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These Minutes were confirmed by City Council on October 1, 2002

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**MINUTES OF A SPECIAL MEETING
OF THE COUNCIL OF THE
CITY OF TORONTO**

**TUESDAY, JULY 30, 2002,
WEDNESDAY, JULY 31, 2002, AND
THURSDAY, AUGUST 1, 2002**

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

CALL TO ORDER

S6.1 Deputy Mayor Ootes took the Chair and called the Members to order.

The meeting opened with O Canada.

S6.2 CONFIRMATION OF MINUTES

Councillor Shiner, seconded by Councillor Feldman, moved that the Minutes of the Council meeting held on the 18th, 19th and 20th days of June, 2002, be confirmed in the form supplied to the Members, which carried.

S6.3 PETITIONS

Councillor Walker submitted a petition containing the signatures of approximately 1,200 residents of Forest Hill Village in opposition to the construction of a multi-level condominium project on the site of the parking lot at Spadina Road and Thelma Avenue.

The aforementioned petition was considered with Clause No. 26 of Report No. 10 of The Administration Committee, headed "Purchase and Sale Agreement with First Place Spadina Inc. (Municipal Carpark 164) (Ward 22 - St. Paul's)".

PRESENTATION OF REPORTS

S6.4 Councillor Cho presented the following Reports for consideration by Council:

Report No. 11 of The Policy and Finance Committee,
Report No. 9 of The Administration Committee,
Report No. 8 of The Works Committee,
Joint Report No. 2 of The Policy and Finance Committee and The Works Committee,
Report No. 9 of The Etobicoke Community Council,
Report No. 8 of The North York Community Council,
Report No. 7 of The Audit Committee,
Report No. 12 of The Policy and Finance Committee,
Report No. 7 of The Community Services Committee,
Report No. 7 of The Economic Development and Parks Committee,
Report No. 9 of The Planning and Transportation Committee,
Report No. 9 of The Works Committee,
Report No. 10 of The Administration Committee,
Report No. 11 of The Administration Committee,
Report No. 9 of The North York Community Council,
Report No. 7 of The Scarborough Community Council,
Report No. 9 of The Toronto East York Community Council,
Report No. 10 of The Etobicoke Community Council,
Report No. 10 of The Humber York Community Council, and
Report No. 5 of The Striking Committee,

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

S6.5 DECLARATIONS OF INTEREST

Councillor Augimeri declared an interest in Clause No. 12 of Report No. 10 of The Humber York Community Council, headed "Final Report - 1415 Lawrence Avenue West Application for Site Plan Approval Keele Lawrence Investments Inc. (York South-Weston, Ward 12)", in that her mother owns a condominium in the subject area.

Councillor Disero declared an interest in Clause No. 3 of Report No. 9 of The Toronto East York Community Council, headed "Yorkville-Hazelton Avenue Area Heritage Conservation District (Toronto Centre-Rosedale, Ward 27)", in that she owns property in the subject area.

Councillor Rae declared an interest in Clause No. 33 of Report No. 10 of The Administration Committee, headed "Pay Equity - Non-Union Positions at the Association of Community Centres (AOCC)", in that he is a former employee of the 519 Church Street Community Centre.

CONSIDERATION OF REPORTS

CLAUSES RELEASED OR HELD FOR FURTHER CONSIDERATION

S6.6 The following Clauses were held by Council for further consideration:

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

Report No. 9 of The Administration Committee, Clauses Nos. 1 and 2.

Report No. 8 of The Works Committee, Clause No. 1.

Joint Report No. 2 of The Policy and Finance Committee and The Works Committee, Clause No. 1.

Report No. 9 of The Etobicoke Community Council, Clause No. 1.

Report No. 8 of The North York Community Council, Clause No. 1.

Report No. 7 of The Audit Committee, Clauses Nos. 1, 2, 3, 4 and 5.

Report No. 12 of The Policy and Finance Committee, Clauses Nos. 1, 2, 3, 4, 5, 9, 10, 14, 17, 18, 19, 22, 28, 29 and 33.

Report No. 7 of The Community Services Committee, Clauses Nos. 2, 8, 10, 11, 17, 19 and 22.

Report No. 7 of The Economic Development and Parks Committee, Clauses Nos. 3, 9, 11, 12, 15, 16 and 20.

Report No. 9 of The Planning and Transportation Committee, Clauses Nos. 1, 3, 5 and 7.

Report No. 9 of The Works Committee, Clauses Nos. 2, 3, 5, 7, 9, 10, 12, 13, 15, 23, 24 and 25.

Report No. 10 of The Administration Committee, Clauses Nos. 1, 2, 3, 4, 8, 15, 16, 23, 24, 25, 26, 27, 28, 34 and 37.

Report No. 11 of The Administration Committee, Clauses Nos. 1 and 3.

Report No. 9 of The North York Community Council, Clause No. 1.

Report No. 7 of The Scarborough Community Council, Clauses Nos. 4 and 5.

Report No. 9 of The Toronto East York Community Council, Clauses Nos. 10, 25, 32, 34 and 57.

Report No. 10 of The Humber York Community Council, Clauses Nos. 2, 8, 9, 10, 12 and 15.

Report No. 5 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. 11 of The Policy and Finance Committee, Clause No. 2.

Report No. 9 of The Administration Committee, Clause No. 2.

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

Report No. 12 of The Policy and Finance Committee, Clauses Nos. 2, 4, 5, 9, 14 and 33.

Report No. 7 of The Community Services Committee, Clauses Nos. 10, 17, 19 and 22.

Report No. 7 of The Economic Development and Parks Committee, Clauses Nos. 3, 9, 12 and 15.

Report No. 9 of The Works Committee, Clauses Nos. 10, 15, 24 and 25.

Report No. 10 of The Administration Committee, Clauses Nos. 15, 25 and 37.

Report No. 11 of The Administration Committee, Clause No. 3.

Report No. 10 of The Humber York Community Council, Clauses Nos. 2 and 10.

Report No. 5 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.****S6.7 Clause No. 1 of Report No. 9 of The Administration Committee, headed “Sweatshop Abuses in the Garment Industry, Development of an Anti-Sweatshop Procurement Policy”.***Motion:*

Councillor Feldman moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on October 1, 2002.

Vote on Deferral:

The motion by Councillor Feldman carried.

S6.8 Clause No. 17 of Report No. 12 of The Policy and Finance Committee, headed “York West Seniors Centre Capital Improvements, Access to the York/Humber Fund (Ward 11)”.

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Nunziata moved that Council adopt the following recommendation:

“It is recommended that Council adopt the report dated July 24, 2002, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:

‘It is recommended that:

- (1) the York West Seniors Centre be provided a grant of \$114,085.00 to be funded from the Subdividers Deposit (former York Humber Reserve Fund) Reserve Fund, Account No. XR2014 for the purpose of paying for leasehold improvements at 1901 Weston Road subject to the following conditions:
 - (a) the York West Seniors Centre enter into a lease agreement at 1901 Weston Road with the Toronto Community Housing Corporation (TCHC) for rental of 5,831 square feet representing units 1, 2, 3, 4, 5, 6 and 7B for a 10 year period;

- (b) upon completion of the work, the City will receive a full financial accounting for the spending of the grant including the return of any unspent funds;
 - (c) the Centre will provide certification that the work has been completed to the satisfaction of TCHC; and
- (2) City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

S6.9 Clause No. 18 of Report No. 12 of The Policy and Finance Committee, headed “2003 Capital and Operating Budget Submissions Revised Schedule of Meetings”.

