

THE CITY OF TORONTO

Clerk's Division

Minutes of the Planning and Transportation Committee

Meeting No. 5

Monday, April 29, 2002

The Planning and Transportation Committee met on April 29, 2002, in Committee Room No. 1, 2nd Floor, City Hall, Toronto, commencing at 9:30 a.m.

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

Declarations of Interest Pursuant to the Municipal Conflict of Interest Act

None declared.

Confirmation of Minutes

On motion by Councillor Flint, the minutes of the meeting of the Planning and Transportation Committee held on March 25, 2002, were confirmed.

5.1 Report on Review of Ontario Municipal Board Decisions - File: UD03 OMB

The Planning and Transportation Committee gave consideration to a report (March 7, 2002) from the Commissioner of Urban Development Services conveying the findings of a review of the Ontario Municipal Board decisions and making recommendations to improve the planning process, and recommending that:

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- (1) the Commissioner of Urban Development Services continue streamlining the development approval process as part of her ongoing Business Process Review;
- (2) City Council request that the Ontario Municipal Board amend its procedures in dealing with 90-day appeals under Section 34(11) and Section 17(40) of the Planning Act, to allow the City an opportunity to satisfactorily complete its development approval process, as outlined in this report;
- (3) City Council request the Province to consider amendments to the Planning Act to establish more realistic processing timeframes and that OMB hearings be treated solely as appeals rather than hearings "de novo"; and
- (4) City Council give consideration to establishing a "Local Appeal Board" to deal with planning application appeals in the City of Toronto, and that a delegation of City Council members together with the Commissioner of Urban Development Services and the City Solicitor be given authority to meet with the appropriate officials at the Province to explore this idea further.

The Committee also had before it a communication (January 30, 2002) from the City Clerk, Midtown Community Council advising that the Midtown Community Council referred the following motion to the Planning and Transportation Committee for consideration:

“It is recommended that the Mayor, on behalf of Toronto City Council, send a letter to the Minister of Municipal Affairs and Housing requesting that the Province abolish the OMB or make substantive changes to the OMB to reflect the democratic underpinnings of our society.”

Paul Bedford, City Planner, gave a presentation on this matter.

The following motions were placed:

- (1) (on motion by Councillor Moscoe) that the report (March 7, 2002) from the Commissioner of Urban Development Services be adopted subject to:
 - (1) amending Recommendation (1) by adding the words “without compromising the right to public input and community consultation”;
 - (2) amending Recommendation (2) by adding the words “and/or, the procedures be amended to require the applicant to negotiate a specific time for each application at the time the application is filed

with a 180 day fail safe provision, and that this timeframe be subject to amendment by mutual consent with the Ontario Municipal Board being requested to mediate if necessary;”;

- (3) on motion by Councillor Milczyn, amending Recommendation (3) by adding the words “based upon the type of application being made, e.g.: Official Plan Amendments, Zoning By-law Amendments, and applications which may trigger the development of new Secondary Plans”, after the words “processing timeframes”;
- (4) on motion by Councillor Flint, amending Recommendation (4) by adding the words “or a specialised branch within the OMB” after the words “Local Appeal Board”;
- (5) on motion by Councillor Altobello, amending Recommendation (4) by ensuring that community input is provided to the Local Appeal Board;
- (6) on motion by Councillor Moscoe, adding the following additional Recommendations (5) to (7):
 - “(5) OMB members be provided with clearer guidelines, better training and a direction that they limit their findings to planning matters and leave judicial decisions to the Courts;
 - (6) the OMB be encouraged to adopt a pre-hearing policy to determine if matters can be mediated or sent back to Council for further consideration;
 - (7) the City of Toronto work co-operatively with the Association of Municipalities of Ontario in this regard.”

so that the recommendations of the report now read:

- “(1) the Commissioner of Urban Development Services continue streamlining the

development approval process as part of her ongoing Business Process Review without compromising the right to public input and community consultation;

- (2) City Council request that the Ontario Municipal Board amend its procedures in dealing with 90-day appeals under Section 34(11) and Section 17(40) of the Planning Act, to allow the City an opportunity to satisfactorily complete its development approval process, as outlined in this report, and/or, the procedures be amended to require the applicant to negotiate a specific time for each application at the time the application is filed with a 180 day fail safe provision, and that this timeframe be subject to amendment by mutual consent with the Ontario Municipal Board being requested to mediate if necessary;
- (3) City Council request the Province to consider amendments to the Planning Act to establish more realistic processing timeframes based upon the type of application being made, eg: Official Plan Amendments, Zoning By-law Amendments, and applications which may trigger the development of new Secondary Plans, and that OMB hearings be treated solely as appeals rather than hearings "de novo"; and
- (4) City Council give consideration to establishing a "Local Appeal Board", or a specialised branch within the OMB at which community input would be assured, to deal with planning application appeals in the City of Toronto, and that a delegation of City Council members together with the Commissioner of Urban Development Services and the City Solicitor be given authority to meet with the appropriate officials at the Province to explore this idea further;

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- (5) OMB members be provided with clearer guidelines, better training and a direction that they limit their findings to planning matters and leave judicial decisions to the Courts;
- (6) the OMB be encouraged to adopt a pre-hearing policy to determine if matters can be mediated or sent back to Council for further consideration;
- (7) the City of Toronto work co-operatively with the Association of Municipalities of Ontario in this regard.

On motion by Councillor Moscoe, the Planning and Transportation Committee:

- (1) referred the following motion to the Commissioner of Urban Development Services for review and report back to the Planning and Transportation Committee:

“That the Provincial Government be requested to review provincial policy statements to reduce ambiguity.”; and

- (2) referred the matter of signage to the Commissioner of Urban Development Services with a request that she consider incorporating a mandatory trigger point at which signage must be removed from properties and that such signage include notification of appeals, and report further to the Planning and Transportation Committee.

