development Strategy Steering Committee be amended to include the Diversity Advocate, and that Councillor Sherene Shaw be appointed to the Social Development Strategy Steering Committee ex-officio as the Diversity Advocate, in addition to those Members previously recommended in Clause No. 1 of Report No. 3 of The Striking Committee, headed 'Appointments to Various Advisory Committees, Special Committees and Task Forces'."

*Votes:*

The first Operative Paragraph embodied in Motion J(16) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(16) was adopted, without amendment.

**3.80 Toronto District School Board - Toronto City Council Liaison Committee**

Councillor Prue moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(17), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Prue**

**Seconded by: Councillor Hall**

**WHEREAS** City Council, at its regular and special meetings held on October 3, 4, and 5, 6, 10, 11, and 12, 2000, by its adoption of Motion J(7), as amended, endorsed a Toronto District School Board resolution establishing a joint working group of Council and the Toronto District and Toronto Catholic School Boards; and

**“WHEREAS** the Toronto District School Board, at its meeting held on December 6, 2000, adopted a resolution to establish a joint Toronto District School

Board - Toronto City Council Liaison Committee to amongst other things, focus on solving the problems related to the community use of schools in our City; and

**WHEREAS** there is urgency to this Motion, in that further delays in the appointment of Council Members to the Committee deprives the City of opportunities, through joint efforts, to save funds and alleviate significant hardships to citizens and community groups that exist because of new charges for community use of schools; and

**WHEREAS** there are no financial impacts associated with this Motion;

**NOW THEREFORE BE IT RESOLVED THAT** City Council agree to participate in a Toronto District School Board - Toronto City Council Liaison Committee by appointing up to six interested Members; and the following interested Members of Council be appointed to such Committee:

R. Cho  
F. Di Giorgio  
S. Hall  
P. McConnell  
M. Prue.”

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(17) 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(17) to the Policy and Finance Committee was taken as follows:

Yes – 23	
Councillors:	Altobello, Berardinetti, Cho, Chow, Di Giorgio, Filion, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Prue, Shaw, Sutherland
No – 13	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Bussin, Duguid, Feldman, Ford, Holyday, Kelly, Lindsay Luby, Minnan-Wong, Rae, Shiner

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



Having regard to the foregoing decision of Council, Motion J(17) was referred to the Policy and Finance Committee.

3.81 **School Advisory Committee – Mandate and Membership**

Councillor McConnell moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(18), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor McConnell**

**Seconded by: Councillor Di Giorgio**

**“WHEREAS** Council, at its meeting held on January 30, 31, and February 1, 2001, by its adoption of Clause No. 14 of Report No. 1 of The Policy and Finance Committee, established the School Advisory Committee, being a combination of two former committees on schools issues, and referred the composition and terms of reference to the Chief Administrative Officer for review and report thereon to the Policy and Finance Committee; and

**WHEREAS** there are now pressing matters requiring the City both to work on its strategy and to work jointly with the School Board to resolve issues of mutual concern; and

**WHEREAS** there are no financial impacts associated with this Motion;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 14 of Report No. 1 of The Policy and Finance Committee, headed ‘Review of Sub-Committees, Advisory Committees, Special Committees, and Task Forces Established by Council since January, 1998’, be re-opened for further consideration, only insofar as it pertains to the Terms of Reference, composition and membership of the School Advisory Committee;

**AND BE IT FURTHER RESOLVED THAT** the School Advisory Committee be struck immediately, the composition being interested Members of Council, such Members being requested to indicate their interest in appointment to such Committee so that they may be appointed at the meeting of Council being held on March 6, 7 and 8, 2001;

**AND BE IT FURTHER RESOLVED THAT** should Council establish the joint

Toronto District School Board - Toronto City Council Liaison Committee, which Committee is the subject of a Notice of Motion by Councillor Prue, seconded by Councillor Hall, the six Members appointed to the joint Toronto District School Board - Toronto City Council Liaison Committee also be appointed to the School Advisory Committee;

**AND BE IT FURTHER RESOLVED THAT** the mandate of the School Advisory Committee be as follows:

- (1) to provide a forum for information-sharing for City Councillors, Trustees and interested members of the public;
- (2) to identify City priorities and interests with respect to educational programs and facilities, for Council's approval;
- (3) to monitor school-related issues as they pertain to City priorities and interests, and make recommendations to Council, as appropriate;
- (4) to explore and report on matters relating to service level changes and their impact on community services; and
- (5) to provide a forum for addressing other issues of mutual concern and mutual benefit to the City and the school boards."

*Vote:*

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

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of the balance of Motion J(18) 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(18) to the Policy and Finance Committee was taken as follows:

Yes – 22
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Councillors:	Altobello, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Flint, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Milczyn, Miller, Ootes, Pantalone, Prue, Rae, Shaw
No – 15	
Mayor:	Lastman
Councillors:	Augimeri, Disero, Duguid, Feldman, Filion, Ford, Hall, Holyday, Lindsay Luby, Mammoliti, Minnan-Wong, Nunziata, Shiner, Sutherland

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

Having regard to the foregoing decision of Council, Motion J(18) was referred to the Policy and Finance Committee.

### 3.82 Proposed Development at 380 and 382 Empress Avenue

Councillor Filion moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code 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 Filion

**Seconded by:** Councillor Sutherland

**“WHEREAS** the Committee of Adjustment for the City of Toronto (North District) at its meeting of March 1, 2001, approved an application by the owner of 380 and 382 Empress Avenue for the consent to sever two residential properties fronting onto Empress Avenue into three residential properties fronting onto Highgate Avenue; and

**WHEREAS** the Committee of Adjustment for the City of Toronto (North District) at the same meeting, approved three associated variance applications requesting variances for lot frontage and width, lot area, north and south side yard setbacks, lot coverage and below grade garages and

**WHEREAS** Planning staff did not oppose this application and did not prepare a staff report on this matter; and

**WHEREAS** below grade garages are explicitly prohibited by the By-law when such lots are created by consent; and

**WHEREAS** Council should consider this land division precedent setting for this area; and

**WHEREAS** the decision will be forthcoming by mail on Friday March 9, 2001; and

**WHEREAS** the last day to appeal the consent application is Wednesday March 28, 2001;

**WHEREAS** the last day to appeal the minor variance applications is Tuesday March 20, 2001;

**NOW THEREFORE BE IT RESOLVED THAT** Council direct the City Solicitor to appeal the application to the Ontario Municipal Board and that the Solicitor also be directed to retain an outside planning consultant to attend the Ontario Municipal Board hearing to uphold the City's By-law and to oppose the land division;

*Motion:*

Councillor Holyday moved that Motion J(19) 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 City Solicitor be instructed to file an appeal in this matter and this Motion be forwarded to the North Community Council for consideration.”

*Votes:*

The motion by Councillor Holyday carried.

Motion J(19), as amended, carried.

### 3.83 **ADDITIONAL MATTER CONSIDERED BY COUNCIL**

#### **Proposed Bill to Ban Bottles and Cans from State of Michigan Landfills**

Councillor Mammoliti, rising on a Point of Privilege, advised the Council that the State of Michigan was considering enacting legislation which would ban bottles and cans from State of Michigan Landfills, and that the impact of such legislation could be that garbage shipped to Michigan from Toronto would be ineligible for disposal.

*Motion:*

Councillor Mammoliti, with the permission of Council, moved that Council adopt the following recommendation:

“It is recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the next meeting of the Works Committee on the impact on the City of Toronto if the legislation being considered by the State of Michigan to ban bottles and cans from landfill sites is passed into law.”

*Vote:*

The motion by Councillor Mammoliti carried.

- 3.84 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 April 24, 2001:

Enquiry and Answer

Enquiry dated February 5, 2001, from Councillor Walker, regarding the status of the TEDCO investigation requested by City Council, together with the Answer thereto, dated February 27, 2001, from the Chief Administrative Officer.

REPORT NO. 2 OF THE POLICY AND FINANCE COMMITTEE

Clause No. 1 - “Implementing Council’s Corporate Management Framework - a New Budget Process for 2001 and Beyond.”

REPORT NO. 2 OF THE ADMINISTRATION COMMITTEE

Clause No. 6 - “Status of the TEDCO Investigation”.

REPORT NO. 2 OF THE WORKS COMMITTEE

Clause No. 2 - “Proposed Residential Solid Waste Collection By-law”.

Clause No. 3 - “Ashbridges Bay Treatment Plant Mediation Agreement - Implementation and Compliance Monitoring Committee, Review of City’s Compliance (Ward 32 - Beaches-East York)”.

REPORT NO. 2 OF THE SOUTHWEST COMMUNITY COUNCIL

Clause No. 4 - “Appointments to Colborne Lodge/Mackenzie House/Spadina Community Museum Management Board”.

Council concurred in the proposal by Deputy Mayor Ootes.

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

- 3.85 On, March 6, 2001, at 7:28 p.m., Councillor Balkissoon, seconded by Councillor Altobello, 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. 178	By-law No. 112-2001	To confirm the proceedings of the Council at its Meeting held on the 6th day of March, 2001,
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the vote upon which was taken as follows:

Yes - 33	
Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Prue, Rae, Shaw, Silva, Soknacki, Walker
No - 0	

Carried, without dissent.

- 3.86 On March 7, 2001, at 7:35 p.m., Councillor Altobello, seconded by Councillor Walker, 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. 185	By-law No. 113-2001	To confirm the proceedings of the Council at its Meeting held on the 6th and 7th days of March, 2001,
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the vote upon which was taken as follows:

Yes - 27	
Councillors:	Altobello, Ashton, Berardinetti, Bussin, Cho, Di Giorgio, Duguid, Feldman, Filion, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, McConnell, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Shaw, Shiner, Walker
No - 1	

Councillor: Flint

Carried by a majority of 26.

- 3.87 On March 8, 2001, at 6:28 p.m., Councillor Sutherland, seconded by Councillor Augimeri, 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. 105	By-law No. 114-2001	To amend further By-law No. 23505 of the former City of Scarborough, respecting the speed limits on Toronto Roads.
Bill No. 106	By-law No. 115-2001	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
Bill No. 107	By-law No. 116-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ashby Place.
Bill No. 108	By-law No. 117-2001	To amend the City of Toronto Municipal Code Ch. 59, Emergency Planning.
Bill No. 109	By-law No. 118-2001	To amend By-law No. 31878, as amended, of the former City of North York.
Bill No. 110	By-law No. 119-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 111	By-law No. 120-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 112	By-law No. 121-2001	To amend By-law No. 31878, as amended, of the former City of North York.

Bill No. 113	By-law No. 122-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 114	By-law No. 123-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 115	By-law No. 124-2001	To amend By-law No. 31001 of the former City of North York, as amended.
Bill No. 116	By-law No. 125-2001	To stop up and close the portion of the public lane extending easterly from Northcliffe Boulevard, abutting premises No. 659 Northcliffe Boulevard, and to authorize the lease thereof.
Bill No. 117	By-law No. 126-2001	To amend the former City of Toronto Municipal Code Chapter 20, "Business Improvement Areas", to make changes to the size and quorum of the Business Improvement Area Boards of Management.
Bill No. 119	By-law No. 127-2001	To amend the City of Toronto Municipal Code Ch. 797, Tenant Support Grant Program, to permit the advance payment of additional grants under the Tenant Support Grant Program in certain circumstances.
Bill No. 120	By-law No. 128-2001	To amend the former City of North York By-law No. 7625 in respect of lands municipally known as 101-123 Bartley Drive.
Bill No. 121	By-law No. 129-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bartlett Avenue North, Boon Avenue, Brock Avenue, Brookside Avenue, Dovercourt Road, Goodwood Avenue, Landour Avenue, Margueretta Street, Maynard Avenue,