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Shiner moved that Council adopt the following recommendation:

“It is recommended that Council adopt the joint report dated July 25, 2002, from the Chief Administrative Officer, the Chief Financial Officer and Treasurer, and the City Clerk, embodying the following recommendations:

‘It is recommended that:

- (1) the fall portion of the 2002 Schedule of Meetings previously adopted by Council be replaced with the revised Schedule attached as Appendix “A” to this report;
- (2) the 2003 Schedule of Meetings previously adopted by Council be replaced with the revised Schedule attached as Appendix “B” to this report;
- (3) the revised fall portion of the 2002 Schedule of Meetings and the revised 2003 Schedule of Meetings, as approved by City Council, be circulated to the City’s Agencies, Boards, Commissions and special committees established by City Council, with a request that they avoid scheduling meetings which conflict with City Council meetings and the Standing Committees to which they report;

- (4) the City's Agencies, Boards and Commissions be requested to authorize their staff to submit their approved operating and capital budgets according to the May 21, 22 and 23, 2002, Council approved 2003 budget schedule, as previously approved; and
- (5) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.' "

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

S6.10 Clause No. 27 of Report No. 10 of The Administration Committee, headed "Purchase of 1445 Bathurst Street (Ward 21 - St. Paul's)".

Motion:

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

"It is further recommended that Council adopt the confidential report dated July 26, 2002, from the President of the Toronto Parking Authority, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that the subject matter relates to the proposed acquisition of land for municipal purposes."

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

S6.11 Clause No. 28 of Report No. 10 of The Administration Committee, headed "Disposition of Surplus Property - 205 Yonge Street (Ward 27 - Toronto Centre-Rosedale)".

Motion:

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

"It is further recommended that Council adopt the confidential report dated July 29, 2002, from the Commissioner of Corporate Services, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that the subject matter relates to the security of the property of the Municipality."

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

S6.12 Clause No. 37 of Report No. 10 of The Administration Committee, headed “Other Items Considered by the Committee”.

Motion:

Councillor Mihevc moved that the Clause be received for information, subject to striking out and referring Item (q), entitled “Establishment of a Future City Integrity Commissioner and an Immediate Interim Complaint Procedure Respecting the Code of Conduct for Council Members”, embodied therein, back to the Administration Committee for further consideration.

Votes:

The motion by Councillor Mihevc carried.

The Clause, as amended, was received for information.

S6.13 Clause No. 25 of Report No. 9 of The Toronto East York Community Council, headed “Use of Nathan Phillips Square - Korean Heritage Day, August 10, 2002”.

Motion:

Councillor Rae moved that the Clause be amended:

- (1) to provide that the date of the Korean Heritage Day in Nathan Phillips Square be rescheduled from August 10, 2002, to September 21, 2002; and
- (2) by adding thereto the following:

“It is further recommended that City Council, for liquor licensing purposes, declare this event to be of community significance and advise the Alcohol and Gaming Commission of Ontario that it has no objection to it taking place.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

S6.14 Clause No. 32 of Report No. 9 of The Toronto East York Community Council, headed “Council Member Appointments to the Toronto East York Preservation Panel, Colborne Lodge/Mackenzie House/Spadina and Todmorden Mills Community Museum Management Boards, and Don Watershed Regeneration Council”.

Motion:

Councillor Rae moved that the Clause be amended by inserting in Recommendation No. (1)(c) of the Toronto East York Community Council, the words “and Councillor Pitfield” after the name “Councillor Ootes”, so that such Part (c) now reads as follow:

- “(c) Councillor Ootes and Councillor Pitfield be appointed to the Todmorden Mills Community Museum Management Board; and”.

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

S6.15 Clause No. 34 of Report No. 9 of The Toronto East York Community Council, headed “Requests for Endorsement of Events for Liquor Licensing Purposes”.

Motions:

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

- (1) adding to Recommendation No. (1) of the Toronto East York Community Council, the following new Part (e):

“(e) the Garden District Festival to be held on September 13, 14 and 15, 2002, in Allan Gardens Park;”; and

- (2) adding to Recommendation No. (2) of the Toronto East York Community Council, the following new parts:

“(h) the request from Ryerson Students’ Administrative Council respecting a beer garden to be erected on Gould Street (between Church and Bond Streets) in front of Oakham House, 63 Gould Street on September 5, 2002

from 11:00 a.m. to 11:00 p.m. as part of the Ryerson Campus Groups Day;

- (i) the Oliver Bonacini Restaurant staff family picnic, to be held at the Steam Whistle Brewing Company at the John Street Roundhouse Beer Hall and West Patio, on August 11, 2002, from 12 noon until midnight; and
 - (j) the request from Temple Bar Inc., 420 Wellington Street, to extend its liquor licence on August 24, 2002, from 4:00 p.m. to 2:00 a.m., in order to accommodate a tented fashion show and barbecue;”.
- (b) Councillor Mihevc moved that the Clause be amended by adding to Recommendation No. (2) of the Toronto East York Community Council, the following new part:
- “(k) the request from the Caribbean Cultural Committee (CCC) for the event to be held on August 4 and 5, 2002, on Olympic Island, from 11:00 a.m. to 7:00 p.m.;”.

Votes:

Motion (a) by Councillor Rae carried.

Motion (b) by Councillor Mihevc 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.

Motions:

- (c) Councillor Rae moved that the Clause be further amended by adding to the preamble of Recommendation No. (3) of the Toronto East York Community Council, the words “subject to the locations meeting all criteria set out in Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto, and the applicants accepting such additional conditions as the Commissioner of Works and Emergency Services or the Commissioner of Urban Development Services may deem necessary in the interest of the City”, after the word “festival”, so that such preamble now reads as follows:

“(3) declare the 26th Cabbagetown Festival to be held from September 4 to 8, 2002, to be an event of municipal/community significance; and indicate that it has no objection to the following establishments being permitted to extend their liquor licences to permit the operation of an outdoor patio in front of the establishments on September 7 and 8, 2002 from 11:00 a.m. to 12:00 a.m. in conjunction with the festival, subject to the locations meeting all criteria set out in Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto, and the applicants accepting such additional conditions as the Commissioner of Works and Emergency Services or the Commissioner of Urban Development Services may deem necessary in the interest of the City:”.

- (d) Councillor Mihevc moved that the Clause be further amended by adding to the request from the Caribbean Cultural Committee (CCC), the Caribana Tourism Village event, to be held on August 1, 2002, in Metro Hall Square, from 12 noon to 1:00 a.m.

Votes:

Motion (c) by Councillor Rae carried.

Motion (d) by Councillor Mihevc carried.

The Clause, as further amended, carried.

Motion to Re-Open:

Councillor Mihevc, 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:

- (e) Councillor Mihevc moved that the Clause be further amended by adding to Recommendation No. (2) of the Toronto East York Community Council, the following new part:

“(1) the requests from the Toronto Mas Band Association for the following events:

- (1) the King and Queen Extravaganza, to be held on August 1, 2002, at Lamport Stadium, from 7:00 p.m. to 11:00 p.m.; and
- (2) the Toronto International Carnival Parade, to be held on August 3, 2002,

from 11:00 a.m. to 7:00 p.m.;”.