The following motion placed by Councillor Flint was withdrawn; and accepted as a friendly amendment by Councillor Moscoe to his Motion:

“That Councillor Moscoe’s motion respecting an amendment to Recommendation (2) of the report (March 7, 2002) from the Commissioner of Urban Development Services be amended by deleting the word “or”, and inserting in lieu the words “in the meantime”.

Councillor Moscoe accepted as a friendly amendment that his motion referred to above be amended by deleting the word “or”, and adding the words “and/or”,

(Commissioner, Urban Development Services - May 1, 2002)

(Clause No. 1, Report No. 6)

Taxicab Matters - Amendments to By-laws

5.2 A. Proposed Amendments to Licensing By-law 574-2000 Relative to a Three-Day Taxicab Driver Refresher Training Course

The Planning and Transportation Committee gave consideration to a communication (April 12, 2002) from the Licensing Sub-Committee advising that the Licensing Sub-Committee, at its meeting on April 9, 2002, recommended to the Planning and Transportation Committee, for its meeting on April 29, 2002, that:

- (1) the Municipal Licensing and Standards Division, Taxi Industry Unit, Training Section design, develop and deliver (internally) a three-day (3-day) taxicab driver refresher training course that must be taken every four years by all taxicab drivers and all owners/operators who drive taxis licensed in the City of Toronto to replace the existing five-day course that must be taken every two years;
- (2) the training program include an individual attendee assessment and evaluation review at the end of each program and include a component that would address and identify weaknesses that an attendee may exhibit;
- (3) at the end of one year of the new refresher program, the Commissioner of Urban Development Services report to the Licensing Sub-Committee on the success of the program and whether it is necessary to implement programs as preparatory requirements and/or remedial actions to assist attendees;
- (4) all taxicab drivers and all owners/operators who drive taxis licensed in the City of Toronto be required to take CPR training every four years;
- (5) owners of taxicabs who do not drive taxis be required to take at least a one-day course every four years to demonstrate knowledge of those portions of the By-law that pertain to the management of the taxi;

- (6) By-law 547-2000 be amended to implement the three-day taxicab driver refresher training course, and the foregoing recommendations, and that authority be granted for the introduction of the necessary bill in Council to give effect

Robert A. Stewart appeared before the Planning and Transportation Committee with respect to this matter.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended to City Council, for its meeting on May 21, 2002, the adoption of the Recommendations of the Licensing Sub-Committee contained in the communication (April 12, 2002) from the City Clerk, Licensing Sub-Committee.

(Clause No. 2, Report No. 6)

5.3 B. Proposed Amendment to Licensing By-law 574-2000 Relative to the Elimination of Mandatory Use of Trip Records by Taxicab Drivers

The Planning and Transportation Committee gave consideration to a communication (April 12, 2002) from the City Clerk, Licensing Sub-Committee advising that the Licensing Sub-Committee, at its meeting on April 9, 2002, recommended to the Planning and Transportation Committee, for its meeting on April 29, 2002:

- (1) the adoption, in principle, of the report (March 8, 2002) from the Commissioner of Urban Development Services; and
- (2) requested the Commissioner of Urban Development Services to report directly to the Planning and Transportation Committee for its meeting on April 29, 2002 on:
 - (a) the comments made by Jim Bell and Arvind Agarwal and also the issue of including break times into the trip records; and
 - (b) how the following proposed amendment to the report (March 8, 2002) from the Commissioner of Urban Development Services can be implemented:

“A driver and owner may be excused from provisions (d) and (e) if they voluntarily consent to provide the statistical data required by

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the City by consenting in written form to permit the downloading of data from their taxi meter as directed by staff.”

The Planning and Transportation Committee also had before it a report (April 22, 2002) from the Commissioner, Urban Development Services reporting on the comments submitted by the deputants at the April 9, 2002 meeting of the Licensing Sub-Committee, regarding trip records, and to further report on the implementation of the proposed amendment, regarding the elimination of trip records for cab drivers and owners who consent in writing to the downloading of data from their taximeter, and

- (1) recommending that, in addition to the recommendations contained in the report to the Licensing Sub-Committee, dated April 9, 2002, that Schedule 8 to By-law 574-2000 be amended to remove the last sentence of Section 112, which reads as follows:

“112. At the expiry of his work shift a driver shall turn over to his employer all money received by him as fares during such shift, retaining, if his working agreement so provides, any amount which may be due to him as a commission, and an owner shall, at the request of the driver, give to each of his drivers at the expiry of the driver’s work shift a receipt showing the amount turned over to him by the driver. The driver shall also turn his trip record over to his employer without undue delay and not later than one hour after the end of his shift.”; and

- (2) that the City Solicitor be authorized to prepare the necessary amendments and introduce in Council the necessary bill(s) to give effect thereto.

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

- Robert A. Stewart; and
- Walayat Khan, Member of the Taxi Advisory Committee

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended to City Council, for its meeting on May 21, 2002, that:

- (1) the report (April 22, 2002) from the Commissioner of Urban Development Services be adopted subject to amending Recommendation (1) to provide that Section 112 be deleted in its entirety;

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(2) the report (March 8, 2002) from the Commissioner of Urban Development Services appended to the communication (April 12, 2002) from the City Clerk, Licensing Sub-Committee, be adopted subject to:

(a) amending Recommendation (1) by adding the following additional by-law amendment:

“A driver and owner may be excused from the foregoing (d) and (e) of Sections 57(1) if they voluntarily consent to provide the statistical data required by the City by consenting in written form to permit the downloading of data from their taxi meter as directed by staff”

(b) adding additional Recommendations (2), (3) and (4) and renumbering the existing Recommendation (2) accordingly:

so that the combined recommendations of the reports (April 22, 2002 and March 8, 2002) now read as follows:

“It is recommended that:

(1) Schedule 8 to By-law 574-2000 be amended to remove Section 112, which reads as follows:

“112. At the expiry of his work shift a driver shall turn over to his employer all money received by him as fares during such shift, retaining, if his working agreement so provides, any amount which may be due to him as a commission, and an owner shall, at the request of the driver, give to each of his drivers at the expiry of the driver’s work shift a receipt showing the amount turned over to him by the driver. The driver shall also turn his trip record over to his employer without undue delay and not later than one hour after the end of his shift.”;

(2) Sections 58, 59, 60 and 61 of Schedule 8 of By-law 574-2000 be repealed and that Sections 57(1), (2) and Section 62 be amended as follows:

- “(57)(1)A driver and an owner who drives a cab shall keep a record in the form attached to as Appendix “A” (hereinafter referred to as a “trip sheet”) of all trips made by the cab and such record shall contain the following information:
- (a) the Provincial motor vehicle permit number of the cab;
 - (b) the name, address, and identification number of the driver;
 - (c) the meter readings at the start and finish of each working period;
 - (d) the time and location of the beginning and termination of each trip;
 - (e) the amount of fare collected for each trip; and
 - (f) the date and time of the beginning and termination of each shift or working period.;
- (2) A driver or an owner who drives a cab shall not obstruct traffic while writing up his trip sheet but shall record each trip on the trip sheet as soon as practical after the conclusion of the trip.
- (3) A driver and owner may be excused from the foregoing (d) and (e) of Sections 57(1) if they voluntarily consent to provide the statistical data required by the City by consenting in written form to permit the downloading of data from their taxi meter as directed by staff.
- (62) the records hereinbefore referred to shall be kept by the driver, or an owner who drives a taxicab for at least twelve months and shall be open to inspection by the Municipal Licensing and Standards Division or any person authorized by the Commissioner of Urban Development Services, and such person shall be permitted to remove such records and retain the same for a reasonable time;

- (3) the Commissioner of Urban Development Services arrange for downloading of taxi meter data to take place at the time of inspection;
- (4) a decal be affixed for easy identification to a meter where the driver/owner has consented in writing to permit the downloading of data from the meter;
- (5) it be an offence pursuant to the by-law to affix such a decal to the meter or to display a decal without consent being given in writing as outlined in the foregoing Recommendation No. (4); and
- (6) the City Solicitor be authorized to prepare the necessary amendments and introduce in Council the necessary bill(s) to give effect thereto.”

(Clause No. 3, Report No. 6)

5.4 Hours of Operation for Gasoline Service Stations

The Planning and Transportation Committee gave consideration to a communication (February 25, 2002) from the City Clerk, Licensing Sub-Committee advising that the Licensing Sub-Committee recommends that:

- (1) the hours of operation of all service stations be established to be from 9:00 a.m. to 5:00 p.m., Monday to Saturday, with the exception of those service stations whose hours of operation are specifically detailed under Schedule "A" of the Licensing By-law;
- (2) service stations selecting alternative hours of operation be requested to voluntarily agree to post changes in gasoline prices 48 hours in advance in a manner prescribed by the City;
- (3) the Province of Ontario be requested to pass legislation similar to that in the Provinces of Prince Edward Island, Quebec and Newfoundland regarding the regulation of the time of posting of gasoline price changes;
- (4) the Minister of Consumer and Commercial Relations be requested to appoint Toronto Licensing inspectors as inspectors under Bill 44, an Act respecting the price of motor vehicle fuel; and

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- (5) the assistance of the Association of Municipalities of Ontario be sought on this matter.

The Licensing Sub-Committee further recommends that the major oil companies be invited to make deputations at the March 25, 2002 meeting of the Planning and Transportation Committee.

The Committee also had before it the following material:

- confidential report (April 15, 2002) from the City Solicitor respecting hours of operation of gasoline service stations, having regard that the subject matter relates to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- communication (March 19, 2002) from Victoria A. Masnyk, President, Swansea Area Ratepayers Association and Swansea Area Ratepayers Group supporting the regulation of hours of operation of gasoline stations in residential areas;
- communication (April 23, 2002) from Gail and John Pearce forwarding comments respecting the proposal;
- communication (April 24, 2002) from Nao Seko, Masami/Tru Value, Group of Companies, forwarding comments respecting the proposal;
- communication (April 25, 2002) from Bob MacMinn, Executive Vice-President and Policy Advisor, Canadian Independent Petroleum Marketers Association (CIPMA), forwarding comments respecting the operating hours of service stations;
- communication (April 29, 2002) from T.R. (Bob) Clapp, Vice-President, Ontario Division, Canadian Petroleum Products Institute, forwarding comments respecting the hour of operation for gasoline service stations;
- communication (April 26, 2002) from Simon Wong, Convenience Service Station, forwarding comments respecting the hours of operation for gasoline service stations;
- communication (April 24, 2002) from Spiros Plessas, Service Station Owner, Eagle Transmission Co. Ltd., forwarding comments respecting the hours of operation for gasoline service stations;
- communication (April 29, 2002) from George H. Rust-D'Eye, WeirFoulds LLP, Barristers and Solicitors, obo Shell Canada Products, forwarding comments respecting the hours of operation of gasoline service stations; and

- pamphlet, titled "The Final Fifteen Feet of Hose", filed by Canadian Petroleum Products.

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

- Bob Clapp, Vice-President, Ontario Division, Canadian Petroleum Products;
- Fred Dominelli, President, Toronto Gasoline Association;
- Sacha Theodore, obo, Front and Sher Auto Repairs;
- Thomas Storr, Owner, Petro Pete's Gas Bar;
- Robert A. Stewart;
- George H. Rust-D'Eye, WeirFoulds LLP, Barristers & Solicitors, obo, Shell Canada Products; and
- Peter Zahakos, General Manager and CEO, Co-op Cabs.