		Morningside Avenue, Oakmount Road, Perth Avenue, Runnymede Road, Salem Avenue North, Scott Road, Virtue Street, Windermere Avenue, Woodcroft Crescent.
Bill No. 122	By-law No. 130-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Sheldrake Boulevard. (*amended*)
Bill No. 123	By-law No. 131-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Snowdon Avenue.
Bill No. 124	By-law No. 132-2001	To expropriate certain lands for the establishment of a public lane east of Huntley Street extending between Linden Street and Selby Street.
Bill No. 125	By-law No. 133-2001	To enact a by-law pursuant to Chapter 134 of the Etobicoke Municipal Code, a by-law providing for the designation of fire routes in the geographic area of Etobicoke, a by-law of the former City of Etobicoke.
Bill No. 126	By-law No. 134-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Davenport Road, Gladstone Avenue, Strickland Avenue.
Bill No. 127	By-law No. 135-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Abbott Avenue, Blackthorn Avenue, Emerson Avenue, Galley Avenue, Lappin Avenue, Maria Street, Northcote Avenue, Symington Avenue.
Bill No. 128	By-law No. 136-2001	To amend City of Toronto Municipal Code Chapter 150, Municipal Law Enforcement Officers, respecting the authority of Transit Commission Route Supervisors to move vehicles impeding the movement of Transit Commission

		streetcars or impeding snow removal operations on transit routes.
Bill No. 129	By-law No. 137-2001	To amend further Metropolitan Toronto By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads. (*amended*)
Bill No. 130	By-law No. 138-2001	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 Vaughan Road by narrowing the pavement and widening the boulevard at its intersection with Bathurst Street and Helena Avenue.
Bill No. 131	By-law No. 139-2001	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 Beatrice Street from College Street to the lane 59 metres south, in front of Premises No. 148 by the installation of an island or planter.
Bill No. 132	By-law No. 140-2001	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 Beech Avenue between Pine Avenue and Balsam Avenue by the installation of speed humps.
Bill No. 133	By-law No. 141-2001	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 Duplex Avenue from Chatsworth Drive to Lawrence Avenue West by the installation of speed humps.
Bill No. 134	By-law No. 142-2001	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 Edgewood Avenue between Maughan Crescent and Eastwood Road by the installation of speed humps.
Bill No. 135	By-law No. 143-2001	To rename the portion of Kipling Avenue south of Lake Shore Boulevard West “Colonel Samuel Smith Park Drive”.
Bill No. 136	By-law No. 144-2001	To rename Loblaws Lane as “No Frills Lane”.
Bill No. 137	By-law No. 145-2001	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 Manning Avenue from Dundas Street West to College Street by the installation of speed humps.
Bill No. 138	By-law No. 146-2001	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 Moberly Avenue between Merrill Avenue East and Danforth

		Avenue by the installation of speed humps.
Bill No. 139	By-law No. 147-2001	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 Roxton Road from College Street to Harbord Street by the installation of speed humps.
Bill No. 140	By-law No. 148-2001	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 Soudan Avenue from Mount Pleasant Road to Bayview Avenue by the installation of speed humps.
Bill No. 141	By-law No. 149-2001	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 various locations within the City of Toronto.
Bill No. 142	By-law No. 150-2001	To amend Chapter 910, Parking Machines, of the City of Toronto Municipal Code to replace parking meters with parking machines in various locations within the City of Toronto.
Bill No. 143	By-law No. 151-2001	To expropriate certain interests in land for the establishment of a public lane at

		the rear of Premises Nos. 357 to 389 Bartlett Avenue North and 448 to 492 Salem Avenue North.
Bill No. 144	By-law No. 152-2001	To amend By-law No. 45-84, respecting the regulation of traffic in Exhibition Place.
Bill No. 145	By-law No. 153-2001	To amend further Metropolitan Toronto By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 146	By-law No. 154-2001	To layout and dedicate certain land for public highway purposes to form part of the public highway Lippincott Street East and to layout and dedicate certain land for public highway purposes to form part of the public highway Weston Road.
Bill No. 147	By-law No. 155-2001	To layout and dedicate certain land west of Royal York Road for public highway purposes to form part of the public highway The Queensway.
Bill No. 148	By-law No. 156-2001	To layout and dedicate certain land for public highway purposes to form part of the public highway Bevdale Road.
Bill No. 150	By-law No. 157-2001	To amend former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Queen Street East.
Bill No. 151	By-law No. 158-2001	To layout and dedicate certain land on the east side of Meadowvale Road extending northerly from White Avenue for public highway purposes to form part of the public highway Meadowvale Road.
Bill No. 152	By-law No. 159-2001	To repeal various Business Improvement Area Boards of Management

		appointments by-laws of the former Cities of Etobicoke, Scarborough and York and to set the size and quorum of the Boards of Management of the Business Improvement Areas located in the former Cities of Etobicoke, Scarborough and York.
Bill No. 153	By-law No. 160-2001	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 Millwood Road from Acacia Road to Mount Pleasant Road by the installation of speed humps.
Bill No. 154	By-law No. 161-2001	To exempt certain Lands on Registered Plan 66M-2313 from Part Lot Control.
Bill No. 155	By-law No. 162-2001	To exempt certain Lands on Registered Plan M372 from Part Lot Control.
Bill No. 156	By-law No. 163-2001	To amend further Metropolitan By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads.
Bill No. 157	By-law No. 164-2001	To amend City of North York By-law 7625 in respect of lands municipally known as 129 Finch Avenue East.
Bill No. 161	By-law No. 165-2001	To amend further Metropolitan By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads.
Bill No. 163	By-law No. 166-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Brooklyn Avenue, Devon Road, Mitchell Avenue, St. Lawrence Street.

Bill No. 164	By-law No. 167-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 165	By-law No. 168-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 166	By-law No. 169-2001	To amend former City of Toronto Municipal Code Chapter 165, Development of Land, Article I, to provide a formula for the payment of cash instead of the conveyance of land for certain lands located within a portion of the block bounded by Mutual, Dundas, Dalhousie and Shuter Streets. (*amended*)
Bill No. 167	By-law No. 170-2001	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt part of the stone fence at 112 Munro Boulevard (Ward 25) from the maximum height requirements.
Bill No. 168	By-law No. 171-2001	To amend further City of Toronto By-laws No. 647 (former East York), No. 29704 (former North York), No. 13897 (former Scarborough) and No. 3387-79 (former York) and Municipal Code Chapter 134 (former Etobicoke) respecting the designation of fire routes and the prohibition of parking on such designated fire routes, to allow set fines with respect to fire route offences to be increased and to eliminate voluntary payments with respect to such offences. (*amended*)
Bill No. 169	By-law No. 172-2001	To designate certain lands on a registered plan not subject to Part Lot Control (Re: 401 Dawes Road).

Bill No. 170	By-law No. 173-2001	To amend Chapter 324 of the Etobicoke Zoning Code and to lift the Holding 'H' provisions on lands located within the Humber Bay Shore Development Area (formerly the Motel Strip), known municipally as the easterly portion of No. 2077 Lake Shore Boulevard West (Etobicoke).
Bill No. 172	By-law No. 174-2001	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Adelaide Street West, Mansfield Avenue, Niagara Street, Ossington Avenue, Shuter Street, St. Mary Street, Tecumseth Street, Euclid Avenue, Wellington Street West.
Bill No. 173	By-law No. 175-2001	To amend former City of Toronto Municipal Code, Chapter 400, Traffic and Parking, to reflect an increase in set fines for fire route offences. (*amended*)
Bill No. 174	By-law No. 176-2001	To layout and dedicate certain land for public highway purposes to form part of the public highway Devonridge Crescent.
Bill No. 175	By-law No. 177-2001	To layout and dedicate certain land bounded by Lawrence Avenue East and East Avenue for public highway purposes and to name one portion of that public highway "Frank Faubert Drive" and the other portion "Wuthering Heights Road".
Bill No. 176	By-law No. 178-2001	To amend Chapters 320 and 324 of the Etobicoke Zoning Code, as amended by Site Specific By-law No. 1987-166, with respect to certain lands located at the southwest corner of Queen's Plate



Bill No. 177	By-law No. 179-2001	Drive and Neartic Drive, municipally known as 80 Queen's Plate Drive. To amend City of Toronto Municipal Code, Chapter 195, Purchasing, to establish the award authority of the Bid Committee at a maximum amount of \$2.5 million and the award authority of standing committees at amounts between \$2.5 million and \$5 million.
Bill No. 179	By-law No. 180-2001	To adopt Amendment No. 159 of the Official Plan for the former City of York with respect to the lands known municipally as 2322-2400 Eglinton Avenue West.
Bill No. 180	By-law No. 181-2001	To amend former City of York By-law No. 1-83 in respect of lands on the northeast corner of Gabian Way and Eglinton Avenue West.
Bill No. 181	By-law No. 182-2001	To amend By-law No. 2958-94 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 182	By-law No. 183-2001	To amend By-law No. 196-84 of the former City of York, being a By-law "To regulate traffic on City of York Roads".
Bill No. 183	By-law No. 184-2001	To amend By-law No. 1129-87 of the former City of York, being a By-law "To prescribe a speed limit of 40 kilometres per hour, on various streets in City of York".
Bill No. 184	By-law No. 185-2001	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,

the vote upon which was taken as follows:

Yes - 25	
Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Di Giorgio, Disero, Duguid, Flint, Ford, Hall, Holyday, Jones, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Shiner, Soknacki, Sutherland
No - 2	
Councillors:	Johnston, Walker

Carried by a majority of 23.

- 3.88 On March 8, 2001, at 6:29 p.m., Councillor Sutherland, seconded by Councillor Augimeri, 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. 118	By-law No. 186-2001	To amend further By-law No. 15-92 of the former Municipality of Metropolitan Toronto respecting pensions and other benefits,
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the vote upon which was taken as follows:

Yes - 26	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Di Giorgio, Disero, Duguid, Flint, Ford, Hall, Holyday, Jones, Kelly, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Prue, Shiner, Soknacki, Sutherland
No - 1	
Councillor:	Johnston

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

- 3.89 On March 8, 2001, at 6:29 p.m., Councillor Altobello, seconded by Councillor Kelly, 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. 186                      By-law No. 187-2001                      To confirm the proceedings of the Council at its Meeting held on the 6th, 7th and 8th days of March, 2001,

the vote upon which was taken as follows:

Yes - 29	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Di Giorgio, Disero, Duguid, Flint, Ford, Hall, Holyday, Johnston, Jones, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Prue, Shiner, Soknacki, Sutherland, Walker
No - 0	

Carried, without dissent.

The following Bills were withdrawn:

- Bill No. 149                      To amend further Metropolitan By-law No. 107-86, respecting parking meters on former Metropolitan Roads.
- Bill No. 158                      To adopt a new City of Toronto Municipal Code, Chapter 150, Municipal Law Enforcement Officers.
- Bill No. 159                      To amend City of Toronto Municipal Code Chapter 150, Municipal Law Enforcement Officers, respecting the appointment of certain employees of the Works and Emergency Services Department.
- Bill No. 160                      To prohibit the parking or leaving of motor vehicles on private property or municipal property without consent.
- Bill No. 162                      To amend further By-law No. 574-2000, a by-law for the licensing, regulating and governing of trades, businesses and occupations in the City of Toronto.
- Bill No. 171                      To harmonize and regulate the handling and collection of Garbage and other Waste from Residential Properties within the City of Toronto.

**OFFICIAL RECOGNITIONS:**

3.90    **Condolence Motions**

Councillor Augimeri, seconded by Mayor Lastman, moved that:

“**WHEREAS** the death of Mr. Giuseppe Gullusci on February 23, 2001, has saddened our community, and those of us who personally knew him will miss Joe dearly; and **WHEREAS** Giuseppe Gullusci contributed significantly to the Downsview community as President of the Roding Community Centre Italian Seniors Club; and

**WHEREAS** Giuseppe, born December 3, 1930 in Gagliato, Catanzaro, Italy, immigrated to Canada as a young man and settled firstly in Timmins, Ontario, and later moved to Toronto where he worked, raised a family and contributed significantly to our great City; and

**WHEREAS** our hearts go out to Ethel May Gullusci and her children Laura, John and Joey for the terrible loss that they have suffered;

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

Councillor Shaw, seconded by Mayor Lastman, moved that:

“**WHEREAS** the Mayor and Members of City Council are deeply saddened to learn of the passing, on Monday, February 19, 2001, of Mr. Dan C. McIntyre, former Race Relations Commissioner for Ontario; and

**WHEREAS** Dan McIntyre persevered tirelessly, helping to develop and implement race relations policies in this Province; and

**WHEREAS** as a Race Relations Commissioner for the Ontario Human Rights Commission, Dan McIntyre fought for mandatory affirmative action legislation for minorities and worked for a ethnic relations policy to combat racism in our Province’s schools; and

**WHEREAS** Dan McIntyre was the first visible minority to chair Ryerson University’s Board and was an excellent role model because of the diverse student body at Ryerson University; and

**WHEREAS** Dan McIntyre was both a convenor and hard-working advocate, and one who facilitated much dialogue to make people and our City a better place to live; and

**WHEREAS** Dan McIntyre made a significant contribution with implementing legislation and policies and helped community groups in the area of race relations;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of members of City Council and the residents of the City of Toronto, our sincere sympathy to Dan's wife, Dale Gillespie and his three sons Anthony, Robert and Stephen McIntyre."