Votes:

Motion (e) by Councillor Mihevc carried.

The Clause, as further 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:

(f) Councillor Rae moved that the Clause be further amended by adding to Recommendation No. (2) of the Toronto East York Community Council, the following new part:

“(m) the Marche Restaurant Movenpick Summer Staff Picnic, to be held on August 26, 2002, from 10:00 a.m. to 6:00 p.m., on Centre Island;”.

Votes:

Motion (f) by Councillor Rae carried.

The Clause, as further 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:

(g) Councillor Rae moved that the Clause be further amended by adding to Recommendation No. (2) of the Toronto East York Community Council, the following new part:

“(n) the request from the 606 King Corporation, respecting a temporary extension of its liquor licence to use a private laneway to hold its Eight Year Anniversary Customer Appreciation Night on August 29, 2002, from 6:00 p.m. to 2:00 a.m.;”.

Votes:

Motion (g) by Councillor Rae carried.

The Clause, as further amended, carried.

In summary, Council amended this Clause by:

- (1) adding to Recommendation No. (1) of the Toronto East York Community Council, the following new Part (e):
 - “(e) the Garden District Festival to be held on September 13, 14 and 15, 2002, in Allan Garden’s Park;”;
- (2) adding to Recommendation No. (2) of the Toronto East York Community Council, the following new parts:
 - “(h) the request from Ryerson Students’ Administrative Council respecting a beer garden to be erected on Gould Street (between Church and Bond Streets) in front of Oakham House, 63 Gould Street on September 5, 2002 from 11:00 a.m. to 11:00 p.m. as part of the Ryerson Campus Groups Day;
 - (i) the Oliver Bonacini Restaurant staff family picnic, to be held at the Steam Whistle Brewing Company at the John Street Roundhouse Beer Hall and West Patio, on August 11, 2002, from 12 noon until midnight;
 - (j) the request from Temple Bar Inc., 420 Wellington Street, to extend its liquor licence on August 24, 2002, from 4:00 p.m. to 2:00 a.m., in order to accommodate a tented fashion show and barbecue;
 - (k) the requests from the Caribbean Cultural Committee (CCC) for the following events:
 - (1) to be held on August 4 and 5, 2002, on Olympic Island, from 11:00 a.m. to 7:00 p.m.; and
 - (2) Caribana Tourism Village, to be held on August 1, 2002, in Metro Hall Square, from 12 noon to 1:00 a.m.;
 - (l) the requests from the Toronto Mas Band Association for the following events:
 - (1) the King and Queen Extravaganza, to be held on August 1, 2002, at Lamport Stadium, from 7:00 p.m. to 11:00 p.m.; and

- (2) the Toronto International Carnival Parade, to be held on August 3, 2002, from 11:00 a.m. to 7:00 p.m.;
 - (m) the Marche Restaurant Movenpick Summer Staff Picnic, to be held on August 26, 2002, from 10:00 a.m. to 6:00 p.m., on Centre Island; and
 - (n) the request from the 606 King Corporation, respecting a temporary extension of its liquor licence to use a private laneway to hold its Eight Year Anniversary Customer Appreciation Night on August 29, 2002, from 6:00 p.m. to 2:00 a.m.;” and
- (3) adding to the preamble of Recommendation No. (3) of the Toronto East York Community Council, the words “subject to the locations meeting all criteria set out in Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto, and the applicants accepting such additional conditions as the Commissioner of Works and Emergency Services or the Commissioner of Urban Development Services may deem necessary in the interest of the City”, after the word “festival”, so that such preamble now reads as follows:
- “(3) declare the 26th Cabbagetown Festival to be held from September 4 to 8, 2002, to be an event of municipal/community significance; and indicate that it has no objection to the following establishments being permitted to extend their liquor licences to permit the operation of an outdoor patio in front of the establishments on September 7 and 8, 2002 from 11:00 a.m. to 12:00 a.m. in conjunction with the festival, subject to the locations meeting all criteria set out in Municipal Code Chapter 313, Streets and Sidewalks, of the former City of Toronto, and the applicants accepting such additional conditions as the Commissioner of Works and Emergency Services or the Commissioner of Urban Development Services may deem necessary in the interest of the City:”.

S6.16 Clause No. 8 of Report No. 10 of The Humber York Community Council, headed “Premises No. 231 Glenholme Avenue, Rawlinson Community School - Request to Shift the existing School Bus Loading Zone on the Earnscliffe Road Flankage (Davenport, Ward 17)”.

Motion:

Councillor Disero moved that the Clause be amended by inserting in Recommendation No. (1) of the report dated June 12, 2002, from the Director, Transportation Services, District 1, the words “on Earnscliffe Road”, after the word “zone”, so that such recommendation now reads as follows:

- “(1) the existing school bus loading zone on Earnscliffe Road, extending from a point 76 metres east of Glenholme Avenue to a point 31 metres further east, be amended to apply from a point 59.5 metres east of Glenholme Avenue to a point 28 metres

further east; and”.

Votes:

The motion by Councillor Disero carried.

The Clause, as amended, carried.

S6.17 Clause No. 16 of Report No. 7 of The Economic Development and Parks Committee, headed “Canada Malting Site - 5 Bathurst Street (Ward 20 Trinity-Spadina)”.

Motion:

Councillor Chow moved that the Clause be amended by inserting the words “including local residents”, after the words “various stakeholders”, in Recommendation No. (1) of the report dated June 14, 2002, from the Commissioner of Corporate Services, as amended by the Economic Development and Parks Committee, so that such recommendation now reads as follows:

- “(1) as a result of the termination of the MCI Master Agreement and the progress that has been made respecting planning for the redevelopment of the Waterfront, staff from Economic Development, Culture and Tourism, in consultation with various stakeholders, including local residents, be directed to report to the Economic Development and Parks Committee and the Waterfront Reference Group, on the appropriate next steps for the Canada Malting Site;”.

Votes:

The motion by Councillor Chow carried.

The Clause, as amended, carried.

S6.18 Clause No. 5 of Report No. 7 of The Scarborough Community Council, headed “Traffic Operations Issues on Dearham Wood/Cumber Avenue at Poplar Road in the Vicinity of Poplar Road Junior P.S. (Ward 43 - Scarborough East)”.

Motion:

Councillor Soknacki moved that the Clause be amended by:

- (1) deleting therefrom all instances of the words “Cumber Road” and inserting in lieu thereof the words “Cumber Avenue”; and

- (2) amending the appendices to the report dated June 18, 2002, from the Director, Transportation Services, District 4, as follows:
 - (a) deleting from Column 3 of Appendix 1, the words “42m further west” and inserting in lieu thereof the words “42m further east”; and
 - (b) deleting from Column 3 of Appendix 2, the words “43.9m Further” and inserting in lieu thereof the words “43.9m Further East”.

Votes:

The motion by Councillor Soknacki carried.

The Clause, as amended, carried.

S6.19 Clause No. 10 of Report No. 12 of The Policy and Finance Committee, headed “2002 Levy on Institutions under Section 157 of the Municipal Act”.