The Planning and Transportation Committee advised Council that in response to a question the Chair ruled that this matter was properly before the Committee based on advice provided verbally by the City Solicitor's representative. The Committee challenged the Chair's ruling in this regard on the basis that this matter was ultra vires and on a majority vote the ruling of the Chair was overturned and the matter subsequently ruled out of order.

(Clause No. 12(a), Report No. 6)

5.5 All City of Toronto Licensed Taxicabs to be the Same Colour

The Planning and Transportation Committee gave consideration to a communication (April 12, 2002) from the City Clerk, Licensing Sub-Committee advising that the Licensing Sub-Committee, at its meeting on April 9, 2002, recommended that the Planning and Transportation Committee, at its meeting on April 29, 2002:

- (1) support the concept of requiring all taxicabs at the time of vehicle replacement to be of one colour for the following reasons:
 - (a) ease of identification for enforcement purposes which distinguishes them from out-of-town taxicabs;
 - (b) allows driver to move from one brokerage to another without having to re-paint cars;
 - (c) safety concerns;

- (d) allows for quick identification of all taxis by the public, particularly as it pertains to insurance and safety requirements.
- (2) refer this matter to the Commissioner of Urban Development Services:
 - (a) for a report back to the Licensing Sub-Committee on a process for selecting a colour and decal design which would include:
 - (i) involvement by the public in its selection including the concept of establishing a public competition utilizing the City's website in ballot submission;
 - (ii) consultation with the Commissioner of Economic Development, Culture and Tourism and the Design Exchange; and
 - (iii) an indication of the budgetary implications for this process;
 - (b) with a request that she review how Ambassador cabs can be distinguished from standard class cabs if all cabs were the same colour, and report back to the Licensing Sub-Committee;
 - (c) with a request that she consult with the City Solicitor and the Taxicab Advisory Committee and review the trademark issues of existing brokerages and report back to the Licensing Sub-Committee; and
- (3) refer this matter to the Taxicab Advisory Committee for consideration and report back to the Licensing Sub-Committee.

The Committee also had before it the following material:

- communication (undated) from Andrew J. Roman, Partner, Miller Thomson LLP, Barristers & Solicitors, obo the Toronto Taxicab Brokerage Association, forwarding comments respecting the proposal to require all taxicabs to be painted the same colour;
- communication (September 14, 2001) from Andrew J. Roman, Partner, Miller Thomson LLP, Barristers & Solicitors, forwarding a legal opinion respecting the lawfulness of the City of Toronto proposal to require all taxicabs to be painted the same colour;
- communication (April 25, 2002) from Andrew J. Roman, Partner, Miller Thomson LLP, Barristers & Solicitors, forwarding a legal opinion respecting the application of the Canadian *Charter of Rights and Freedoms* to Municipal By-laws limiting freedom of commercial expression;

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- communication (undated) from Larry Labovitch, Kingsboro Taxi, forwarding comments respecting the proposal to require all taxicabs to be painted the same colour;
- paper copy of PowerPoint presentation (April 29, 2002) submitted by Peter Zahakos, Co-op Cabs; and
- communication (April 29, 2002) from George Berger, Ambassador Taxi, forwarding comments respecting all City of Toronto licensed taxicabs to be the same colour.

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

- Andrew Roman, Miller Thompson;
- Gail Souter, General Manager, Beck Taxi;
- Mitch Grossman, Royal Taxi;
- Larry Labovitch, owner/operator, Beck Taxi;
- George Berger, General Manager, Ambassador Taxi;
- Andre Oppenheim, General Manager, Maple Leaf Taxi;
- Ikram Freed;
- Peter Zahakos, General Manager and CEO, Co-op Cabs;
- Walayat Khan, Member of the Taxi Advisory Committee;
- Sajid Mughal, Member of the Taxi Advisory Committee;
- Junior Ebagua;
- Kuldip Virk, T.A.C. Vice Chairman;
- Eugene Meikle, Toronto Taxi Drivers Association;
- Pirooz Bagherzadeh;
- Hakimzadah Mohammed;
- Hossein Rashidiberavi;
- Kevin Richardson;
- Behrouz Rezahi;
- Philip Paul, Canadian Auto Workers Union;
- Doug Taylor, East End Taxi;
- Donald Souter;
- Parminder Singh; and
- John McIntyre, Taxicab Benefits Association.

On motion by Councillor Moscoe, the Planning and Transportation Committee referred the three submissions (undated, September 14, 2001 and April 25, 2002) from Andrew J. Roman, Partner, Miller Thomson LLP, Barristers & Solicitors to the City Solicitor for review and report back to the Licensing Sub-Committee).

The following motions were placed and each lost on a tie vote:

By Councillor Moscoe:

“That this matter be deferred and that the Commissioner of Urban Development Services be requested to conduct a poll of owners and drivers to be conducted in conjunction with the upcoming election for Chair of the Taxi Advisory Committee, to determine the level of support for a single colour taxi cab.”

By Councillor Silva:

“That this matter be received”.

By Councillor Moscoe:

“That the recommendations of the Licensing Sub-Committee be adopted”.

In response to a question from the Committee, the Chair ruled that because of the impasse which resulted as a consequence of the lost Motions, the Chair ruled that this matter be forwarded to City Council in a full clause without recommendation.

(City Solicitor; c.c.: City Clerk, Licensing Sub-Committee - May 1, 2002)

(Clause No. 4, Report No. 6)

5.6 Development Approval Process - File: UDOZ-DRA - All Wards

The Planning and Transportation Committee gave consideration to a report (April 18, 2002) from the Commissioner, Urban Development Services outlining current City practices for the preparation and availability of draft official plan and zoning by-law amendments as part of the development approval process and the statutory requirements of the Ontario Planning Act, and recommending that:

- (1) the Commissioner of Urban Development Services continue streamlining the development approval process as part of the ongoing Business Process Review and Development Approvals Task Force; and
- (2) the Commissioner of Urban Development Services, the City Solicitor and the City Clerk be requested to review Chapter 27, Council Procedures, of The City of

Toronto Municipal Code, and report directly through Administration Committee to Council on the establishment of an appropriate procedure for dealing with the determination of further notice as required under Section 34(17) of the Planning Act.