Councillor Johnston, seconded by Seconded by Councillor Chow moved that:

**“WHEREAS** Dusty Fiske, a homeless man well known to Torontonians, particularly to those in the area of Union Station for many years, passed away of pneumonia recently; and

**WHEREAS** Mr. Fiske will be missed by those with whom he worked on the front lines of homelessness advocacy and the many friends who he helped over the years in Toronto's homeless community; and

**WHEREAS** Jane Doe, who stayed from time to time at the women's residence and was well known to those involved with women's homelessness issues, passed away recently in our City; and

**WHEREAS** Ronald Back, who was well known to homelessness street workers in our City who always appreciated the assistance provided by groups working on behalf of the homeless, passed away recently; and

**WHEREAS** the City of Toronto and its citizens have continuously and consistently reiterated their concerns about the growth of homelessness and its consequences for valued individuals throughout our community, so that these tragedies can be avoided;

**NOW THEREFORE BE IT RESOLVED THAT** the City express its condolences to the family members and all those who knew Dusty Fiske, Ronald Back and Jane Doe and that Council express its deep sadness at the passing of these three Torontonians and reiterate its commitment to provide assistance to the homeless in our community."

Councillor Shiner, seconded by Mayor Lastman, moved that:

**WHEREAS** Ms. Carol Anne Letheren, Chief Executive Officer of the Canadian Olympic Association, member of the International Olympic Committee, and member of Toronto 2008 Olympic Bid Corporation Board of Directors passed away suddenly on February 2, 2001; and

**WHEREAS** Ms. Letheren made an outstanding contribution to the Olympic Movement in Canada and around the world; and

**WHEREAS** Ms. Letheren's achievements for women in sport are proclaimed and heralded throughout the nation; and

**WHEREAS** the enduring legacy Ms. Letheren has created as mentor, role model and coach will continue to be an inspiration for so many;

**NOW THEREFORE BE IT RESOLVED THAT** the City of Toronto recognize and pay tribute to Ms. Carol Anne Letheren for her many achievements and lasting contribution to sport, and for embodying the ideals and values of the Olympic spirit;

**AND BE IT FURTHER RESOLVED THAT** the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to the family of Ms. Carol Anne Letheren."

Mayor Lastman, seconded by Councillor Disero, moved that:

**"WHEREAS** the death of Al Palladini has saddened our City of Toronto; and

**WHEREAS** Al Palladini devoted years of his life to serving the public as the Member of Provincial Parliament for the riding of Vaughan-King-Aurora; and

**WHEREAS** Al Palladini served Ontario well as the Minister of Transportation and the Minister of Economic Development and Trade; and

**WHEREAS** our hearts go out to his family, for the terrible loss they have suffered;

**NOW THEREFORE BE IT RESOLVED THAT** Mayor Lastman and Members of Toronto City Council offer their official condolences to the family of Al Palladini and recognize his memory by a moment of silence."

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

Council rose and observed a moment of silence in memory of the late Mr. Giuseppe Gullusci, Mr. Dan C. McIntyre, Mr. Dusty Fiske, Mr Ronald Back, Ms. Jane Doe, Ms. Carol Anne Letheren and Mr. Al Palladini.

### 3.91 **Presentations/Introductions/Announcements:**

#### **March 6, 2001:**

Deputy Mayor Ootes, during the morning session of the meeting, introduced a delegation from Portugal led by Mayor Sergio Avila.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students and the teachers from The York School, present at the meeting.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the adult and student representatives from 27 schools throughout the City of Toronto who have been involved in the Toronto Atmospheric Fund's "Cool Schools" Program; advised the Council that the students were here to receive awards as part of such Program; and extended an invitation to Members of Council to join the award recipients at the ceremony to be held at 12:30 p.m. in Committee Room No. 2.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the Grade 10 students from Newtonbrook Secondary School, present at the meeting.

Councillor Korwin-Kuczynski, with the permission of Council, during the afternoon session of the meeting, advised the Council that the City of Toronto had received a Certificate of Appreciation from the Toronto Youth Job Corps, in recognition of the City's ongoing support and contribution to the success of The Toronto Youth Job Corps Program.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced former City of Toronto Councillor Rob Davis, present at the meeting.

**March 7, 2001:**

Deputy Mayor Ootes, during the morning session of the meeting, advised the Council that the Olympic Flag Raising Ceremony would be held in Nathan Philips Square at 12:30 p.m. today and invited Members of Council and staff to attend such ceremony.

Deputy Mayor Ootes, during afternoon session of the meeting, introduced Messrs. Don and Mack Hancock, the designers of the Don Valley Parkway.

Councillor Soknacki, during the afternoon session of the meeting, with the permission of Council, honoured the late Elizabeth Fraser Williamson, the creator of the Elizabeth Fraser Williamson Collection; invited Deputy Mayor Ootes and Mr. Joseph Lebovic, of the Joseph and Wolf Lebovic Foundation to the podium; accepted, on behalf of Council, the donation of the Elizabeth Fraser Williamson Collection to the City of Toronto; extended the appreciation of Council to Mr. Lebovic for his generous donation of such collection to the City of Toronto; and introduced Ms. Sara Williamson, daughter of the late Elizabeth Fraser Williamson, present at the meeting.

**March 8, 2001:**

Mayor Lastman, during the morning session of the meeting, proclaimed May 8, 2001, as 'International Women's Day'; and invited Councillor McConnell to the podium to read the Proclamation and introduce the following members from the Community Advisory Committee on the Status of Women:

Ms. Parven Am Lani;  
Ms. Lina Anani;  
Ms. Daria Cave;

Ms. Janet Forbes;  
Ms. Sonja Greckol;  
Ms. Jean Houston (absent);  
Ms. Barbara Kilbourn;  
Ms. Deanna Mat Zanke;  
Ms. Dorothy Rivers-Moore;  
Ms. Marie Simpson; and  
Ms. Sandra Tam.

Deputy Mayor Ootes, during the afternoon session of the meeting, on behalf of Councillor Disero, extended an invitation to all Members of Council to tour the Ref-Fuel plant located in Niagara Falls, New York, on Thursday, March 29, 2001.

### 3.92 MOTIONS TO VARY PROCEDURE

*Vary the order of proceedings of Council:*

#### **March 6, 2001:**

Councillor Layton, during the morning session of the meeting, moved that Council vary the order of its proceedings to consider Clause No. 17 of Report No. 2 of The Downtown Community Council, headed "Amendments to Official Plan and Zoning By-law 438-86 – Leslie-Lakeshore Developments Inc. 199019 – 731 Eastern Avenue (Toronto-Danforth, Ward 30)", as the first item on Wednesday, March 7, 2001, which carried.

Mayor Lastman, during the morning session of the meeting, proposed that Council vary the order of its proceedings to consider Clause No. 1 of Report No. 2 of The Economic Development and Parks Committee, headed "Recreation User Fee and Welcome Policies Evaluation", at 2:00 p.m. on March 6, 2001.

Council concurred in the proposal by Mayor Lastman.

Councillor Disero, during the morning session of the meeting, moved that Council vary the order of its proceedings to consider Clause No. 1 of Report No. 2 of The Works Committee, headed "Transportation of Waste to Michigan", as the first item of business, immediately following Council's consideration of the Notices of Motions on the Order Paper for this meeting of Council, on Wednesday, March 7, 2001, which carried.

*Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:*

#### **March 8, 2001:**



Councillor Disero, at 6:00 p.m., moved that, in accordance with the provisions of § 27-11F, Adjournment, of Chapter 27 of the City of Toronto Municipal Code, Council waive the requirement of the 6:00 p.m. recess, in order to conclude consideration Clause No. 2 of Report No. 3 of The Works Committee, headed “Award of Contracts for Tender Call No. 121-2000 - - Collection of Curbside Waste, Bulky Items and Yard Waste, Litter Waste from Public Waste Receptacles, and Curbside Recyclable Materials in District 1, York Community”, the vote upon which was taken as follows:

Yes – 24	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Berardinetti, Bussin, Di Giorgio, Disero, Duguid, Ford, Hall, Holyday, Johnston, Kelly, Lindsay Luby, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland
No – 9	
Councillors:	Altobello, Cho, Flint, Jones, Korwin-Kuczynski, Mihevc, Pantalone, Prue, Walker

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

3.93 ATTENDANCE

March 6, 2001	9:40 a.m. to 9:50 a.m.*	10:02 a.m. to 12:25 p.m.*	Roll Call 11:45 a.m.	Roll Call 2:10 p.m.	2:10 p.m. to 6:00 p.m.*	Roll Call 5:55 p.m.	Ctte. of the Whole in-Camera 6:09 p.m.	7:29 p.m. to 7:31 p.m.*
Lastman	x	x	x	x	x	-	x	x
Altobello	x	x	-	x	x	x	x	x
Ashton	x	x	x	-	x	x	x	x
Augimeri	x	x	x	x	x	x	x	x
Balkissoon	x	x	x	-	x	x	x	x
Berardinetti	x	x	x	x	x	-	x	x
Bussin	x	x	-	x	x	x	x	x
Cho	x	x	-	x	x	x	x	x
Chow	x	x	x	-	x	-	x	x
Di Giorgio	x	x	x	x	x	x	x	x
Disero	x	x	x	x	x	x	x	x
Duguid	x	x	x	x	x	x	x	x
Feldman	x	x	-	x	x	-	x	x



Minutes of the Council of the City of Toronto  
March 6, 7 and 8, 2001

March 6, 2001	9:40 a.m. to 9:50 a.m.*	10:02 a.m. to 12:25 p.m.*	Roll Call 11:45 a.m.	Roll Call 2:10 p.m.	2:10 p.m. to 6:00 p.m.*	Roll Call 5:55 p.m.	Ctte. of the Whole in-Camera 6:09 p.m.	7:29 p.m. to 7:31 p.m.*
Sutherland	x	x	x	-	x	-	-	-
Walker	x	x	x	x	x	x	x	x
Total	39	44	33	32	44	31	37	37

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

March 7, 2001	Roll Call 9:40 a.m.	9:40 a.m. to 12:26 p.m.*	Roll Call 2:12 p.m.	2:12 p.m. to 3:00 p.m.*	Roll Call 3:15 p.m.	3:15 p.m. to 7:36 p.m.*	Roll Call 7:00 p.m.
Lastman	-	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	-
Berardinetti	-	x	-	x	x	x	x
Bussin	x	x	x	x	x	x	x
Cho	-	x	x	x	-	x	-
Chow	-	x	x	x	x	x	x
Di Giorgio	x	x	x	x	-	x	x
Disero	-	x	x	x	x	x	-
Duguid	-	x	x	x	x	x	x
Feldman	x	x	x	x	-	x	x
Filion	-	x	-	x	x	x	-
Flint	x	x	x	x	-	x	x
Ford	x	x	-	x	-	x	x
Hall	x	x	x	x	x	x	x
Holyday	x	x	x	x	x	x	x
Johnston	-	x	x	x	x	x	-
Jones	x	x	-	x	-	x	x
Kelly	x	x	x	x	x	x	x
Korwin-Kuczynski	x	x	-	x	-	x	x
Layton	x	x	x	x	x	x	-
Li Preti	-	-	-	x	x	x	-

Minutes of the Council of the City of Toronto  
March 6, 7 and 8, 2001

March 7, 2001	Roll Call 9:40 a.m.	9:40 a.m. to 12:26 p.m.*	Roll Call 2:12 p.m.	2:12 p.m. to 3:00 p.m.*	Roll Call 3:15 p.m.	3:15 p.m. to 7:36 p.m.*	Roll Call 7:00 p.m.
Lindsay Luby	x	x	x	x	-	x	x
Mammoliti	x	x	-	x	-	x	-
McConnell	x	x	x	x	x	x	x
Mihevce	x	x	-	x	x	x	x
Milczyn	-	x	-	x	-	x	x
Miller	x	x	x	x	x	x	x
Minnan-Wong	x	x	x	x	-	x	x
Moeser	-	x	-	x	x	x	x
Moscoe	x	x	x	x	x	x	-
Nunziata	x	x	x	x	x	x	x
Ootes	x	x	x	x	x	x	x
Pantalone	x	x	x	x	-	x	x
Pitfield	x	x	x	x	x	x	-
Prue	-	x	x	x	x	x	x
Rae	x	x	x	x	-	x	x
Shaw	-	x	x	x	-	x	x
Shiner	x	x	-	x	x	x	x
Silva	x	x	-	-	-	-	-
Soknacki	-	x	-	x	x	x	-
Sutherland	-	x	x	x	-	x	-
Walker	-	x	-	x	-	x	x
Total	29	44	28	44	25	44	30

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

March 8, 2001	Roll Call 9:43 a.m.	9:43 a.m. to 12:30 p.m.	Roll Call 2:14 p.m.	2:14 p.m. to 6:34 p.m.*	Roll Call 5:55 p.m.	Roll Call 6:20p.m.
Lastman	-	x	-	x	x	x
Altobello	x	x	x	x	x	-
Ashton	x	x	x	x	x	x
Augimeri	-	x	x	x	x	x
Balkissoon	-	-	-	-	-	-