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Moscoe moved that Council adopt the following recommendation:

“It is recommended that Council adopt the report dated July 24, 2002, from the Chief Financial Officer and Treasurer, embodying the following recommendations:

‘It is recommended that:

- (1) Council authorize the levy of taxes for the 2002 taxation year on hospitals, colleges and universities and correctional facilities as authorized by Section 157 of the Municipal Act;
- (2) the maximum prescribed amount of \$75.00 be applied per provincially rated hospital bed, full time student, or resident place; and
- (3) authority be granted for the introduction of the necessary bills in Council to levy taxes for the year 2002 on hospitals, colleges and universities and correctional facilities in the form or substantially in the form of the draft by-laws attached hereto.’ ”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

S6.20 Clause No. 22 of Report No. 12 of The Policy and Finance Committee, headed “Additional Expenditures for Work on Cogeneration Facility - Humber Treatment Plant (Ward 5 - Etobicoke-Lakeshore)”.

Motion:

Councillor Moscoe 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 submit a report to the Works Committee on cogeneration and the establishment of a general policy, as it relates to cogeneration facilities.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

S6.21 Clause No. 28 of Report No. 12 of The Policy and Finance Committee, headed “Yonge/Dundas Redevelopment Project Options on Enforcement of Mortgages”.

Motion:

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

“It is recommended that Council adopt the confidential report dated July 29, 2002, from the City Solicitor, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that it concerns matters which are subject to litigation or potential litigation.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

S6.22 Clause No. 3 of Report No. 9 of The Works Committee, headed “Operating Agreement for Dufferin Mixed Waste Recycling and Organics Processing Facility”.

Motions:

- (a) Councillor Shiner 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 submit a report to the Works Committee, no later than May 2003, on an extension of this contract.”

- (b) Councillor Moscoe moved that the Clause be amended to provide that the agreement with Canada Composting be amended to include a provision that the operator be required to work with the City of Toronto in developing a pilot project to integrate the waste collection operations in the immediately surrounding industrial area with the operations of the plant, and to market by-products within this area to local industrial consumers.

Votes:

Motion (a) by Councillor Shiner carried.

Motion (b) by Councillor Moscoe carried.

The Clause, as amended, carried.

S6.23 Clause No. 7 of Report No. 9 of The Works Committee, headed “Engineering Consulting Services to Complete Refurbishing of Digestion Tanks 1 to 12 at Ashbridges Bay Treatment Plant (Ward 32 – Beaches-East York)”.

Motion:

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

“It is further recommended that the Chief Administrative Officer and the Chief Financial Officer and Treasurer, in consultation with the Senior Management Team, be requested to implement a process for a final review of Capital projects, prior to presentation to Council, in order to eliminate changes to the Capital Budget mid-year.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

S6.24 **Clause No. 7 of Report No. 9 of The Planning and Transportation Committee, headed “Front Street Extension Project - Authority to Execute the Front Street Extension and Interchange Delivery Agreement Trinity - Spadina, Parkdale - High Park”.**

Motion:

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

“It is further recommended that Council adopt the following:

- (1) the joint report dated July 25, 2002, from the Commissioner of Works and Emergency Services and the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that:

- (i) City Council authorize the execution of the Front Street Extension and Interchange Delivery Agreement between the City of Toronto and the Toronto Waterfront Revitalization Corporation, such agreement to be in a form that is satisfactory to the Commissioner of Works and Emergency Services, the Commissioner of Urban Development Services and the City Solicitor; and
 - (ii) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, and to take any other action and execute any other documents that reasonably may be required to give effect to the foregoing.’; and
- (2) the confidential joint report dated July 25, 2002, from the Commissioner of Urban Development Services and the City Solicitor, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege.”

Votes:

The motion by Councillor Altobello carried.

The Clause, as amended, carried.

S6.25 Clause No. 24 of Report No. 10 of The Administration Committee, headed “Sale of Surplus Vacant Land Northeast Corner of Pearen Street and Eglinton Avenue West (Ward 11 - York South-Weston)”.

Motion:

Councillor Nunziata moved that the Clause be amended by adding to the recommendation of the Administration Committee, the words “subject to the Offer to Purchase from Winland Developments Ltd. In Trust being amended by deleting therefrom the irrevocable date of ‘July 26, 2002’ and inserting in lieu thereof the date ‘August 9, 2002’”, so that the recommendation of the Administration Committee now reads as follows:

“The Administration Committee recommends the adoption of the following report (June 13, 2002) from the Commissioner of Corporate Services, subject to the Offer to Purchase from Winland Developments Ltd. In Trust being amended by deleting therefrom the irrevocable date of ‘July 26, 2002’ and inserting in lieu thereof the date ‘August 9, 2002’.”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

S6.26 Clause No. 1 of Report No. 12 of The Policy and Finance Committee, headed “Playground Structures - Lumber Pressure-Treated with Chromated Copper Arsenate (All Wards)”.

Motions:

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

(1) adding thereto the following:

“It is further recommended that Council adopt the report dated July 29, 2002, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:

‘It is recommended that:

- (1) the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Community and Neighbourhood Services, in consultation with the Medical Officer of Health, be authorized to retain the services of an environmental consultant to undertake and develop a Comprehensive Base Material Study and Integrated Management Strategy for all of city-owned playgrounds and city-owned childcare centres with structures that have CCA treated wood based on a testing protocol to be developed in conjunction with other interested academic, professional, provincial and federal agencies, with priority given to the testing of those sites those used primarily by children younger than 5 years of age;
- (2) upon completion of the Comprehensive Base Material Study anticipated for completion in November 2002, the Commissioner of Economic Development, Culture and Tourism be directed to report to the Economic Development and Parks Committee on the findings of the Study, the recommendations included in the Integrated Management Strategy and the costs of implementing such a plan, including all aspects of signage, need for and frequency of sealant application, removal and/or replacement of CCA treated structures;
- (3) in accordance with the emergency action protocol and guided by the results of the testing, Parks and Recreation Division staff be authorized to seal any play structures deemed to be a high priority by the Commissioner of Economic Development, Culture and Tourism, in consultation with the Medical Officer of Health, in 2002 with a product approved by the Medical Officer of Health;
- (4) funds to seal the structures and for the consultant be found within the Economic Development, Culture and Tourism Department budget through under-expenditure, if this approach is not possible, the Chief Financial Officer and Treasurer recommend a reallocation of budget funding in the third quarter variance report;
- (5) the Commissioner of Economic Development, Culture and Tourism, in consultation with the Commissioner of Community and Neighbourhood Services and the Medical Officer of Health be directed to monitor the actions of the Health Canada Pest Management Regulatory Agency; and
- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.'; and

- (2) amending Recommendation No. (1) of the Policy and Finance Committee so that it now reads as follows:

“(1) all City-owned Chromated Copper Arsenate (CCA) treated playgrounds be sealed immediately;”.

- (b) Councillor Mammoliti 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:

- (1) a listing of parks which are a priority with respect to playgrounds; and
(2) recommendations respecting the replacement of playgrounds which no longer exist and/or need to be replaced.”

Ruling by Deputy Mayor:

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

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

“It is further recommended that Council urge the Toronto District School Board to seal any remaining playgrounds which were built with pressure-treated wood.”