The Committee also had before it a communication (April 26, 2002) from William , deBacker, President, Edithvale-Yonge Community Association, supporting the development approval process motion of Councillor Filion.

On motion by Councillor Pantalone, the Planning and Transportation Committee deferred consideration of the report (April 18, 2002) from the Commissioner of Urban Development Services and related material, to its next meeting on May 27, 2002.

(Commissioner, Urban Development Services; c.c.: Interested Persons - May 1, 2002)

(Clause No. 12(b), Report No. 6)

5.7 Toronto Pedestrian Charter

The Planning and Transportation Committee gave consideration to a report (April 8, 2002) from the Commissioner, Urban Development Services forwarding the Toronto Pedestrian Charter as prepared by the City's Pedestrian Committee for Council's authorization for the production and dissemination of the Charter, and recommending that Council:

- (1) adopt the proposed Toronto Pedestrian Charter as prepared by the City's pedestrian Committee and attached to this report; and
- (2) authorize the appropriate City staff to lay out and design a final copy of the Charter for production and distribution.

The Committee also had before it the following communications:

- (April 12, 2002) from Sue Zielinski, Director, Moving the Economy, supporting the Pedestrian Charter;
- communication (April 10, 2002) from Dr. Bob Frankford supporting the Pedestrian Charter;
- communication (April 9, 2002) from Mike Olivier, Chair, Rocket Riders, supporting the Pedestrian Charter;

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- communication (April 9, 2002) from Douglas Young, Planning Action, supporting the Pedestrian Charter;
- communication (April 12, 2002) from Jane Jacobs supporting the Pedestrian Charter;
- communication (April 12, 2002) from Wayne Roberts, Project Coordinator, Toronto Food Policy Council, supporting the Pedestrian Charter;
- communication (April 11, 2002) from the Humewood Neighbourhood Committee supporting the Pedestrian Charter;
- communication (April 11, 2002) from Anne Gibson, Executive Director, Green Tourism Association, supporting the Pedestrian Charter;
- communication (April 15, 2002) from Julie Beddoes, Secretary, Gooderham & Worts Neighbourhood Association, supporting the Toronto Pedestrian Charter;
- communication (April 11, 2002) from Yvonne Parti supporting the proposed Toronto Pedestrian Charter;
- communication (April 23, 2002) from Andrew Schulz, Scarborough Eglinton Avenue Modernization Project (SEAM), supporting the Toronto Pedestrian Charter;
- communication (April 10, 2002) from Mike Ma, Board Member, Chinese Canadian National Council Toronto Chapter, endorsing the Toronto Pedestrian Charter; and
- communication (undated) from Rhona Swarbrick, Research Sub-Committee, Toronto Pedestrian Committee, supporting the proposed Toronto Pedestrian Charter.

The Planning and Transportation Committee recommended to City Council, for its meeting on May 21, 2002, that:

- (1) on motion by Councillor Moscoe, the report (April 8, 2002) from the Commissioner of Urban Development Services be adopted; and
- (2) on motion by Councillor Milczyn, the Toronto Police Services Board be requested to vigorously enforce the restrictions of riding bicycles on sidewalks.

(Clause No. 5, Report No. 6)

5.8 Incentives for Requiring Businesses Located in Strip Plazas (Strip Malls) to Maintain Common Parking Areas

The Planning and Transportation Committee gave consideration to a report (March 8, 2002) from the Acting City Solicitor commenting on a request for by-law amendments and licensing requirements which would create an incentive for businesses sharing a common parking area to be required to maintain the common parking area, and recommending that this report be received for information.

On motion by Councillor Moscoe, Planning and Transportation Committee referred the report (March 8, 2002) from the Acting City Solicitor to the City Solicitor with a request that she review the concept of mutual responsibility for rights of way over other peoples property as it relates to strip malls, and report further to the Committee on this matter.

(City Solicitor - May 1, 2002)

(Clause No. 12(c), Report No. 6)

5.9 Ontario Municipal Board Order on an Application by the Greater Toronto Airports Authority to Amend the Metropolitan Toronto, Etobicoke and North York Official Plans - Etobicoke North (Ward 2); Etobicoke Centre (Ward 3); York West (Ward 7)

The Planning and Transportation Committee gave consideration to a report (March 20, 2002) from the Commissioner, Urban Development Services to insert a new Appendix into the Metropolitan Toronto Official Plan, consistent with a recent Ontario Municipal Board Order with respect to an application by the Greater Toronto Airports Authority to amend the Plan, and recommending that City Council, by resolution, delete the existing Appendix "F" in the Metropolitan Toronto Official Plan and insert a revised Appendix "F" as attached to this report.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended to City Council, for its meeting on May 21, 2002, the adoption of the report (March 20, 2002) from the Commissioner of Urban Development Services.

(Clause No. 6, Report No. 6)

5.10 Proposal to Amend the Zoning By-law for the Former City of Toronto Regarding Development Standards to Address Drive-Through Restaurants and Other Drive-Through Operations - Midtown Community Council (Clause No. 28, Report No. 1) - City-wide

The Planning and Transportation Committee gave consideration to a report (March 4, 2002) from the Commissioner, Urban Development Services reporting on a motion passed by Midtown Community Council at its meeting of January 29, 2002, with respect to identifying amendments to the Zoning By-law for the former City of Toronto to restrict or ban drive-through restaurants and to report on a motion by the Toronto Pedestrian Committee to investigate the need for a specific by-law to address the issues raised by drive-through operations in all parts of the City, and recommending that:

- (1) City staff be directed to review the Zoning By-law for the former City of Toronto and prepare development standards to address the issues raised by drive-through operations in consultation with Building Division, Works and Emergency Services, the Toronto Transit Commission, and Economic Development, Culture and Tourism; and
- (2) City staff be directed to consult with representatives from the restaurant and fast-food industry.