Minutes of the Council of the City of Toronto  
 March 6, 7 and 8, 2001

March 8, 2001	Roll Call 9:43 a.m.	9:43 a.m. to 12:30 p.m.	Roll Call 2:14 p.m.	2:14 p.m. to 6:34 p.m.*	Roll Call 5:55 p.m.	Roll Call 6:20p.m.
Berardinetti	x	x	x	x	x	-
Bussin	x	x	-	x	x	x
Cho	-	x	-	x	-	-
Chow	-	x	x	x	-	-
Di Giorgio	x	x	x	x	x	x
Disero	-	x	x	x	x	x
Duguid	x	x	x	x	x	x
Feldman	-	-	-	-	-	-
Filion	-	x	-	x	-	-
Flint	-	x	x	x	x	x
Ford	x	x	x	x	x	x
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Johnston	-	x	-	x	x	x
Jones	x	x	x	x	x	x
Kelly	x	x	x	x	x	x
Korwin-Kuczynski	x	x	x	x	-	-
Layton	-	-	-	-	-	-
Li Preti	x	x	x	x	-	-
Lindsay Luby	x	x	x	x	x	x
Mammoliti	x	x	-	x	-	-
McConnell	x	x	x	x	-	-
Mihevc	-	x	-	x	x	x
Milczyn	-	x	-	x	x	x
Miller	x	x	-	x	x	-
Minnan-Wong	x	x	x	x	x	x
Moeser	x	x	x	x	x	x
Moscoe	-	-	-	-	-	-
Nunziata	x	x	x	x	x	x
Ootes	x	x	x	x	x	x
Pantalone	x	x	x	x	x	-

Minutes of the Council of the City of Toronto  
March 6, 7 and 8, 2001

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March 8, 2001	Roll Call 9:43 a.m.	9:43 a.m. to 12:30 p.m.	Roll Call 2:14 p.m.	2:14 p.m. to 6:34 p.m.*	Roll Call 5:55 p.m.	Roll Call 6:20p.m.
Pitfield	-	x	x	x	x	x
Prue	x	x	x	x	x	x
Rae	-	-	-	-	-	-
Shaw	-	x	-	x	-	-
Shiner	-	x	-	x	x	x
Silva	x	-	-	-	-	-
Soknacki	-	x	x	x	x	x
Sutherland	x	x	-	x	x	x
Walker	x	x	x	x	x	x
Total	26	39	27	39	31	27

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

**MEL LASTMAN,  
Mayor**

**NOVINA WONG,  
City Clerk**

**ATTACHMENT NO. 1**

Enquiry dated February 5, 2001, from Councillor Walker, regarding the status of the TEDCO investigation requested by City Council (See Minute No. 3.3, Page 1):

Further to my earlier enquiry dated January 8, 2001, and your response dated January 29, 2001, concerning City Council's request for the Ontario Provincial Police (OPP) to conduct a full investigation of the above transaction, this has raised further questions as follows:

- (1) What did City Council adopt at its meeting of April 11-13, 2000,... "respecting the investigation into issues surrounding a new lease provided to Sevendon Holdings Limited by TEDCO"?
- (2) What is contained in the City's April 18 and May 19, 2000, letters to the Office of the Commissioner, Ontario Provincial Police? May I have copies of these?
- (3) When and with whom at the OPP did City Legal staff and Mr. Rust-D'Eye communicate directly?
- (4) Did substantive discussions occur between City Legal staff/Mr. George Rust-D'Eye and the OPP? If not, why not?
- (5) When and with whom did Mr. Julian Fantino, Chief of Police, Toronto Police Services, communicate with at the OPP?
- (6) What was the purpose of Chief Julian Fantino's phone call to the OPP? Would you please explain why he was involved.
- (7) Has the City inquired of the OPP to determine approximately when the O.P.P. will complete its investigation? If not, why not?
- (8) On the basis of City Council's actions in April and May 2000, how did the City Legal staff interpret those actions as only authorizing the sharing of public information and not confidential information with the investigating staff of the OPP?
- (9) Exactly how many OPP officers are directly involved in the front line of this investigation? It appears to be only one - Detective Staff Sergeant Bob Lemieux. This seems to be inadequate resources to effectively complete the investigation requested by City Council for the City of Toronto.

I repeat my earlier statement of January 8, 2001, that it is most important for this investigation by the O.P.P. be completed on a timely basis and, after nearly 10 months having transpired, in my opinion it is unacceptable for the OPP to state "...the completion date is unknown".

I look forward to your early response.

**ATTACHMENT NO. 2**

Answer dated February 27, 2001, from the Chief Administrative Officer and the City Solicitor, to the Enquiry dated February 5, 2001, from Councillor Walker, regarding the status of the TEDCO investigation (See Minute No. 3.3, Page 1):

The purpose of this memorandum is to respond to the Enquiry made by Councillor Walker in accordance with section 58 of Chapter 27 of the City of Toronto Municipal Code. By memorandum dated February 5, 2001, Councillor Walker submitted his second Enquiry to the City Clerk regarding the early lease renewal between Sevendon Holdings Limited (Knob Hill Farms) and TEDCO, and the OPP investigation of this transaction.

In response to the questions raised by Councillor Walker, attached are copies of letters dated April 25, 2000, addressed to Ms. Gweneth Bonaface, Commissioner, OPP, and dated May 19, 2000, addressed to Inspector Paul Laing, Office of the Commissioner, OPP, regarding the motions adopted by City Council at its meetings of April 11, 12 and 13, 2000, and May 9, 10 and 11, 2000. As these letters advise, Recommendations Nos. (1) and (4) adopted at the April Council meeting relate to the investigation into the lease with Sevendon Holdings, and the second and third recitals contained in the motion of Councillor McConnell, which was adopted by Council at its May 9, 10 and 11, 2000 meeting, set out the issues surrounding this lease.

During the first few months after Council's consideration of this matter, Ms. Mary Ellen Bench and Mr. George Rust-D'Eye, both communicated with Inspector Paul Laing of the Office of the Commissioner at the OPP respecting Council's request for the OPP to investigate. Subsequently, staff communicated with Inspector Brian Wagner in the OPP Commissioner's Office, Detective Chief Superintendent Dave Crane, Detective Sergeant Chuck Cox, Detective Sergeant Jacques Bois and Detective Sergeant Barry Colquhoun of the OPP Anti-Rackets Division. In response to Councillor Walker's Enquiry as to whether substantive discussions occurred between City Legal staff, Mr. Rust-D'Eye and the OPP, substantive discussions have occurred between City staff and the OPP, the content of which cannot be disclosed at this time because of the ongoing investigation. The City Solicitor has been interviewed by the investigators, as have Ms. Mary Ellen Bench and Ms. Kim Rogers of his staff, and City Legal staff have provided extensive material in aid of this investigation. Mr. Rust-D'Eye has also been interviewed by the OPP investigators. Aforementioned communications with other than Inspector Laing occurred in January and February 2001.



In respect of communications between the Office of Chief Julian Fantino and the OPP, Legal staff were advised by Inspector Laing that it is routine protocol for the OPP to consult with the local police force before becoming involved in an investigation within its jurisdiction. It is very unusual for a municipality that has a local police force to make such a request of the OPP. At that time Legal staff spoke to Wayne Cotgreave in Chief Fantino's office and offered to provide background information to Chief Fantino.

In respect of staff's interpretation of what material Council authorized be released to the OPP, Council specifically authorized the release of the confidential communication dated May 8, 2000, from the Board of Directors of TEDCO, and of the confidential communication dated May 9, 2000, from Mr. George Rust-D'Eye. By contrast, at its April meeting, Council resolved that the confidential joint report dated April 7, 2000, from the Chief Administrative Officer, the City Auditor and the City Solicitor remain confidential. Consequently, Council authority was obtained before the material that Council instructed remain confidential was released to the OPP. This did not delay the timing of the OPP investigation into this matter in any way.

In respect of the remaining questions posed by Councillor Walker, concerning the completion and staffing of the investigation, attached is a letter dated February 16, 2001, from Detective Chief Superintendent Dave Crane. Detective Chief Superintendent Dave Crane advises that the investigation is being managed by Detective Inspector Cliff Strachan, Criminal Investigation Branch, Investigation Bureau, and there are four members, one Detective Staff Sergeant and three Detective Sergeants, from the Anti-Rackets Section, Investigations Bureau, assigned. In respect of the completion date for the investigation he further advises that ... "the members assigned as investigators are conducting the investigation as expeditiously as possible but as with any investigation it is difficult to determine a concluding date, given the fact that interviews conducted, for the most part, lead the investigators to further assignments. I can assure you that the matter is proceeding and will be brought to a conclusion as soon as possible".

(A copy of the attachments referred to in the foregoing communication is on file in the Office of the City Clerk.)

**ATTACHMENT NO. 3**

Enquiry dated February 23, 2001, from Councillor Bussin, regarding recent media reports on the polling of City residents on property tax increases and budget issues (See Minute No. 3.3, Page 2)

On Thursday, February 15, 2001, it was revealed in the Toronto media that the Mayor's Office recently commissioned Ipsos Reid to conduct public opinion polling of Toronto residents on a possible property tax increase and other city tax and budget issues. As reported, the telephone poll questioned residents on whether or not they would support a tax hike, a cap on property tax hikes, the elimination of inefficiencies in the municipal budget and what level of government is responsible for Toronto's budget woes.

Thus I am requesting answers to the following questions:

- (1) By what authority does the Mayor's office spend public funds in conducting polling on matters before Toronto City Council?
- (2) What was the cost to Toronto taxpayers for the polling?
- (3) What are the results of the poll?
- (4) In the Mayor's opinion, is it appropriate to expend public funds polling residents on political questions such as which level of government do they consider responsible for Toronto's current budget challenges?
- (5) What remedy can Councillors who asked senior staff in the Mayor's office about the possibility of polling on this matter seek who were told that no polling was being conducted?

**ATTACHMENT NO. 4**

Answer dated March 5, 2001, from the Chief Administrative Officer, addressed to Mr. Alan Slobodsky, to the Enquiry dated February 23, 2001, from Councillor Bussin, regarding recent media reports on the polling of City residents on property tax increases and budget issues (See Minute No. 3.3, Page 2):

Further to your Enquiry to me as to polling that has taken place that might have resulted in the article referred to in the newspaper article mid-February, please be advised of the following:

- both the Single City Savings Task Force report and the Budget Process report for Beyond 2001 (currently both reports are before Council) refer to the city undertaking a Core Service Review. I have had discussions with staff about the methodology that might be available for such a review and the concept of polling the public as one source of information for that work has been raised. The purpose of such a poll would be to survey the public on service expectations. Should this be recommended, a competitive RFP process would be followed.
- additionally, my office recently had some polling completed to assist in setting out the approach to the development of an implementation strategy and public engagement process for the City Charter issue. The need for this work was reported to Council, at the October 2000 meeting, on the public education work needed for the City Charter. The polling work was conducted in January and the results are being used by the consultant to develop an implementation strategy that will be coming to Council in the very near future. The polling work would have explored the public's understanding of the City's legislative and financial capacity to address its needs.

I hope this information is of some assistance to you.

(A copy of the communication dated March 6, 2001, from the Office of the Mayor, addressed to Members of Council, forwarding the foregoing communication, is on file in the Office of the City Clerk.)

**ATTACHMENT NO. 5**

Report dated February 27, 2001, from the City Solicitor, entitled “982 Dundas Street West, Consent Agreement with 1330762 Ontario Inc.; Requirement of Committee of Adjustment, Ward 19, Trinity-Spadina”. (See Minute No. 3.66, Page 89)

Purpose:

To obtain authority for the City Clerk and the Chief Financial Officer and Treasurer to execute a Consent Agreement with 1330762 Ontario Inc. with respect to 982 Dundas Street West. The Consent Agreement is required as a condition of the Committee of Adjustment decision regarding this matter.

Financial Implications and Impact Statement:

No financial implications.

Recommendations:

It is recommended that the City Clerk and the Chief Financial Officer and Treasurer be authorized to sign the Consent Agreement, made between 1330762 Ontario Inc. and the City of Toronto, with respect to 982 Dundas Street West and any other documentation necessary to give effect thereto.

Background:

At its meeting held on August 3, 2000, Toronto City Council passed By-law No. 569-2000 to permit the erection and use of 6 dwelling units, 3 row houses and 2 retail stores on the lands known municipally as to 982 Dundas Street West (the “Site”). Subsequent to the passing of the By-law, the Site owner, 1330762 Ontario Inc. (the “Owner”), made an application to the Committee of Adjustment for consent to convey and permit the creation of five parcels and associated easements and rights-of-way within the Site to accommodate the approved development.

The Committee of Adjustment approved the application at its meeting of November 7, 2000, subject to certain conditions imposed by the Committee, to be secured through a Consent Agreement between the Owner and the City of Toronto. These conditions were recommended by City staff and are intended to secure certain standard City requirements regarding the development and to ensure that the Owner undertakes a Site and Building Audit, a Dust Control Plan, a Historical Review and a Soil and Groundwater Testing Program, to mitigate any impacts of the development.