- (d) Councillor Ashton moved, on behalf of Councillor Korwin-Kuczynski, 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 erect appropriate warning signs in all City parks which contain pressure-treated lumber, and that the wording be based on the notices which were sent out in the Parkdale-High Park area.”

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

“It is further recommended that once the Comprehensive Base Material Study has been completed, the Toronto District School Board be requested to comply with the Study’s outcome.”

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

“It is further recommended that the sealant to be used to seal the playground structures be non-toxic and proven effective.”

Votes:

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

Yes - 17 Councillors: Altobello, Augimeri, Cho, Chow, Filion, Flint, Jones, Korwin-Kuczynski, Layton, Mihevc, Moscoe, Pantalone, Rae, Shaw, Silva, Tziretas, Walker
No - 21 Mayor: Lastman Councillors: Berardinetti, Di Giorgio, Disero, Duguid, Feldman, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland

Lost by a majority of 4.

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

Adoption of motion (c) by Councillor Moscoe:

Yes - 18 Councillors: Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Flint, Jones, Korwin-Kuczynski, Layton, Mihevc, Moscoe, Pantalone, Rae, Shaw, Silva, Tziretas, Walker
No - 21 Mayor: Lastman Councillors: Di Giorgio, Disero, Duguid, Feldman, Filion, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland

Lost by a majority of 3.

Adoption of motion (e) by Councillor Hall:

Yes - 39	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

Adoption of motion (d) by Councillor Ashton, on behalf of Councillor Korwin-Kuczynski:

Yes - 15	
Councillors:	Altobello, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Flint, Jones, Korwin-Kuczynski, Layton, Mihevc, Moscoe, Shaw, Silva, Walker
No - 25	
Mayor:	Lastman
Councillors:	Ashton, Di Giorgio, Disero, Duguid, Feldman, Filion, Ford, Hall, Holyday, Kelly, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki, Sutherland, Tziretas

Lost by a majority of 10.

Motion (f) by Councillor Flint carried.

Adoption of the Clause, as amended:

Yes - 36	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Kelly, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland
No - 4	
Councillors:	Filion, Korwin-Kuczynski, Tziretas, Walker

Carried by a majority of 32.

S6.27 Clause No. 12 of Report No. 10 of The Humber York Community Council, headed “Final Report - 1415 Lawrence Avenue West Application for Site Plan Approval Keele Lawrence Investments Inc. (York South-Weston, Ward 12)”.

Motion:

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

“**WHEREAS** a community consultation meeting was held on February 23, 1998, at which time approximately 70 persons attended raising concerns about the height and density of the originally proposed development; and

WHEREAS City Council approved the Staff Final Recommendation Report which would have approved amendments to the Official Plan and Zoning By-law so as to permit a 138-unit 8-storey residential development with ground floor commercial uses at a density of 2.5 times the area of the lot; and

WHEREAS all public hearings required pursuant to the Planning Act have been held; and

WHEREAS since Council’s February 29, March 1 and 2, 2000, approval of the staff recommendations, the property was acquired by a new owner who has agreed to further reduce the height and density of what Council has approved; and

WHEREAS since Council’s approval in 2000, the zoning by-law amendment was not enacted since site plan approval was not obtained; and

WHEREAS Council on February 13, 14 and 15, 2002, re-opened its decision of February 29, March 1 and 2, 2000, and amended the proposed zoning by-law and deemed that no further notice to the public was required so as to permit a unit count of 65 units, a height of 5 storeys, and a density of 1.1 x the area of the lot; and

WHEREAS in finalizing the details of the plans, it has become apparent that structurally, the proposal endorsed by Council on February 13, 14 and 15, 2002, is no longer feasible; and

WHEREAS the current owner of the property has submitted a formal revised site plan to the City so as to permit a unit count of 89 units, the retention of the existing 5-storey building and the addition of a 4-storey portion, at a density of 1.19 x the area of the lot with 113 parking spaces; and

WHEREAS the revised site plan does not comply with certain requirements of the comprehensive zoning By-law No. 7625 with respect to parking, west side yard setback, loading, total gross floor area, number of units, residential and non-residential uses on the ground floor; and

WHEREAS on July 17, 2002, the Humber York Community Council endorsed a motion to approve the site plan for 1415 Lawrence Avenue West; and

WHEREAS since the endorsement of the application, it has become apparent that the plans endorsed by Humber York Community Council do not conform with the setbacks that Council endorsed on July 17, 2002;

NOW THEREFORE BE IT RESOLVED THAT the motion endorsed by the Humber York Community Council on July 17, 2002, be amended by deleting the reference in the resolution relating to Recommendation No. (2) of the report dated December 20, 1999, from the Director, Community Planning, North District, Urban Development Services, respecting the draft Zoning By-law, as embodied in the North York Community Council Report No. 3, Clause No. 26, and replacing it with the following:

‘Recommendation No. (2) of the report dated December 20, 1999, from the Director, Community Planning, North District, Urban Development Services, respecting the draft Zoning By-law, as embodied in North York Community Council Report No. 3, Clause No. 26, be amended to read as follows:

“The site’s C2 (Local Shopping Centre) be amended to C4 Exception zone (Mixed Use Commercial Zone)

Exception Regulations:

Permitted Uses

- (a) the maximum gross floor area for all uses shall be 7,172.50 m²;
- (b) the maximum non-residential gross floor area shall be 2,343m²;
- (c) the maximum number of dwelling units shall be 89;
- (d) the maximum height of the building shall be 5 storeys or 21 metres whichever is less;
- (e) the total number of parking spaces shall be 113;
- (f) Yards:
Front Yard minimum 15 m (from the front of the addition to the front property line) and a Front yard minimum 10.7 m (from the existing front portion of the building to the front property line);

Rear Yard: minimum 54 m (from rear of the addition to the rear property line);

Side Yard east: 0 m

Side Yard west: minimum 6 m

- (g) the total number of loading spaces shall be one;
- (h) residential and non-residential uses are permitted on the two lower levels of the building;
- (i) a sign pylon at the north east corner of the site is permitted.”’;

AND BE IT FURTHER RESOLVED THAT Recommendation No. (1)(n)(i), (ii) and (iii), of the staff report dated June 24, 2002, from the Director, Community Planning, North District, Urban Development Services respecting the site plan approval conditions be struck out;

AND BE IT FURTHER RESOLVED THAT Recommendation No. (1) (p), of the staff report dated June 24, 2002, from the Director, Community Planning, North District, Urban Development Services respecting the site plan approval conditions be amended to read as follows:

‘Prior to any building permit, including a foundation permit, the applicant shall provide confirmation that the arrangements have been made to satisfy the requirements of the Technical Services Division of the Works and Emergency Services Department as noted in their memorandum dated June 17, 2002, contained in attachment 10 which supercedes earlier recommendation, except for condition 1.8 of the same memorandum which shall be amended to read as follows:

“A minimum of 113 parking spaces must be provided for the proposed development.”’;

AND BE IT FURTHER RESOLVED THAT no cash-in-lieu of parking is required;

AND BE IT FURTHER RESOLVED THAT with respect to any video inspections of the sewers that are required by the Works and Emergency Services Department, the applicant be required to undertake such studies and provide the Works and Emergency Services Department with any video tapes deemed necessary;

AND BE IT FURTHER RESOLVED THAT a sign pylon at the north east corner of the site is permitted;

AND BE IT FURTHER RESOLVED THAT this motion supercedes the Notice of Motion J(35) adopted, without amendment, by City Council at its meeting held on February 13, 14 and 15, 2002;

AND BE IT FURTHER BE RESOLVED THAT Council, under Section 34(17) of the Planning Act, determine that no further Notice to the public is required;

AND BE IT FURTHER RESOLVED THAT subject to all conditions of the amended approval having been satisfied, Council further direct staff to bring forward the implementing by-law (with any revisions deemed necessary by City Legal) to implement the revised site plans submitted in May/June of 2002, for final passage by City Council at its meeting of July 30, 31 and August 1, 2002.”