The Committee also had before it the following material:

- report (April 19, 2002) from the Commissioner, Urban Development Services providing additional information to my March 4, 2002 Report regarding two related reports: My report (February 1, 2002) recommending harmonization of certain Site Plan Control provisions in the former Cities of Toronto and York with the other four former municipalities, and my report (February 11, 2002) recommending an Interim Control By-law prohibiting drive-through operations along a portion of St. Clair Avenue West and recommending that this report be received for information;
- communication (February 20, 2002) from the City Clerk, Toronto Cycling Committee advising that the Toronto Cycling Committee, at its meeting held on February 18, 2002, recommended the approval of the following Motion to the Planning and Transportation Committee, as approved by the Toronto Pedestrian Committee at their meeting on October 31, 2001:

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“Whereas Corporations, and businesses, such as: fast food restaurants, coffee shops and banks, are increasingly introducing drive-through facilities on their properties, both those that are new and those being refurbished; and

Whereas this type of service encourages car usage while discouraging walking; and

Whereas emissions from idling vehicles waiting for service at drive-through facilities contribute to the degradation of the quality of air in the City; and

Whereas planning policies of the former jurisdictions and the emerging planning policy for the City of Toronto encourage the reduction of car use dependency while promoting alternative means of sustainable transportation, such as: walking, cycling, and transit use.

The Toronto Cycling Committee recommends that the Planning and Transportation Committee direct staff to investigate the need for a specific By-law that addresses issues related to drive-through facilities in all parts of the City.”;

- communication (October 31, 2001) from the City Clerk, Toronto Pedestrian Committee advising that the Toronto Pedestrian Committee, at its meeting held on October 31, 2001, recommended to the Planning and Transportation Committee that it requests that the Commissioner of Urban Development Services investigate the need for a specific by-law that addresses issues related to drive-thru facilities;
- communication (April 26, 2002) from Councillor Milczyn recommending that the Commissioner of Urban Development Services report to the Planning and Transportation Committee in May 27, 2002, on the possibility of establishing an Interim Control By-law to prohibit drive-through convenience restaurants throughout the City, or within or on specified districts or streets within the City of Toronto; and
- communication (April 29, 2002) from Terry Mundell, President, Ontario Restaurant Hotel & Motel Association (ORHMA), forwarding comments respecting the issue of drive-through establishments and the standards governing such types of establishments.

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

- David Gurin;
- Brian Killin; and
- Nick Luka.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended to City Council, for its meeting on May 21, 2002, that the report (March 4, 2002) from the Commissioner of Urban Development Services be adopted subject to:

- (a) (on motion by Councillor Milczyn), amending Recommendation (1) to expand the geographic area of the review to include all former municipalities; and
- (b) to direct the Commissioner of Urban Development Services to review the Idling By-law, so that the recommendations now read:

- “(1) that City staff be directed to review the Zoning By-laws for the former municipalities of East York, Etobicoke, North York, Scarborough, Toronto, York and Metropolitan Toronto, as well as the Idling By-law, and prepare development standards to address the issues raised by drive-through operations in consultation with Building Division, Works and Emergency Services, the Toronto Transit Commission, and Economic Development, Culture and Tourism; and
- (2) City staff be directed to consult with representatives from the restaurant and fast-food industry.”

A motion by Councillor Moscoe that Recommendation (1) of the report (March 4, 2002) be amended subject to including the former City of York and the former Borough of East York in the review, was deemed redundant.

(Clause No. 7, Report No. 6)

5.11 Graffiti Transformation Grants Program: 2002 Recommendations

The Planning and Transportation Committee gave consideration to report (April 4, 2002) from the Commissioner, Urban Development Services to recommend grants to 18

organizations for the removal of graffiti and the transformation of vandalized surfaces into murals. As a re-investment in both the liveability of urban neighbourhoods and the youth in those communities, agencies train and employ young people to carry out the work, and recommending that:

- (1) the Graffiti Transformation Program grants be allocated to the community groups as outlined in Appendix A of this report;
- (2) Council deem these grants to be in the interest of the Municipality; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Moscoe, the Planning and Transportation Committee recommended to City Council, for its meeting on May 21, 2002, that:

- (1) the report (April 4, 2002) from the Commissioner of Urban Development Services be adopted; and
- (2) the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee on an incentive program which would encourage Business Improvement Areas to invest in the Graffiti Transformation Program.

(Clause No. 8, Report No. 6)

5.12 Service Level and Harmonization Initiatives Responding to Recommendations of the Audit Committee, Building Division Review 2001

The Planning and Transportation Committee gave consideration to a report (April 8, 2002) from the Commissioner, Urban Development Services advising that Recommendation (1) of Clause No. 5 of Audit Report 10, adopted by City Council on December 4, 5 and 6, 2001, required the Commissioner of Urban Development Services to report on an implementation plan to further harmonize and improve service levels to clarify roles and responsibilities of divisional staff to develop service level agreements with other divisions and departments and to identify additional short term resources required, if any, to carry out this implementation plan, and further advising that Council, on March 4, 5, 6 and 7, 2002, established a Task Force to consider a one-window approach to development approvals, including the reducing the time to issue building permits, and recommending that:

- (1) this report be received for information; and
- (2) a copy of this report be forwarded to the Audit Committee for its information.

On motion by Councillor Moscoe, the Planning and Transportation Committee received the report (April 8, 2002) from the Commissioner of Urban Development Services and forwarded this report to the Audit Committee for its information.