In order for the Committee's order to become final, the Owner must enter into the Consent Agreement.

Comments:

A draft of the Consent Agreement has been reviewed and approved by the Owner. This draft contains all of the conditions required by the Committee, as well as some standard conditions imposed by the City of Toronto in such agreements.

A final copy of the approved Consent Agreement will be deposited with the City Clerk.

Conclusions:

The Consent Agreement, prepared to the satisfaction of the City Solicitor, would be executed by the City Clerk and the Chief Financial Officer and Treasurer.

Contact:

Marc Kemerer, Solicitor  
Planning and Administrative Tribunal Law  
Tel: (416) 392-1228  
Fax: (416) 397-4420

**ATTACHMENT NO. 6**

Report dated March 5, 2001, from the Chief Financial Officer and Treasurer, entitled “City of Toronto Submission Regarding the Provincial Review of the Ontario Property Assessment Corporation (OPAC)”. (See Minute No. 3.70, Page 95)

Purpose:

To provide a submission to be presented to Mr. Marcel Beaubien, M.P.P. for Lambton-Kent-Middlesex and Special Advisor to the Minister of Finance, to be considered within the context of Mr. Beaubien’s review of the Ontario Property Assessment Corporation.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that:

- (1) the submission in Appendix A be adopted; and
- (2) the Chief Financial Officer and Treasurer and the Chair of the Policy and Finance Committee be authorized to seek a date to present a submission, in person, before Mr. Beaubien, on behalf of the taxpayers of Toronto and Toronto City Council.

Background:

On December 12, 2000, Finance Minister Ernie Eves announced the appointment of Mr. Marcel Beaubien, M.P.P. for Lambton-Kent-Middlesex, as a Special Advisor to conduct a review of the Ontario Property Assessment Corporation (OPAC). OPAC is the municipal not-for-profit corporation created in December 1997 that is responsible for providing property assessments for all property in Ontario. Mr. Beaubien’s review will examine the relationship between OPAC and the Province; the operational structure of OPAC, including the composition of the Board of Directors; and provide a review of the current regulation that establishes property tax classes in Ontario.

Mr. Beaubien’s review will incorporate feedback from public focus groups and submissions from municipal and ratepayer associations. The findings of the review will be submitted to the Minister of Finance by March 31, 2001.

The Policy and Finance Committee, at its meeting of February 15, 2001, requested that the Chief Financial Officer and Treasurer prepare a submission that outlines the City's concerns regarding OPAC, and to identify specific problem areas and propose recommendations for improvement. In order to approve a submission to Mr. Beaubien in advance of the March 31, 2001 deadline, Council must do so at the meeting of March 6, 7 and 8, 2001.

Comments:

The Ontario Property Assessment Corporation was created in December of 1997 to perform property assessment services as a municipally-funded, non-governmental agency. OPAC is a statutory corporation whose members are all municipalities in Ontario. The primary duty of the Corporation is to fulfil its statutory obligations under the Assessment Act, the Provincial Land Tax Act and other statutes. The Minister of Finance continues to be responsible to set policies, establish quality standards and to monitor assessment quality to ensure province-wide consistency. A backgrounder on OPAC is attached to this report.

Staff from several City departments deal regularly with the two OPAC offices located in the City of Toronto. Staff in the Finance Department must deal directly with OPAC regarding property taxation, assessments, appeals, supplementary assessments, year-end value changes and the apportionment of assessment parcels, as the assessed value of properties, as established by OPAC, directly determines the amount of property tax revenue received by the City. Finance staff also receive data from OPAC for analysis and planning purposes.

Land Survey and Land Information staff also deal with OPAC staff for the purposes of creating and maintaining the City's Land Information System and parcel mapping function. Staff from the City Clerk's Department deal with OPAC in respect of property, school support and ownership information contained on the annual assessment roll and the voter's list. In addition, the information on the roll is used by Social Services, Economic Development and Emergency and Protective Services.

The importance of OPAC providing accurate information to the City on the assessment roll is, therefore, a crucial factor for both budgetary and customer service needs.

Given that Mr. Beaubien's review is being undertaken to confirm that OPAC is meeting the needs of Ontario's property owners and its municipal clients, it is appropriate that Toronto, as the largest single stakeholder of the corporation, provide input to this process.

The City's submission makes three important points regarding the general relationship between OPAC, the Province and municipalities.

- (1) The importance of responsive and accountable service, on the part of OPAC, to its municipal stakeholders must be the single most important aspect of the Province's review. Even though the Province is undertaking the review, OPAC is fully funded by its municipal members, and was established to meet their needs and the needs of municipal ratepayers. The parts of the review that focus on the Province's relationship with OPAC and the composition of the Board of Directors should not attempt to diminish OPAC's primary accountability to its municipal stakeholders, nor the decision-making powers of the municipal representatives on the Board of Directors. Should the Province seek to expand its role or influence within OPAC's corporate structure, it must be prepared to contribute financially to the corporation's operation.
- (2) The Province, in their role of setting policies, must endeavour to ensure that legislation and regulations do not further erode the municipal tax base. As the tax base represents the primary component of municipal revenue, provincial policies must not constrain or arbitrarily reduce revenues that are derived from the assessment of property.
- (3) The review must also seek to reaffirm that OPAC continues to meet the needs of municipal ratepayers, and that OPAC's processes and valuations are fair, equitable and understandable.

The City's submission then provides more detailed comments focusing on three main areas:

- quality of product and service;
- accountability; and
- Ministry of Finance issues.

Under these three main headings, the submission makes the following recommendations.

#### Quality of Product and Service

- (1) OPAC critically review its systems of Quality Assurance/Quality Control, and implement new measures to improve the accuracy and completeness of data on the annual assessment roll provided to municipalities.



- (2) OPAC ensure that all changes in property value or tax status on the assessment roll are correctly and completely coded to indicate the reason for the change, and the effective date of any change, and that this information be included on the annual assessment roll.
- (3) OPAC review its procedures for updating ownership information and seek improvements to ensure that ownership changes are reflected in a timely manner, and that OPAC explore methods of providing updated ownership information to municipalities in electronic format on a regular (e.g. weekly or more frequent) basis, or by a direct electronic feed.
- (4) OPAC seek to reduce the reliance on Section 442 and 443 adjustments to correct errors to the assessment roll, through enhancements and improvements to quality assurance procedures, and through education of OPAC staff, that would eliminate errors on the returned roll and the need to make subsequent corrections.
- (5) OPAC seek improvements to the scheduling and processing cycle for supplementary/omitted amounts, and link this process to the issuance of occupancy permits by municipal building departments, to ensure that any in-year value changes (e.g., improvements or new construction) are captured and communicated to the municipality as soon as possible after the change becomes effective.
- (6) OPAC undertake to improve communications with municipalities, and that procedures be developed that would require OPAC to formally notify municipalities of any programs that may result in value changes, and that such notification include a summary of such changes, an explanation of the rationale for the changes, and a list of affected properties.
- (7) OPAC develop protocols to notify municipalities of pending assessment appeals that may have significant impacts on municipal finances, and to verify that ARB Decisions correctly reflect the court's determination. Further, that OPAC establish procedures to provide assessment appeal information to municipalities in electronic format on a monthly basis.
- (8) OPAC further explore methods to ensure that reconsiderations are dealt with in a timely manner, and that this process incorporate a maximum time period for a response by OPAC, and that OPAC, in consultation with municipalities and the Assessment Review Board, adopt measures to further streamline the appeal process to eliminate delays in scheduling, communicating decisions and processing tax adjustments.

- (9) OPAC develop means to ensure that property records are updated to reflect previous assessment reductions, or revised property information, and that this information is taken into account in the determination of assessed value in subsequent re-assessments.

#### Accountability

- (10) OPAC review the current composition of the corporation's Board of Directors and methods of appointment, and implement means to ensure the Board composition reflects representation based on a proportionate share of provincial population and/or assessable units.
- (11) The Province contribute a share of OPAC's costs proportionate to its representation on the corporation's Board of Directors.
- (12) OPAC formalize measures of fiscal accountability to its municipal stakeholders that would see municipalities financially compensated by the assessment corporation for tax revenue losses that are directly attributable to errors or omissions on the part of OPAC, where such tax revenue losses cannot be recovered through legislative means.
- (13) OPAC seek to make information on individual property characteristics and assessment methods, including factors that may affect a property's market value, accessible to both municipalities and municipal ratepayers.

#### Ministry of Finance Issues

- (14) The Province must have regard to the revenue implications for municipalities of changes in provincial assessment and taxation policy, and undertake not only to repeal certain constraints but further, to not introduce new measures that erode the municipal tax base or constrain tax revenues.
- (15) The optional New Multi-Residential tax class that taxes newly constructed rental buildings at a reduced rate for an eight-year period be changed to allow for a permanent tax rate reduction for this class or, at a minimum, that the eight-year period of applicability be extended to 25 years.
- (16) The Province create an optional tax class or sub-class for Heritage Properties, to enable a reduced tax rate to apply to properties within the class or sub-class.

- (17) The Province amend the method of assessment of railway rights-of-way to exclude any and all portions of these lands that are utilized for telecommunications infrastructure to a width of one metre on either side of the cable installation, and to provide that lands so excluded be taxed at the industrial rate to reflect their business use.

Conclusions:

This report and the attached submission to Mr. Beaubien presents 17 recommendations that are intended to enable OPAC to provide a more open and fair method of determining assessments, a better quality assessment product and more accountable and responsive service. These improvements will also provide the basis for a stronger and more co-operative relationship between OPAC, the Province and municipalities.

Staff will continue to monitor the progress and recommendations that emerge from Mr. Beaubien's review. Council will be advised of any proposed changes to OPAC's administrative structure or operational methods, as well as any legislative or regulatory changes that are likely to impact the assessment and taxation of properties in Toronto.

Contact Names:

Giuliana Carbone, Director of Revenue Services, 392-8065  
Joe Farag, Director, Development, Policy & Research Division, 392-8108

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Appendix A

Draft communication dated February 28, 2001, from the Chief Financial Officer and Treasurer, addressed to Mr. Marcel Beaubien, M.P.P., and to the Review of Property Assessment Process.

The purpose of this submission is to provide input to your review of the Ontario Property Assessment Corporation (OPAC), from the perspective of one of the corporation's largest stakeholders.

The City of Toronto appreciates the magnitude of the responsibility borne by OPAC in administering the property assessment process, and in maintaining up to date

information for more than four million individual properties province-wide. We also recognize the difficulties inherent in delivering services to a broad client base and being responsive to often diverse needs that reflect local circumstances.

The importance of responsive and accountable service on the part of OPAC to its municipal stakeholders must be, in our opinion, the single most important aspect of your review. The Government of Ontario is to be commended for undertaking this review, but must not lose sight of the fact that OPAC is fully funded by its municipal members, and was established to meet their needs and the needs of municipal ratepayers. As such, the parts of your review that focus on the Province's relationship with OPAC and the composition of the Board of Directors must not attempt to diminish OPAC's primary accountability to its municipal stakeholders, nor the decision-making powers of the municipal representatives on the Board of Directors. Should the Province seek to expand its role or influence within OPAC's corporate structure, it must be prepared to contribute financially to the corporation's operation.

In considering the broader provincial role in the assessment and taxation of property in Ontario, the City of Toronto feels strongly that the Province, in their role of setting policies, must endeavour to ensure that legislation and regulations do not further erode the municipal tax base. As the tax base represents the primary component of municipal revenue, provincial policies must not constrain or arbitrarily reduce revenues that are derived from the assessment of property.

Your review should also seek to reaffirm that OPAC continues to meet the needs of municipal ratepayers, and that OPAC's processes and valuations are fair, equitable and understandable. OPAC's own customer surveys should provide valuable insight to this process. It is appropriate that this part of your review also consider methods by which OPAC may expand the range of services available to individual ratepayers and corporate clients, such as the provision of independent valuation services.

The remainder of this submission focuses on the City of Toronto's experiences with the Ontario Property Assessment Corporation and the provincial assessment system to date. We trust that you will find our comments helpful in your review.

With almost 600,000 assessment portions in Toronto that generate over \$2.6 billion in municipal tax revenue and an additional \$1.85 billion in provincial education tax revenue, a strong and co-operative working relationship between the City and OPAC is essential. For the most part, this has been the City's experience since OPAC's inception in 1997. Staff from various departments deal regularly with the two OPAC offices located in the City of Toronto.

Staff in the Finance Department deal directly with OPAC regarding property taxation, assessments, appeals, supplementary assessments, year-end value changes and the

apportionment of assessment parcels. They also receive data from OPAC for analysis and planning purposes.