Votes:

The motion by Councillor Di Giorgio carried.

The Clause, as amended, carried.

S6.28 Clause No. 8 of Report No. 7 of The Community Services Committee, headed “Impact of Ontario’s Early Years Plan on Toronto’s Programs for Children”.

Motion:

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

“It is further recommended that Council request:

- (1) the Minister of Community, Family and Children’s Services to allocate the City of Toronto’s per capita share under the Early Childhood Development Initiative, currently estimated to be in shortfall by \$14.1 million for Toronto; and
- (2) the Commissioner of Community and Neighbourhood Services to submit a report to the Community Services Committee in the fall of 2002 on the Minister’s response.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

S6.29 Clause No. 10 of Report No. 9 of The Toronto East York Community Council, headed “Site Plan Approval - 731 Eastern Avenue (Toronto-Danforth, Ward 30)”.

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Layton moved that adopt the following recommendation:

“It is recommended that Council adopt the report dated July 24, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that City Council approve the proposed 2,898 square metre supermarket as indicated on the drawings entitled “Proposed Site Plan SP-1”, prepared by C.R.A.F.T. Construction Group Inc., date stamped July 16, 2002, “Proposed Elevations A-1”, prepared by C.R.A.F.T. Construction Group Inc., “Landscape Plans L1 and L2”, prepared by Roth & Associates, all date stamped June 14, 2002, subject to the following conditions:

- (1) that the owner enter into a Development Agreement under Section 41 of the Planning Act requiring that:
 - (a) the proposed development, including the landscaping of the site, be undertaken and maintained substantially in accordance with the drawings referred to above;
 - (b) the owner shall provide and maintain a public pedestrian walkway not less than 2.44 metres wide for the north portion only and 4.34 metres wide for the south portion, through the middle of the site in a north/south direction connecting Mosley Street with the linear park pathway system on the north side of Lake Shore Boulevard East as shown on Plan No. SP-1, date stamped as received on July 16, 2002, prepared by C.R.A.F.T. Construction Group Inc., and that such public pedestrian walkway shall:
 - (i) remain open to the public at all times during the hours of operation of 7:00 a.m. until 10:00 p.m. and such access may be refused, or a person may be required to leave the pedestrian walkway, in the case of any person who:
 - (i) unreasonably interferes with the ability of other members of the public or lawful occupants to use the pedestrian walkway;
 - (ii) carries on an unlawful activity;
 - (iii) acts in a manner unreasonably inconsistent with the

- intended use of the premises;
- (iv) injures or attempts to injure any person, property or property rights;
- (v) obstructs or injures any lawful business or occupation carried on by the building owner or person in lawful possession of the premises;
- (vi) commits any criminal or quasi-criminal offence;
- (ii) be illuminated to a minimum average intensity of 10 lux on the pedestrian walkway surface; and
- (iii) be maintained clear of snow and ice at all times;
- (c) prior to the issuance of a building permit the owner shall secure an agreement with the owner of 20 Leslie Street regarding the construction and use of the public pedestrian walkway;
- (d) \$200,000.00 be paid, prior to the issuance of a building permit, toward the costs associated with the installation of Traffic Control Signals at the reconfigured Leslie Street site access, opposite a realigned Loblaws access on the east side of Leslie Street;
- (e) the existing Leslie Street access for Premises No. 731 Eastern Avenue be reconfigured and realign the Leslie Street access for Premises No. 23 Leslie Street (Loblaws), at no cost to the City, to accommodate the installation of Traffic Control Signals, to the satisfaction of the Commissioner of Works and Emergency Services; and
- (f) a security deposit for tree planting in the road allowance be provided, prior to the issuance of a building permit, to the satisfaction of the Commissioner of Economic Development, Culture and Tourism;
- (2) that the City Solicitor be authorized to prepare a Collateral Agreement between the City and the owner and that as a condition of City Council approval, the owner enter into the Collateral Agreement requiring that:
 - (a) the owner shall be responsible for improvements to the public

sidewalk/boulevard substantially in accordance with Plan No. L1 and L2, date stamped as received on June 14, 2002, prepared by Roth & Associates, as on file with the Commissioner of Urban Development Services;

- (b) the owner shall submit an application for such improvements to the Commissioner of Works and Emergency Services and carry out the improvements within a reasonable period of time or at the request of the Commissioner of Works and Emergency Services make a cash contribution to the City equal to the value of the improvements for the Commissioner to undertake the improvements as part of a comprehensive program;
- (c) the owner shall immediately conduct a Historical Review of the site to identify all existing and past land uses which could have resulted in negative environmental effects to the subject site. This report should be submitted for review by the Medical Officer of Health, prior to the issuance of a building permit;
- (d) the owner shall conduct a Site and Building Audit for the identification of all hazardous materials on the site and in existing buildings. The removal of these materials should be conducted in accordance with Ministry of Labour and Ministry of the Environment guidelines and regulations. A report on the site and building audit should be submitted to the Medical Officer of Health for review, prior to the issuance of a building permit;
- (e) the owner shall conduct a soil and groundwater testing program and produce a Soil and Groundwater Management Plan which characterizes soil and groundwater conditions and proposes remediation options, to be submitted for approval by the Medical Officer of Health, prior to the issuance of a building permit;
- (f) the owner shall implement, under the supervision of an on-site qualified environmental consultant, the Soil and Groundwater Management Plan as stipulated in the report approved by the Medical Officer of Health, and upon completion, submit a report from the on-site environmental consultant, to the Medical Officer of Health, certifying that the remediation has been completed in accordance with the Soil and Groundwater Management Plan;
- (g) the owner shall prepare a Demolition and Excavation Dust Control Plan and submit this plan for approval by the Medical Officer of Health, prior to the issuance of any permit;