(Audit Committee - May 1, 2002)

(Clause No. 12(d), Report No. 6)

5.13 Installation of Trees on City Boulevards Approved for Boulevard Café Licenses

The Planning and Transportation Committee gave consideration to a report (April 9, 2002) from the Commissioner, Urban Development Services outlining the procedure to introduce tree installations within approved boulevard café areas, and recommending that:

- (1) the Committee approve the requirement for tree planting within an approved boulevard café area in the former City of Toronto in accordance with the following criteria:
 - (1) application requests for boulevard cafés will include disclosure of all fees connected with the processing of the application;
 - (2) once the application has been accepted, the location is inspected for compliance with the physical criteria for boulevard cafés set out in Chapter 313 of the former City of Toronto Municipal Code. If the location is found to be physically feasible for the approval of the boulevard café, the processes have been completed and the poll is favourable the business operator would then be notified that he/she should arrange with Urban Forestry for an inspection for the tree installation. Should the installation inspection find that the location is suitable for planting, Urban Forestry, Economic Development, Culture and Tourism (EDCT), will advise accordingly. The fee for planting will be collected, and the licence to operate the café issued. The requirement for tree planting is limited to the installation of one tree at any site;

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- (3) should the outcome of processing require the café application to be refused due to a negative response to a neighbourhood poll, there would be no request for tree-planting inspection conducted.
 - (4) in the case where an applicant appeals a refusal of a café licence, a report is prepared for Council's consideration. If the appeal is granted, the requirement for licensing the café would include inspection by Urban Forestry for tree installation. The licence would not be granted until the fee for the tree installation, where feasible, has been collected;
 - (5) the decision on the feasibility of tree planting is to be made by Urban Forestry and its decision is final. No licences will be withheld if the location is not suitable for tree installations. Licences will not be withheld for planting to occur;
 - (6) existing licensed café locations will be "grandfathered", and therefore not subject to tree planting requirements;
 - (7) this process will be implemented where existing café locations apply to have a licence processed for a new business owner (transfer);
- (2) this report be forwarded to all Community Councils impacted by this proposal;
 - (3) staff be directed to report back to the Planning and Transportation Committee on the impact of this programme and to introduce measures to harmonize this requirement into boulevard café licences, City-wide in not more than one year's time; and
 - (4) the appropriate City officials be authorized to prepare any necessary amendments to Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code and introduce the necessary bills in Council to give effect thereto.

With Councillor McConnell in the Chair, on motion by Councillor Pantalone, the Planning and Transportation Committee recommended to City Council, for its meeting on May 21, 2002, the adoption of the report (April 9, 2002) from the Commissioner of Urban Development Services subject to amending Recommendation (4) to read:

- “(4) appropriate City officials be authorized to prepare any necessary amendments to the former City of Toronto Municipal Code to include the requirement for tree planting, where feasible, as outlined in this report, as well as the payment by the applicant of a

fee for such tree planting in the amount of \$2,900.00 and that authority be granted for the introduction of the necessary bills in Council to give effect thereto.”

(Clause No. 9, Report No. 6)

5.14 Bill 159, 2001, An Act to Amend the Highway Traffic Act with respect to Passenger Vehicles

The Planning and Transportation Committee gave consideration to a communication (April 12, 2002) from the City Clerk, Licensing Sub-Committee advising that the Licensing Sub-Committee, at its meeting on April 9, 2002, recommended to the Planning and Transportation Committee, for its meeting on April 29, 2002, that Council express its support for, and encouragement of its reintroduction, a proposed private members Bill 159, 2001 which would make it a provincial offence to convey passengers in a motor vehicle for compensation unless the driver and owner or lessee are licensed under any municipal by-law, and request the City Clerk to advise Mr. Raminder Gill, MPP and all provincial political parties of Council’s support and encouragement in this regard.

On motion by Councillor McConnell, the Planning and Transportation Committee recommended to City Council, for its meeting on May 21, 2002, the adoption of the recommendations of the Licensing Sub-Committee as contained in the communication (April 12, 2002) from the City Clerk, Licensing Sub-Committee.

(Clause No. 10, Report No. 6)

5.15 Possible Amendments to the Existing Provincial Legislation with a View to the City Making It Illegal for a Livery Cab Operating within the City of Toronto to Pick Up a Passenger without a Pre-Registration

The Planning and Transportation Committee gave consideration to a communication (April 12, 2002) from the City Clerk, Licensing Sub-Committee advising that the Licensing Sub-Committee at its meeting on April 9, 2002, recommended to the Planning and Transportation Committee, for its meeting on April 29, 2002:

- (1) that the Province be requested to either amend s.232.1(b)(i) of the Municipal Act and s.155(2) of the new Municipal Act to delete the provision that Licensing By-laws cannot apply to trips originating from within the City and terminating at the

Airport or specifically include the authority to make Licensing By-laws applicable to cabs engaged in conveyances originating from outside of the City to destinations within the City; and

- (2) the City Solicitor be requested to amend the new Livery By-law to make conveyances originating from outside of the City and terminating within the City subject to Licensing By-laws and that such amendments be effective January 3, 2003.

The Committee also had before it the following communications:

- (April 8, 2002) from Peter Ferroni, Mr. Limo Transportation Services Inc., forwarding comments regarding pre-registration; and
- (April 29, 2002) from Gerald H. Manley forwarding comments regarding illegal livery and taxi vehicles.

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

- Gerald Manley;
- Ikram Freed; and
- Joe Ironi, Personelle Limousine Ltd.

On motion by Councillor Moscoe, the Planning and Transportation Committee referred the recommendations of the Licensing Sub-Committee as contained in the communication (April 12, 2002) from the City Clerk, Licensing Sub-Committee, back to the Licensing Sub-Committee for consideration at its next meeting on May 2, 2002.