Land Survey and Land Information staff also deal with OPAC staff for the purposes of creating and maintaining the City's Land Information System and parcel mapping function. Staff from the City Clerk's Department deal with OPAC in respect of property, school support and ownership information contained on the annual assessment roll and the voter's list. In addition, the information on the roll is used by Social Services, Economic Development and Emergency and Protective Services.

It is important, therefore, that the Government's first review of the Property Assessment Corporation address the success of OPAC in meeting the needs of municipalities, as stakeholders, and of property owners, as affected parties.

Our comments are intended to be constructive in identifying key improvements in three key areas:

- quality of product and service;
- accountability; and
- Ministry of Finance issues.

Where appropriate, we have proposed recommendations to enable improvements in these areas.

#### Quality of Product and Service

The importance of OPAC providing accurate and timely information to the City on the assessment roll is crucial to the City's financial health and in meeting customer service needs. So too is the need for responsive service, both in the delivery of products and information, and in day-to-day communications and in responding to questions and requests for information.

#### Quality of Product

##### Errors on the Assessment Roll

A number of errors/omissions/inconsistencies are present on the annual assessment rolls as returned. The new assessment and tax system requires very accurate data and coding. For the period 1998 to 2000, in virtually every instance where a change occurred to a property in the capped classes (e.g., improvements, new construction, vacancy changes, class changes, etc.), the City was required to recalculate the 1997 or base amount for subsequent tax year calculations. Incorrect coding and data on the assessment roll has resulted in this process becoming more difficult to administer,

with attendant tax revenue losses.

Following the issuance of final tax bills in 1999, a number of issues arose directly related to incorrect data on the returned roll. One such issue involved changes that had been made to assessed values that were later identified by OPAC as “equity changes”. These changes resulted in the CVA being increased over the previous year’s total when, in fact, no physical change to the property had occurred. As a result of incorrect coding on the assessment roll that identified these changes as improvements, the frozen assessment listing for these properties was adjusted to reflect the improvement. This resulted in a significant tax increase where, in fact, none should have occurred. The financial implication to the City, due to this incorrect data, was estimated at \$10.9 million in 1999, the amount by which the City over-billed and which must, therefore, be accounted for in its year-end statement as tax deficiencies. In reality, the City has not realized \$46 million in tax growth in 1999, due to these instances of incorrect information.

#### Incorrect Coding for Vacant/Occupied Status

Another issue that relates to incorrect data is the coding of occupancy status on the assessment roll for certain non-profit organizations that were returned incorrectly on either the 1997 or 1998 assessment rolls. The impact of coding errors on the assessment roll did not become apparent, until the following year when taxes increased significantly. Had the occupancy status of these non-profit organizations been correctly returned on the roll, these organizations would have been protected against tax increases in subsequent years by the City’s caps on tax increases. As a result of errors, these organizations were subject to pay tax at a much higher percentage than would otherwise apply. The extent of this problem and the financial implications to the City due to this incorrect data is currently under review.

#### Recommendation No. (1):

OPAC critically review its systems of Quality Assurance/Quality Control and implement new measures to improve the accuracy and completeness of data on the annual assessment roll provided to municipalities.

#### Recommendation No. (2):

OPAC ensure that all changes in property value or tax status on the assessment roll are correctly and completely coded to indicate the reason for the change, and the effective date of any change, and that this information be included on the annual assessment roll.

### Outdated Ownership Information

Ownership changes on the Assessment Roll are not up to date. There can be a considerable time lag between the date of registration of a change in ownership and the date when the new information is reflected on OPAC's system or forwarded to the City. At present, the City must maintain its own file used for the issuance of tax bills and process all changes manually, representing an unnecessary duplication of work. Advancements in the electronic recording of property ownership records within Land Titles and Registry Offices of the Provincial Ministry of Consumer and Commercial Relations make it possible to allow all ownership change information to be updated almost immediately, by a direct electronic feed to both OPAC and the City.

#### Recommendation No. (3):

OPAC review its procedures for updating ownership information and seek improvements to ensure that ownership changes are reflected in a timely manner, and that OPAC explore methods of providing updated ownership information to municipalities in electronic format on a regular (e.g., weekly or more frequent) basis, or by a direct electronic feed.

### Gross and Manifest Errors (Section 442/443 Adjustments)

Over the past three years, the City has filed 594 appeals, representing over \$4 million in tax adjustments, under Sections 442 and 443 of the Municipal Act for the cancellation/reduction of taxes due to Gross and Manifest Errors on the assessor's part. Although these errors are corrected through a retroactive adjustment to the property owner's tax account, there is a tremendous amount of work and time involved before the errors can be corrected. In the case where errors have resulted in the City under-billing properties, these oversights may not be discovered until well after the period during which the City can recover these amounts.

#### Recommendation No. (4):

OPAC seek to reduce the reliance on Section 442 and 443 adjustments to correct errors to the assessment roll, through enhancements and improvements to quality assurance procedures, and through education of OPAC staff, that would eliminate errors on the returned roll and the need to make subsequent corrections.

### Quality of Service

#### Supplementary/Omitted Assessment Rolls

Given the complicated and time consuming processes the municipality must now go through before sending a tax bill, it is essential that in-year supplementary/omitted information be received in a timely manner, to enable tax adjustments and supplementary tax bills to be issued. Supplementary and omitted assessment added during the year (i.e. to reflect new construction or improvements) increase the tax

revenue available to municipalities.

It is imperative that the City is provided with supplementary/omitted assessment information on a regular and timely basis, as the issuance of tax bills for these additional amounts has a direct bearing on the City's cash-flow position and total revenue. OPAC should explore methods to link this process to the issuance of occupancy permits by municipal building departments.

Recommendation No. (5):

OPAC seek improvements to the scheduling and processing cycle for supplementary/omitted amounts, and link this process to the issuance of occupancy permits by municipal building departments, to ensure that any in-year value changes (e.g., improvements or new construction) are captured and communicated to the municipality as soon as possible after the change becomes effective.

Communications

The City has had numerous problems with changes made by OPAC to assessment data that have not been communicated to the City until after tax bills had been issued. OPAC must ensure that any problems or omissions from the assessment rolls are communicated to all involved on a timely basis. In respect to the "equity" changes that affected a large number of properties in 1999 and 2000, the problem was not made known to the City immediately, and was only discovered through taxpayer complaints. At that point, OPAC advised the City that it had been conducting a "fine tuning" exercise that had changed values on a significant number of properties.

Recommendation No. (6):

OPAC undertake to improve communications with municipalities, and that procedures be developed that would require OPAC to formally notify municipalities of any programs that may result in value changes, and that such notification include a summary of such changes, an explanation of the rationale for the changes and a list of affected properties.

Assessment Appeals

The City is not made aware of pending appeals that may result in large reductions and thereby negatively impact the City's finances. It is critical that OPAC advise the City of appeals that could have potentially large reductions in assessment, to allow the City to budget accordingly. In addition, it is important that the City receive appeals information in an electronic format, in order to facilitate financial impact analysis on a monthly basis.

The City has also discovered cases where Notices of Decisions received by the property owner and the municipality from the Assessment Review Board (ARB)



following an appeal incorrectly state the revised assessment amount. These errors result in the City either over-billing or under-billing tax adjustments when the Notice of Decision is processed, followed by a subsequent re-adjustment to correct the error once it is discovered. Although these errors are generally clerical or transposition errors and reflect the need for improved quality control measures on the part of the ARB, OPAC should also develop procedures to cross-check ARB decisions to ensure that the assessor's recommendations or the court's determination for value changes are correctly implemented.

Recommendation No. (7):

OPAC develop protocols to notify municipalities of pending assessment appeals that may have significant impacts on municipal finances, and to verify that ARB Decisions correctly reflect the court's determination. Further, that OPAC establish procedures to provide assessment appeal information to municipalities in electronic format on a monthly basis.

Timeliness of Reconsiderations and Assessment Appeal Changes

From a ratepayer's perspective, there are considerable delays in the processing of assessment changes that affect taxation. OPAC's Request for Reconsideration process may involve a significant delay before a ratepayer's assessment is reviewed, and ratepayers are often not advised of when they may expect to receive the results of such a reconsideration, necessitating the lodging of a protective appeal, for which a fee must be paid. Further delays result (albeit these are acknowledged to be beyond the control of OPAC) if the ratepayer must wait for an appeal before the Assessment Review Board (ARB). Yet further delays are introduced before the ARB decision is communicated to OPAC, the ratepayer and the municipality, authorizing the municipality to adjust the taxes. While OPAC is commended for the measures it has introduced to streamline the reconsideration and appeal process, further improvements are necessary.

Recommendation No. (8):

OPAC further explore methods to ensure that reconsiderations are dealt with in a timely manner, that this process incorporate a maximum time period for a response by OPAC, and that OPAC, in consultation with municipalities and the Assessment Review Board, adopt measures to further streamline the appeal process to eliminate delays in scheduling, communicating decisions and processing tax adjustments.

Continuity of Assessment Appeal Decisions in Valuation

Ratepayers have expressed concern that assessment appeal decisions that reduce the

assessment on a property for a given year are not taken into account when a property is re-assessed in a subsequent year. Unless OPAC property records are updated to reflect ARB reductions, or property information supplied by an owner that comes to light as a result of an appeal, a subsequent re-assessment using the mass appraisal techniques employed by OPAC would likely establish the same relative premium on a particular property. This issue is particularly important, given that OPAC is moving to an annual re-assessment cycle that will see properties re-assessed each year. OPAC must ensure that its records are updated to reflect previous assessment reductions, or revised property information, that establishes the base amount from which subsequent re-assessments are calculated.

Recommendation No. (9):

OPAC develop means to ensure that property records are updated to reflect previous assessment reductions, or revised property information, and that this information is taken into account in the determination of assessed value in subsequent re-assessments.

Accountability

As a municipally-owned corporation, OPAC must be accountable to its municipal stakeholders, while working within the framework of its legislated responsibilities and provincial policies. Accountability in this context encompasses both the concept of effective representation by the corporation's Board of Directors, and the recognition that the quality of OPAC's products and services directly affect the financial well-being of Ontario's municipalities.

Corporate Accountability

OPAC is governed by a fourteen member Board, appointed by the Minister, comprising twelve municipal representatives (six elected municipal officials, and six officers or employees of municipalities) and two provincial representatives. The current Board structure, however, and the method of appointment of municipal representatives to the Board is not based on representation by population nor number of assessable properties.

While 5 of the current 12 municipal members of the OPAC Board represent Greater Toronto Area (GTA) municipalities, this number includes only one representative from the City of Toronto. In terms of both population and number of households, the City of Toronto accounts for over 50 percent of the GTA total, and at least 20 percent of the Provincial total. As the largest single stakeholder within OPAC, in terms of number of assessable properties, it is appropriate that Toronto have representation on the OPAC Board that reflects its relative population size and number of assessable units. This would be consistent with the method currently used to determine a municipality's proportionate share of the cost for OPAC's services. In the case of a

12-member Board, it is suggested that at least 2 members of the Board be representatives of the City of Toronto, to include one elected official and one officer or staff member.

The intent of this review should not be to diminish OPAC's primary accountability to its municipal stakeholders, nor to curtail the decision-making powers of the municipal representatives on the Board of Directors. Should the Province seek to expand its role or influence within OPAC's corporate structure by appointing more provincial representatives to the Board, it must be prepared to contribute financially to the corporation's operation. It is fair and appropriate that the Province contribute a share of OPAC's costs proportionate to its representation on the corporation's Board of Directors.

Recommendation No. (10):

OPAC review the current composition of the corporation's Board of Directors and methods of appointment, and implement means to ensure the Board composition reflects representation based on a proportionate share of provincial population and/or assessable units.

Recommendation No. (11):

The Province contribute a share of OPAC's costs proportionate to its representation on the corporation's Board of Directors.

Fiscal Accountability

Municipal tax revenues are directly related to the assessed value of property, as determined by OPAC. Additional assessed value added over the course of the year, through supplementary or omitted assessments, increases tax revenue for the municipality. The importance of the timely receipt of supplementary/omitted amounts is discussed earlier in this submission. By the same token, errors in valuation, classification or coding, missed assessments or assessment appeal losses reduce a municipality's tax revenues.

It is important, therefore, that OPAC recognize that the quality of the assessment roll and the service provided can directly affect municipal revenues. As such, OPAC bears a fiscal accountability to its municipal stakeholders. This accountability must be formalized to ensure that municipalities are safeguarded against revenue losses caused as a result of errors made by OPAC, and further, that municipalities are financially compensated for such losses.

The formal acknowledgement of OPAC's fiscal accountability to its stakeholders would assure quality improvements are made, alleviate municipal tax revenue losses

and strengthen the relationship between the corporation and municipalities.

Recommendation No. (12):

OPAC formalize measures of fiscal accountability to its municipal stakeholders that would see municipalities financially compensated by the assessment corporation for tax revenue losses that are directly attributable to errors or omissions on the part of OPAC, where such tax revenue losses cannot be recovered through legislative means.