- (h) the owner shall implement the measures in the Demolition and Excavation Dust Control Plan approved by the Medical Officer of Health;
- (i) the owner shall secure an agreement with the owner of 20 Leslie Street to permit vehicles and pedestrians to travel over the western portion of 20 Leslie Street as shown on the Proposed Site Plan SP-1. Should this agreement not be reached the owner will submit revised plans to the City setting out a revised layout for the public walkway through 731 Eastern Avenue to be approved by City Council, prior to the issuance of a building permit;
- (j) the owner will ensure that future tenants of the site are made aware that an outdoor garden centre is not permitted;
- (k) the owner shall close all existing Mosley Street, Eastern Avenue and Leslie Street curb cuts which no longer form part of the newly constructed accesses, and restore the curb to City of Toronto standards, at no cost to the City;
- (l) the owner shall provide and maintain a minimum of two Type B loading spaces designed so that trucks can enter and exit the site in a forward motion;
- (m) the owner shall provide and maintain minimum inside and outside turning radii of 8.6 metres and 13.4 metres at all turns to be negotiated by trucks using the loading spaces;
- (n) the owner shall re-design the north-south pedestrian walkway within the parking lot and across the driveway aisles, as detailed in the body of this report, to the satisfaction of the Commissioners of Works and Emergency Services and Urban Development Services;
- (o) the owner shall provide and maintain fire access routes with a minimum centerline turning radius of not less than 12 metres;
- (p) the owner shall provide and maintain a hydrant, located not more than:
 - (i) 45 metres from a Fire Department siamese connection;

- (ii) 90 metres from the principal entrance for the building; and
 - (iii) no more than 90 metres horizontally from all points along the perimeter of the building faces required to face a street;
- (q) the owner shall submit, prior to the issuance of a building permit, a material recovery and waste reduction plan, satisfactory to the Commissioner of Works and Emergency Services, addressing strategies for material recovery and waste reduction within the development;
- (r) the owner shall provide, maintain and operate the material recovery and waste reduction measures, facilities and strategies stipulated in the material recovery and waste reduction plan approved by the Commissioner of Works and Emergency Services:
- (s) the owner shall provide and maintain private refuse collection services for this project;
- (t) the owner shall submit, prior to the issuance of a building permit, a storm water management report, from a Professional Engineer (sealed and dated), addressing both quality and quantity control, including a servicing, grading and drainage plan, for the review and approval of the Commissioner of Works and Emergency Services;
- (u) the owner shall provide upon completion of the work, “as constructed” drawings of the grading plan, certified by a Professional Engineer that the facilities have been constructed in accordance with the approved drawings and specifications;
- (v) the owner shall relocate the encroaching bicycle racks and associated concrete pad from the Lakeshore Boulevard East right-of-way;
- (w) the owner shall provide a sidewalk access from Lakeshore Boulevard to the proposed supermarket with a maximum slope of 4 percent;
- (x) the owner shall add white stone aggregate to the asphalt paving in the parking lot and use white round stone on the roof of the building; and

- (y) the owner shall provide an irrevocable Letter of Credit or certified cheque for the tree planting security deposit, as established by the Supervisor of Urban Forestry Planning and Protection; and
- (3) that the owner be advised:
- (a) that the issuance of a building permit by the Chief Building Official is conditional upon compliance with all the relevant conditions of the Ontario Building Code;
 - (b) that the proposal requires conveyance of land for parks purposes, or payment in lieu thereof, pursuant to Section 42 of the Planning Act;
 - (c) that the proposal is within an area regulated by the Toronto and Region Conservation Authority. TRCA approval will be required prior to the issuance of any permit by the Chief Building Official;
 - (d) of the need to obtain building location, access and streetscape permits, as well as potentially other permits such as hoarding, piling/shoring, ramp approval and curb cuts, etc. from Works and Emergency Services prior to construction;
 - (e) of the need to receive approval of the Commissioner of Works and Emergency Services for any work to be carried out within the public rights-of-way;
 - (f) that information regarding the history of the site indicates the potential presence of substances of environmental concern;
 - (g) that the proposal is subject to Education Development Charges, pursuant to the Toronto Catholic District School Board By-law 2001 No. 148;

- (h) that approval from the Committee of Adjustment is required granting rights-of-way in favour of the owner of 731 Eastern Avenue and 20 Leslie Street for a vehicular egress/ingress and a pedestrian walkway in accordance with the approved site plan together with any necessary quit claim of existing rights-of-way between the two owners;
- (i) of the need to co-ordinate the reconfiguration of the Leslie Street accesses for 731 Eastern Avenue and 23 Leslie Street with Transportation Services regarding construction scheduling for the installation of Traffic Control Signals;
- (j) that the storm water runoff originating from the site should be disposed of through infiltration into the ground and that storm connections to the sewer system will only be permitted subject to the review and approval of the Commissioner of Works and Emergency Services of an engineering report detailing that site or soil conditions are unsuitable, the soil is contaminated or that processes associated with the development on the site may contaminate the storm runoff;
- (k) that the hydro ductbank to the west of the proposed supermarket may be difficult to access and maintain unless an easement can be secured from the adjacent property; and
- (l) that the Toronto Atmospheric Fund requires final roofing emissivity of 0.7 and minimum reflectivity albedo of 0.65 after installation of the parking lot and white roof.’ ”

Votes:

The motion by Councillor Layton carried.

The Clause, as amended, carried.

S6.30 Clause No. 2 of Report No. 7 of The Community Services Committee, headed “Update on Transfer of Care Delays Experienced by Toronto Emergency Medical Services”.

Motion:

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

“It is further recommended that a copy of this Clause be forwarded, for information, to the Minister of Health and Long-Term Care and to the Chief Administrator of each hospital listed therein.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

S6.31 Clause No. 11 of Report No. 7 of The Community Services Committee, headed “Breaking the Cycle of Violence Grants Program - 2002 Allocations”.

Motion:

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

“It is further recommended that Council adopt the report dated June 26, 2002, from the Commissioner of Community and Neighbourhood Services, embodying the following recommendations:

‘It is recommended that:

- (1) the appeal fund of \$20,000.00 be allocated as recommended in Appendices 1 and 2 of 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 Augimeri carried.

The Clause, as amended, carried.

S6.32 Clause No. 4 of Report No. 7 of The Scarborough Community Council, headed “Proposed Through Traffic Prohibition for Northbound Traffic on Progress Avenue/Malvern Street at Sheppard Avenue East and All-Way Stop Control - Malvern Street at Robbinstone Drive (Ward 42 - Scarborough Rouge River)”.

Motion:

Councillor Cho moved that the Clause be amended by striking out Recommendation No. (1) of the Scarborough Community Council and renumbering the remaining recommendations accordingly.

Votes:

The motion by Councillor Cho carried.

The Clause, as amended, carried.

S6.33 Clause No. 1 of Report No. 9 of The Planning and Transportation Committee, headed “Application to Amend the City of Vaughan Official Plan and Zoning By-law - Minglehaze Investors Inc. North Side of Steeles Avenue West, Between Martin Grove Road and Kipling Avenue”.

Motion:

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

“It is further recommended that Council receive the report dated July 22, 2002, from the City Solicitor.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

S6.34 Clause No. 23 of Report No. 10 of The Administration Committee, headed “Lease of Community Services and Facilities Space at 1029 King Street West (Ward 19 - Trinity-Spadina)”.