(City Clerk, Licensing Sub-Committee; c.c.: Commissioner, Urban Development Services; City Solicitor - April 30, 2002)

(Clause No. 12(e), Report No. 6)

5.16 Strategy to Achieve a Phase-Out of Non-Essential Outdoor Uses of Pesticides

The Planning and Transportation Committee gave consideration to a communication (April 9, 2002) from the Secretary, Board of Health advising that the Board of Health, at its meeting on April 8, 2002, submitted the attached report (March 21, 2002) from the Medical Officer of Health, regarding the development of a strategy to achieve a phase-out

of non-essential outdoor pesticide use on private property, together with the discussion document and background information, to the Works Committee, Economic Development and Parks Committee, Planning and Transportation Committee, Pesticide Reference Group, and the Toronto Interdepartmental Environment (TIE) Pesticides Subcommittee for information.

The Committee also had before it a communication (April 11, 2002) from the Secretary, Board of Health submitting communications which were forwarded to the Clerk's Office subsequent to the Board of Health meeting on April 8, 2002.

On motion by Councillor Moscoe, the Planning and Transportation Committee received the communication (April 9, 2002) from the Secretary, Board of Health.

(Clause No. 12(f), Report No. 6)

5.17 Removal of Aesthetic Gateway Treatment - West Corner of Sheppard Avenue East and Leslie Street

The Planning and Transportation Committee gave consideration to a communication (April 24, 2002) from the City Clerk advising that City Council, at its meeting held on April 16, 17 and 18, 2002, referred the following Motion to the Planning and Transportation Committee:

F(2) Removal of Aesthetic Gateway Treatment - West Corner of Sheppard Avenue East and Leslie Street

Moved by: Councillor Sutherland

Seconded by: Councillor Duguid

“WHEREAS a structure was erected on the northwest corner of Sheppard Avenue and Leslie Street, referred to as an ‘aesthetic gateway treatment’ of a park entrance; and

WHEREAS a general budget for a large number of projects, and including this project, was passed by the former North York Council in September 1997; and

WHEREAS no specific details were provided, in September 1997, of the design or costs of the ‘gateway treatment’ project; and

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WHEREAS staff neglected to advise the current Councillor for Ward 33 of the proposed construction of this project; and

WHEREAS City staff claim that they were not familiar with the revised Ward boundaries and, hence, the local Councillor for Ward 33 was not notified; and

WHEREAS, although local area residents were advised in writing of other unrelated improvements to the intersection (including bridge and sewer rehabilitation), they were not advised of the construction of this project, nor were the Executives of the local area Ratepayer and Community Interest Associations consulted or advised; and

WHEREAS the structure is a deplorable eyesore and detracts from the natural beauty of the surrounding area; and

WHEREAS I have received numerous calls, e-mails, faxes and letters from Ward 33 residents who want this structure removed immediately; and

WHEREAS petitions have been circulated and signed by hundreds of residents, requesting the immediate dismantling and removal of the structure; and

WHEREAS these residents are extremely upset about the aesthetics, but are also very concerned about potential safety issues; and

WHEREAS it is my opinion, and that of local area residents, that youths or children could climb on the structure and attempt to walk along the narrow metal edge, and possibly injure themselves; and

WHEREAS the Board of Directors of the Shepways Condominium Corporation provided the City's Legal Department with notice that they consider the structure to be potentially dangerous; and

WHEREAS the estimated cost to remove this structure is approximately \$50,000.00; and

WHEREAS these monies should be found in the existing 2001 Urban Development Services budget or in the 2002 budget process;

NOW THEREFORE BE IT RESOLVED THAT the appropriate City staff immediately initiate the removal of the structure known as the gateway treatment project (including the portion that includes the concrete support pillars and the pre-treated rusted metal girder);

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AND BE IT FURTHER RESOLVED THAT the cost of the dismantling and removal of the structure come out of the existing 2001 Urban Development Services Budget or their 2002 budget;

AND BE IT FURTHER RESOLVED THAT in future, staff ensure that the local Ward Councillor is advised prior to the construction commencement of such a project.”

The Committee also had before it the following material:

- Public Information Notice dated February 7, 2001;
- map respecting Willowdale/Don Valley East, filed by Councillor Shiner;
- pictures filed by Councillor Shiner; and
- petition from 80 area residents supporting the removal of the steel art structure at the Don River trail entrance at Leslie and Sheppard that straddles the ward boundary.

Adrian DeCastri, Architect, Architects Alliance answered questions posed by Members of Council in connection with the foregoing matter.

The Planning and Transportation Committee:

- (1) on motion by Councillor Milczyn, recommended to City Council, for its meeting on May 21, 2002, that the Leslie/Sheppard Gateway Project be maintained as originally designed by the architect and re-evaluated when planting matures; and
- (2) requested that the following reports be submitted directly to City Council for its next meeting on May 21, 2002:
 - (a) on motion by Councillor Flint, the Commissioner of Urban Development Services to report on the projected costs for planting and plant maintenance for this structure; and
 - (b) on motion by Councillor Milczyn, the City Solicitor to enter into discussions with the Insurance and Risk Management Office of Treasury and Financial Services, the Toronto Police Services Board and Metropolitan Action Committee on Violence

Against Women and Children and report to Council on any safety concerns or potential liability issues arising therefrom.

A motion placed by Councillor Flint that the structure be relocated or dismantled and the cost of the dismantling, removal and relocation of the structure be funded out of the existing Sheppard East Streetscape Account # CUR015-4, was deemed redundant.

(Commissioner, Urban Development Services and City Solicitor; c.c.: Insurance and Risk Management Office of Treasury and Financial Services; Toronto Police Services Board and Metropolitan Action Committee on Violence Against Women and Children - May 1, 2002)

(Clause No. 11, Report No. 6)

The meeting adjourned at 5:45 p.m.

Chair