Increased Access to Property Information

To better serve ratepayers in understanding their property assessment, and in comparing their property to others, and to better assist City departments in resolving taxpayer problems and conducting property-related research, OPAC must make property-specific information available to both municipalities and the public. Subject to rules surrounding the release of information under Freedom of Information legislation, information on individual property characteristics and sales should be made widely accessible. From a municipal standpoint, municipalities pay for the costs of OPAC collecting and maintaining this information and, therefore, this information should be readily accessible to City departments.

In the interests of accountability to ratepayers, OPAC should also consider releasing information that explains the methods used to arrive at property assessments, such as the criteria and factors that influence a property's market value. Improvements in the availability of this information would greatly enhance a ratepayer's ability to understand their own assessment and to determine whether they are equitably assessed. OPAC's current procedures for the release of property specific information (e.g., in the case of comparables for an assessment appeal) restricts the number of properties for which information can be provided to six. This tends to limit a ratepayer's ability to effectively judge whether they are fairly assessed.

Recommendation No. (13):

OPAC seek to make information on individual property characteristics and assessment methods, including factors that may affect a property's market value, accessible to both municipalities and municipal ratepayers.

### Ministry of Finance Issues

As mentioned previously, the City of Toronto feels strongly that the Province, in their role of setting policies, must endeavour to ensure that legislation and regulations do not further erode the municipal tax base. As the tax base represents the primary component of municipal revenue, provincial policies must not constrain or arbitrarily reduce revenues that are derived from the assessment of property.

As a case in point, the provincial rate used to determine the “heads and beds” payment-in-lieu amount (used to calculate the taxes paid by the Province for public hospitals, university and college residences and correctional institutions) is far below the amount that would be received if these institutions were taxed according to normal tax rates, or in relation to comparable property. A similar situation is being proposed for the determination of payment-in-lieu amounts for airport authorities, where these amounts will be determined by a provincially-set rate based on passenger totals, rather than taxation at existing tax rates. This will also likely have the effect of reducing tax revenues that are derived from airport authorities.

The taxation of railway rights-of-way is a further example, where provincially-established rates are used to determine the taxation of railway lands. The tax revenue received from these lands in Toronto has been reduced each year since 1998, as the Province moves towards uniform rates within geographic regions. Again, the provincial rates are considerably lower than would be the case if taxation were based on the average value of abutting lands, as was the case in the past. This has led to continuously declining revenues from railway lands in Toronto.

#### Recommendation No. (14):

The Province must have regard to the revenue implications for municipalities of changes in provincial assessment and taxation policy, and undertake not only to repeal certain constraints but further, to not introduce new measures that erode the municipal tax base or constrain tax revenues.

The classification of land in Ontario is established under Ontario Regulation 282/98, as amended. This regulation sets out the mandatory tax classes that apply to all municipalities and defines optional tax classes that may be adopted by a municipality by by-law. Toronto City Council has, in the past, made a number of recommendations to the Province on issues relating to property classification and tax classes. These are summarized below.

New Multi-Residential Tax Class: Extension of Eight-Year Applicability Period

The optional New Multi-Residential tax class provides for a reduced tax rate to apply to newly-constructed, multi-residential buildings for a period of eight years following construction. The purpose of providing a reduced tax rate is to encourage the construction of new rental accommodation. Since 1998, Toronto has repeatedly requested the Province to remove or extend the eight-year applicability period for properties in this class, as the eight-year reduction in taxation does not provide enough of a financial incentive to developers to make rental construction economically viable. Toronto has suggested that the applicability period for the reduced tax rate be made permanent, or extended to a minimum of 25 years, to correspond to a typical developer's mortgage period.

Recommendation No. (15):

The optional New Multi-Residential tax class that taxes newly constructed rental buildings at a reduced rate for an eight-year period be changed to allow for a permanent tax rate reduction for this class, or at a minimum, that the eight-year period of applicability be extended to 25 years.

Optional Tax Class for Heritage Properties

Toronto City Council has also requested that the Province create an optional tax class or sub-class for heritage properties, in order to provide a reduced tax rate for properties in this class to encourage the preservation of historically significant buildings and landmarks. Toronto has suggested that the definition and eligibility criteria for inclusion in this class require that properties be designated under the Ontario Heritage Act, that properties be subject to a Heritage Easement Agreement with the municipality and that properties be designated in their entirety.

Recommendation No. (16):

The Province create an optional tax class or sub-class for Heritage Properties, to enable a reduced tax rate to apply to properties within the class or sub-class.

Assessment of Telecommunication Infrastructure Within Railway Rights-of-Way

Railway rights-of-way are assessed on a per-acre basis, and taxed at rates determined by the Province. Telecommunications infrastructure within these rights-of-way, however, are not taxable, regardless of whether the railway company receives financial compensation for the use of these lands from the telecommunications firm. Toronto City Council has requested that the Province amend the method of assessment of railway rights-of-way to allow lands utilized for telecommunications infrastructure, to a width of one metre on either side of the cable installation, to be taxed at the industrial tax rate, rather than the railway tax rate. It is appropriate that lands used for a business enterprise be taxed at a rate that reflects this use.

Recommendation No. (17):

The Province amend the method of assessment of railway rights-of-way to exclude any and all portions of these lands that are utilized for telecommunications infrastructure to a width of one metre on either side of the cable installation, and to provide that lands so excluded be taxed at the industrial rate to reflect their business use.

#### Summary

Toronto City Council remains committed to working with the Province and the Ontario Property Assessment Corporation to continue to improve Ontario's assessment and taxation system for the benefit of all taxpayers. This submission presents 17 recommendations that are intended to enable OPAC to provide a more open and fair method of determining assessments, a better quality assessment product and more accountable and responsive service. These improvements will also provide the basis for a stronger and more co-operative relationship between OPAC, the Province and municipalities.

On behalf of Toronto Council, I extend our best wishes for success in this important undertaking. Our staff are available to discuss this submission in more detail, or to answer any questions you may have. We trust that our comments are helpful.

Communication dated February 28, 2001, from the Chief Financial Officer and Treasurer:

#### Backgrounder: Ontario Property Assessment Corporation

The Ontario Property Assessment Corporation (OPAC) is the municipal not-for-profit corporation created in December 1997 that is responsible for providing property assessments for all property in Ontario. OPAC was established as a statutory corporation whose members are all municipalities in Ontario.

The primary duty of the Corporation is to fulfill its statutory obligations under the Assessment Act, the Provincial Land Tax Act and other statutes. In addition, the Minister of Finance sets policies, establishes quality standards and monitors assessment quality to ensure province-wide consistency.

Prior to the introduction of Bill 164, the Tax Credits to Create Jobs Act, 1997 the Property Assessment Division (PAD) of the Ontario Ministry of Finance performed property assessment services. Generally, the responsibilities of the PAD included:

- (1) establishment of the assessed value of lands and improvements to land (such as buildings);
- (2) creation of the Preliminary List of Electors (Voter's List) for use in provincial and municipal elections; and
- (3) establishment of businesses assessments (discontinued at the end of 1997).

In support of these responsibilities, PAD created and maintained a database referred to as the Ontario Assessment System (OASYS). Every property in Ontario was assigned a unique roll number and each record within the database included details of the roll entry creation, property characteristics, building and site characteristics, names of owners and occupants, sale history, mailing addresses, property location, property legal description, assessed value and school support characteristics. In addition, PAD maintained maps reflecting the location, shape and size of each assessment parcel.

The responsibilities of the PAD were transferred to OPAC on December 31, 1998.

OPAC is governed by a fourteen member Board, appointed by the Minister, comprising twelve municipal representatives (six elected municipal officials, and six officers or employees of municipalities) and two provincial representatives. The appointment of Board members is staggered for one, two and three-year terms to maintain continuity upon the expiry of each Board member's term of office.

Beginning in 1998, municipalities were required to pay OPAC for the cost of assessment services, using the formula described in the Ontario Property Assessment Corporation Act, 1997. This formula remains in place for the first three years of OPAC's existence (1999 is OPAC's first full year of independent operation). After 2001, OPAC may pass a by-law establishing a different method for calculating the amount to be paid for the 2002 taxation year. The current recovery formula is based on the sum of each municipality's percentage share of total provincial assessment and its percentage share of the total provincial number of properties.

The Minister of Finance may make regulations to authorize the transfer of some or all of the duties of the Corporation to municipalities, starting with the preparation of the assessment roll for 2004.

OPAC's head office is located in Pickering, with 36 additional field offices across Ontario. There are two OPAC offices located within Toronto. OPAC employs 1,991 staff, with a 2000 budget of \$136 million.

Province-wide, OPAC is responsible for maintaining assessment information on 4,079,657 individual properties. For Toronto, OPAC provides assessment data for more than 594,000 assessment portions.



Staff from several City departments deal regularly with the two OPAC offices located in the City of Toronto. Staff in the Finance Department must deal directly with OPAC regarding property taxation, assessments, appeals, supplementary assessments, year-end value changes and the apportionment of assessment parcels, as the assessed value of properties, as established by OPAC, directly determines the amount of property tax revenue received by the City. Finance staff also receive data from OPAC for analysis and planning purposes.

Land Survey and Land Information staff also deal with OPAC staff for the purposes of creating and maintaining the City's Land Information System and parcel mapping function. Staff from the City Clerk's Department deal with OPAC in respect of property, school support and ownership information contained on the annual assessment roll. In addition, the information on the roll is used by Social Services, Economic Development and Emergency and Protective Services.

Date: February 28, 2001

Contact: Casey Brendon, Finance Department, 397-4476

**ATTACHMENT NO. 7**

Report dated March 2, 2001, from the Commissioner of Corporate Services, entitled "Revised Method of Disposition, 590 Jarvis Street (Ward 27 – Toronto Centre-Rosedale)". (See Minute No. 3.71, Page 103)

Purpose:

To secure authority to revise the method of disposal for a portion of the surplus property known municipally as 590 Jarvis Street.

Financial Implications and Impact Statement:

Revenue will be generated from the eventual sale.

Recommendations:

It is recommended that:

- (1) the approved method of sale of the surplus property known municipally as 590 Jarvis Street be revised as detailed in the body of this report;
- (2) all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code be taken; and
- (3) 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 October 3, 4 and 5, 2000, and its Special Meetings held on October 6, 2000, October 10 and 11, 2000, and October 12, 2000, adopted Clause No. 21 of Report No. 19 of The Administration Committee, headed "Declaration as Surplus, Property Known Municipally as 590 Jarvis Street", thereby declaring surplus to the City's requirements and authorizing offering for sale, as described in the body of the report, the lands known municipally as 590 Jarvis Street, more particularly described as part of Park Lots 6 and 7, Concession 1 From the Bay, and part of Lot 5 on Plan 19E, save and except for a strip for the widening of Hayden Street.

The intended manner of sale approved at the meeting held on October, 3, 4 and 5, 2000, and the Special Meetings held on October 6, 2000, October 10 and 11, 2000, and October 12, 2000, includes authorization to sell a portion of the parcel containing an area of 5,376 square feet to enhance the privately owned publicly accessible green space proposed to be incorporated within the development of the adjacent lands at 600 Jarvis Street, a portion containing an area of 8,816 square feet to be sold or leased to the Gerstein Centre and the remaining lands to be sold on the open market.

Comments:

The Commissioner of Corporate Services is now in receipt of correspondence dated November 20, 2000, and November 29, 2000, from the adjacent owner of 600 Jarvis Street, Philmor Group Inc., requesting to purchase additional lands (identified as Part 2 on Sketch PS-2001-011) directly west of the lands authorized for sale to this adjacent owner. The currently approved manner of sale for these “additional lands” is sale on the open market.

As the City would not have complied with the authority as previously granted if it were to agree to the enlarged area, it is necessary that approval be granted to the revised allocation such that the City-owned property municipally known as 590 Jarvis Street be apportioned in the following manner:

- (1) the lands identified as Part 6 on Sketch No. PS-2001-011 be retained for the widening of Hayden Street;
- (2) the lands identified as Parts 1 and 2 on Sketch No. PS-2001-011 be offered for sale at market value to the adjacent owner of 600 Jarvis Street to enhance the privately-owned, publicly-accessible green space proposed to be incorporated within the development of these adjacent lands, failing which the lands be offered at market value on the open market;
- (3) the lands identified as Part 3 on Sketch No. PS-2001-011, together with an easement for parking purposes over Part 4 on the same sketch, be offered to the Gerstein Centre at market value, failing which the property be offered on a long-term lease to the Gerstein Centre and offered at market value, on the open market, subject to this lease; and
- (4) the remaining lands identified as Part 4 on Sketch No. PS-2001-011, subject to an easement (or as part of the long-term lease) for parking for the Gerstein Centre, and all of Part 5 on the same sketch, be offered for sale at market value, on the open market.

Conclusions:

It is considered appropriate to revise the intended manner of sale as detailed herein for the reasons set out above.

Contact:

Name & Position: Melanie Hale-Carter, Valuator/Negotiator, Grade 1  
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Report No.: (cc01-48)  
List of Attachments: Map and Sketch

(Map and Sketch attached to the foregoing report is on file in the office of the City Clerk)

## **ATTACHMENT NO. 8**

Joint report dated February 21, 2001, from the City Solicitor and the Commissioner of Urban Development Services, entitled "Programme Enhancements and Consolidation of By-laws Affecting Parking Enforcement on Private Property". (See Minute No. 3.72, Page 105)

### Purpose:

As directed by Council at its meeting of October, 2000, to report on the proposed grace period between ticketing and towing and on other significant issues arising during the preparation of the recommended by-laws relating to parking enforcement on private property.

### Financial Implications and Impact Statement:

There are no financial implications to the recommendations contained in this report.

### Recommendations:

It is recommended that:

- (1) there be a mandatory grace period of 30 minutes before a vehicle is towed from private or municipal property, subject to the exceptions noted in this report;
- (2) the requirement that properties be approved by the Chief of Police before vehicles may be removed from the properties not apply to tows authorized by the police officers and Municipal Law Enforcement Officers (MLEO's) employed by the Toronto Police Service;
- (3) the Parking on Private/Municipal Property By-law, the Municipal Law Enforcement Officer Appointment By-law and the Licensing By-law amendments require the issuance of a Toronto Police Service Tow Card by the police officer or MLEO who issued the parking infraction notice, before a vehicle is towed under by-law or by a licensed tow truck;
- (4) the Licensing By-law amendment not specify an entire form of contract which is to be signed by private parking enforcement agencies and property owners, but, rather, require that such contracts contain wording to prohibit the payment of administration fees from the private parking enforcement agencies to the private property owners;
- (5) the Toronto Police Services Board be asked to consider whether a fee should

- be charged for properties to be designated under the programme;
- (6) Planning staff be asked to review whether existing zoning by-laws in force in the City should be amended to prohibit the charging of a fee for residential visitor parking;
  - (7) Council enact the new Parking on Private/Municipal Property By-law, the new MLEO Appointment By-law and Licensing By-law amendments presented with this report, with the by-laws to take effect on January 1, 2002;
  - (8) the Chief of Police, as part of the two-year review of the private property enforcement programme, consider whether an annual permit requirement and related fees should be implemented for signs required on private property under the programme;
  - (9) the existing provisions under which Works and Emergency Services employees are appointed as Municipal Law Enforcement Officers be amended to bring the appointment process in line with that which exists for other MLEO's; and
  - (10) the appropriate City officials be authorized and take the necessary action to implement the by-law requirements.

Background:

In a report dated May 30, 2000, the City Solicitor and Commissioner of Urban Development Services made a number of recommendations to improve the delivery of parking enforcement services to private property and to address serious abuses which have been experienced by the public, since 1990, when private municipal law enforcement officers (MLEO's) appointed under municipal by-law were first given the authority to ticket and tow vehicles parked on private property without consent. While the authority to tow illegally parked vehicles was subsequently removed from some of the parking on private property by-laws, problems experienced by the public were exacerbated when tow operators and property owners resorted to the unregulated "common law right to tow".

The May 30, 2000 report recommended that Council adopt new MLEO Appointment By-laws and new Parking on Private/Municipal Property By-laws. It also recommended amendments to the Licensing By-law regulations applying to tow truck owners and drivers and to vehicle storage and pound operators, and amendments to establish, for the first time, licensing requirements and regulations for commercial businesses providing parking management and enforcement services. The report did not include draft by-laws. Instead, the report described the contents of the proposed by-laws. In some respects, the proposed by-law contents were described in great

detail. Other aspects of the by-laws were described in general terms.

The May 30, 2000 report was considered by the Administration Committee, the Licensing Sub-Committee and the Planning and Transportation Committee. When the report was considered by Council at its meeting in October 2000, Council endorsed the recommendations of the Planning and Transportation Committee, subject to an amendment to the "30-minute grace period" recommendation, and requested a report on the 30-minute grace period directly to Council. Staff were also directed to report directly to Council on any significant issues arising during the preparation of the by-laws.

Comments:

As directed by Council at its October 2000 meeting, this is a report on the 30-minute grace period proposed between ticketing and towing and on a number of other issues identified in the preparation of the new parking on Private/Municipal Property By-law, MLEO Appointment By-law and Licensing By-law amendments recommended in the May 30, 2000 report, from the City Solicitor and the Commissioner of Urban Development Services.

Grace Period Between Ticketing and Towing

As noted in the May 30, 2000 report, staff recommend a mandatory grace period before a vehicle is towed from private or municipal property. This is consistent with what is presently required by the by-laws of the former area municipalities which authorized the removal of illegally parked vehicles. The grace periods were introduced to discourage abuse by MLEO and tow operators. The staff recommendation is for a 30-minute grace period, though we are more concerned that there be a grace period than with its actual length. Of the former area municipality by-laws which permit towing, the Etobicoke by-law requires a one-hour grace period while the East York and Scarborough by-laws require a 30-minute grace period. As noted in the August 10, 2000 report from the Chairman of the Toronto Police Services Board to the Licensing Sub-Committee, staff believe that a 30-minute grace period is not unreasonable, considering the steps that an officer must complete before commencing the actual tow. The steps required include:

- assessment of the situation to determine whether a parking tag should be issued;
- further assessment of whether towing is required in the particular circumstances;
- placement of call to summon the tow truck;
- waiting for the tow truck to arrive; and
- commencement of the tow.

In most cases, it will likely take more than 30 minutes to complete these steps. The August 10, 2000 report from the Chairman of the Toronto Police Services Board recommended a number of exceptions to the 30-minute grace period. As amended by Committee, the exceptions are:

- vehicles parked in an approved and properly-signed fire route;
- vehicles parked in a disabled parking space;
- vehicles parked in a loading bay;
- vehicles parked in a driveway;
- vehicles parked on properties containing three or fewer parking spaces;
- vehicles parked in parking spaces reserved for residents of a residential building if the resident with an exclusive right to use the affected space has signed a complaint in relation to the parked vehicle prior to the removal of the vehicle;
- vehicles that are being relocated into a supervised, secured, fenced compound located on the same property; and
- unauthorized vehicles found parked on a licensed commercial parking lot.

No grace period would apply in these excepted situations. These exceptions cover most situations where the grace period would potentially cause undue hardship or safety concerns.

The draft by-laws presented with this report include the requirement of a 30-minute grace period subject to the noted exceptions.

#### Towing from Properties Not Approved by the Chief of Police

One of the three “tow conditions” recommended in the May 30, 2000 report was that the property from which the vehicle is to be removed receive prior approval by the Chief of Police. While not expressly stated in the report, staff had not intended that this requirement apply to tows authorized by police officers and MLEO’s employed by the Toronto Police Service.

A primary reason for requiring prior approval of such properties is to ensure that appropriate signage is erected, giving the owners of removed vehicles notice of a number to call to locate a vehicle after it has been towed. This is less of a concern when the tow is authorized by a police officer, or an MLEO employed by the Toronto Police Service. The normal response of someone whose vehicle has been towed is to contact the police, and the Toronto Police Service has an immediate record of all vehicles towed on the direction of a police officer or MLEO employed by the Toronto Police Service, including information as to where the vehicles are stored. In addition, requiring the posting of approved signs in all cases would preclude tows from private residences and similar properties where signage requirements are arguably not



reasonable. Accordingly, the draft by-laws presented with this report do not apply the requirement of Chief of Police approval of the property in respect of tows authorized by police officers and MLEO's employed by the Toronto Police Service.

Where signage is required, it has been suggested that annual permits for the signs also be required. The fees for such permits would cover the cost of annual inspections to ensure that the signs are in place and that the information on the signs remains accurate. Staff is not recommending annual permits at this time. However, we do recommend that this again be considered as part of the review undertaken by the Chief of Police after two years.

#### Toronto Police Service Tow Card

The fact that a parking infraction notice is issued before a vehicle is towed does not necessarily mean that the vehicle is being towed pursuant to the Parking on Private Property By-law. For the tow to be a by-law tow, as opposed to a common law tow, the police officer or MLEO who issued the parking infraction notice must be the individual who authorizes the tow. When a police officer or MLEO authorizes a tow, they do so by signing and issuing a Toronto Police Service Tow Card. When members of the public attend at the pound to retrieve an impounded vehicle, this tow card is the clear evidence that the vehicle was towed under by-law and is subject to a lien. The by-laws presented with this report include a requirement for the issuance of a tow card by the police officer or MLEO who issued the parking infraction notice before a vehicle is towed.

#### Proposed Requirement of Prescribed Form of Contract Between Property Owners and Enforcement Companies

One of the recommendations made by Committee and adopted by Council was that conditions for the Chief of Police approval of properties include a requirement that agreements between private property owners and enforcement companies be in a standard format filed and approved by the Toronto Police Service. Staff understand that the intent or objective of this condition is to ensure that the contracts between property owners and enforcement companies contain certain provisions to contractually proscribe the payment of administration fees from the enforcement company to the property owner.

In the past, the City has never prescribed the entire form of contracts which private parties are to use. We are not in a position to give legal advice to the parties to private contracts and cannot anticipate all the terms which may be required or appropriate in a particular situation. What the Licensing By-law may require, in appropriate cases, is that contracts contain certain terms which are considered necessary to protect the public interest, and that contracts be filed with Municipal Licensing and Standards.

The Licensing By-law amendments presented with this report include such a requirement.

#### Fee for Site Approval

One of the recommendations of the Licensing Sub-Committee adopted by Council is that an appropriate fee be charged for properties to be designated as private properties and for the supervision, by the Toronto Police Service, of those properties. Given that the approval of properties and the supervision is to be done by the Toronto Police Service, this recommendation should be referred to the Toronto Police Services Board for appropriate action.

#### Visitor Permit at No Charge

Another recommendation of the Licensing Sub-Committee which was adopted by Council was that the landlords of residential buildings be required to post a sign advising visitors of the means by which to obtain a visitor's permit and be required to provide an opportunity for visitors to obtain a visitor permit at no charge within the 30-minute grace period. The concern is with the proposed requirement that visitor permits be provided at no charge. There are numerous residential properties within the City where the only visitor parking is parking for which a charge is imposed. Whether the fee is stated as a charge for the permit, or a charge for parking, the substance and effect are the same. There are zoning by-law provisions in the former City of North York by-laws prohibiting charging for visitor parking, but the practice is quite common, elsewhere in the new City. Before passing a by-law which would have the effect of prohibiting all charges for visitor parking, it would be prudent to obtain a Planning report on the implications of such a requirement.

The parking on Private/Municipal Property By-law presented with this report does require that the landlords of residential properties with visitor parking for which a permit is required post a sign advising visitors of the means by which to obtain a permit. Before a property is approved by the Toronto Police Service, they will do the necessary investigation to ensure that a permit is readily available within the 30-minute grace period.

#### Proposed Effective Date of By-laws

To provide sufficient time for the proper implementation of the by-laws, it is recommended that the new by-laws have an effective date of January 1, 2002.

#### Interim Provisions for Works and Emergency Services Employees

Of the present municipal MLEO Appointment By-laws, all except one provide that

individuals who meet certain criteria, including that they are certified by the Chief of Police as competent to enforce one or more municipal parking by-laws, are appointed municipal Law Enforcement Officers. The by-laws need not be amended each time a new individual or employee is certified by the Chief. The one exception is the present, Article III of Chapter 150 of the City of Toronto Municipal Code. That chapter appoints employees of the City's Works and Emergency Services Department listed in a schedule to the Article as MLEO's so that the Article must be amended each time an employee is to be appointed. A by-law to amend this provision is presented with this report. As drafted, it will take effect when the by-law is enacted and will bring the appointment process for MLEO's in the Works and Emergency Services Department in line with the present appointment process for other MLEO's.

Conclusions:

As directed by Council, this report contains comments on the proposed 30-minute grace period between ticketing and towing. It also identifies and comments on a number of significant issues identified during the drafting of the by-laws.

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List of Attachments:

- (1) Draft By-law to prohibit the parking or leaving of motor vehicles on private or municipal property without consent;
- (2) Draft By-law to amend Chapter 150 of the City of Toronto Municipal Code (Municipal Law Enforcement Officers);
- (3) Draft By-law to further amend By-law No. 574-2000; and

- (4) Draft By-law to amend Article III of Chapter 150 of the City Of Toronto Municipal Code (Municipal Law Enforcement Officers).

(A copy of the attachments referred to in the foregoing communication is on file in the Office of the City Clerk.)