Motions:

- (a) Councillor Pantalone moved that the Clause be amended in accordance with the following recommendations embodied in the communication dated July 23, 2002, from Councillor Joe Pantalone, Trinity-Spadina:

“It is recommended that the terms and conditions of the proposed lease between St. Christopher House and the City of Toronto for the community space (‘the space’) at 1029 King Street West, as recommended by the Administration Committee, be amended by adding the following clauses:

- (1) the uses of the space are to be as follows:

- (a) operation of a Toronto Public Library book deposit;

- (b) operation of a Meals on Wheels program to deliver meals (lunch) to elderly and/or disabled shut-ins. The meals will not be prepared at 1029 King Street West;
 - (c) operation of a computer and Internet access and training program with staff and/or volunteer instructors; and
 - (d) ancillary uses such as a program worker who will oversee the facility and art programs for local pre-school children;
- (2) any significant proposed changes in use must be reported to the City of Toronto and the Condominium Corporation at 1029 King Street West;
 - (3) the leased space shall be smoke-free;
 - (4) any signage erected shall be in accordance with the Condominium Declaration;
 - (5) no loading and unloading shall take place outside of the hours that the space is open to the public and shall be done via the Douro Street entrance as far as practicable;
 - (6) the space shall not be open to the public earlier than 9:00 a.m. or later than 9:00 p.m.;
 - (7) in the event that live music is performed in the space, St. Christopher House shall take appropriate measures to ensure compliance with the City of Toronto Noise By-law;
 - (8) St. Christopher House staff shall be present in the space at all times when it is open to the public;
 - (9) St. Christopher House shall not install or consent to the installation of public pay phones inside or outside the space;
 - (10) residents of 1029 King Street West shall be encouraged to become members of St. Christopher House, enjoying the same rights and privileges and subject to the same obligations and restrictions as other members;
 - (11) in the event that the lease with St. Christopher House is terminated or expires without renewal, any future long-term lease of the space shall be subject to approval by Toronto City Council after consultation with residents; and
 - (12) the following uses shall be prohibited: needle exchange facility, drug counselling centre, drug rehabilitation centre, methadone facility, community mental health

centre, psychiatric facility, halfway house, parole office, crisis care facility, hostel, homeless shelter.”

- (b) Councillor Sutherland moved that motion (a) by Councillor Pantalone be amended by inserting the words “and approved by” after the words “City of Toronto” in clause No. (2), so that such clause now reads as follows:

“(2) any significant proposed changes in use must be reported to the City of Toronto and approved by the Condominium Corporation at 1029 King Street West;”.

Councillor Disero in the Chair.

Votes:

Adoption of motion (b) by Councillor Sutherland:

Yes - 7 Councillors:	Balkissoon, Disero, Filion, Ford, Kelly, Mammoliti, Sutherland
No - 19 Councillors:	Ashton, Augimeri, Cho, Chow, Di Giorgio, Duguid, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Li Preti, Lindsay Luby, Moscoe, Pantalone, Rae, Shaw, Silva, Walker

Lost by a majority of 12.

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

Yes - 25 Councillors:	Ashton, Augimeri, Balkissoon, Cho, Chow, Di Giorgio, Duguid, Filion, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Moscoe, Pantalone, Rae, Shaw, Silva, Sutherland, Walker
No - 2 Councillors:	Berardinetti, Ford

Carried by a majority of 23.

The Clause carried, without amendment.

Deputy Mayor Ootes in the Chair.

S6.35 Clause No. 26 of Report No. 10 of The Administration Committee, headed “Purchase and Sale Agreement With First Place Spadina Inc. (Municipal Carpark 164) (Ward 22 - St. Paul’s)”.

Motion:

Councillor Walker moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on October 1, 2002.

Vote on Deferral:

The motion by Councillor Walker carried.

S6.36 Clause No. 1 of Report No. 11 of The Policy and Finance Committee, headed “City-Wide Program for Provision of Essential Sidewalk Links”.

Motions:

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

- (1) to provide that this program include the completion of the existing pedestrian walkway networks parallel to City-maintained highways, such as the WR Allen Road and Highway No. 27 in Etobicoke, as well as the walkway under Highway No. 401; and further, that the Commissioner of Works and Emergency Services be requested to submit a report on this matter to the Works Committee, for consideration by the Committee no later than its October 9, 2002, meeting; and
- (2) by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on a policy with regard to the provision of sidewalks in industrial areas.”

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

“It is further recommended that:

- (1) in cases where construction of a sidewalk would require the removal of a significant number of mature trees, that a joint report from Urban Forestry and Works and Emergency Services staff be submitted to the appropriate Community Council, prior to the approval of the project; and

- (2) if requested by the local Councillor, staff reports regarding sidewalk construction on collector and arterial roads be prepared for submission to the appropriate Community Council.”

Votes:

Motion (a) by Councillor Moscoe carried.

Motion (b) by Councillor Filion carried.

The Clause, as amended, carried.

S6.37 Clause No. 1 of Report No. 8 of The Works Committee, headed “Scadding Court Community Centre Composting Pilot Project”.

Motion:

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

“It is recommended that the Scadding Court Community Centre composting pilot project be provided with the three multi-bin composters proposed by the Commissioner of Works and Emergency Services.”

Votes:

Adoption of the motion by Councillor Holyday:

Yes - 11	
Councillors:	Altobello, Cho, Feldman, Flint, Ford, Holyday, Li Preti, Lindsay Luby, Moeser, Ootes, Tziretas
No - 18	
Mayor:	Lastman
Councillors:	Augimeri, Berardinetti, Bussin, Chow, Disero, Filion, Jones, Kelly, Layton, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Soknacki, Sutherland, Walker

Lost by a majority of 7.

The Clause carried, without amendment.

S6.38 Clause No. 16 of Report No. 10 of The Administration Committee, headed “Surplus Land Declaration and Proposed Closing and Conveyancing of a Portion of Borough Drive, Located Between Triton Road and Progress Avenue (Ward 38 - Scarborough Centre)”.

Motion:

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

“It is further recommended that Council adopt the recommendations of the Scarborough Community Council embodied in the communication dated July 17, 2002, from the City Clerk, subject to amending Recommendation No. (2), so that such recommendations, as amended, now read as follows:

‘The Scarborough Community Council recommends:

- (1) adoption of the joint report dated June 10, 2002, from the Commissioner of Works and Emergency Services and the Commissioner of Corporate Services; and further
- (2) that the proceeds from the sale of this property be deposited in the Land Acquisition Reserve Fund, in accordance with Council’s policy, and that the Chief Financial Officer and Treasurer be requested to review historical decisions of the former City of Scarborough Council in order to determine if such proceeds should be transferred to the Scarborough City Centre Development Reserve Fund.’ ”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

S6.39 Clause No. 29 of Report No. 12 of The Policy and Finance Committee, headed “Initial Commercial Debt Issuance of Toronto Hydro”.

Motion to Re-Open:

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

“It is further recommended that Council adopt the confidential report dated July 29, 2002, from the Chief Financial Officer and Treasurer, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that the subject matter relates to the security of the property of the Municipality or local board.”

Votes:

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

S6.40 Clause No. 9 of Report No. 10 of The Humber York Community Council, headed “Control of Future Development in the Spears Street-Hilldale Road Area with respect to Embankment Erosion (York South-Weston, Ward 11)”.

Motion:

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

“It is further recommended that the Commissioner of Urban Development Services, in consultation with the Commissioner of Economic Development, Culture and Tourism, be requested to include the area bounded by Spears Street, Hilldale Road, Hillborn Avenue and Cripps Avenue, as part of the Ravine Control By-law Harmonization Study.”

Votes:

The motion by Councillor Nunziata carried.

The Clause, as amended, carried.

S6.41 Clause No. 13 of Report No. 9 of The Works Committee, headed “Installation of Traffic Control Signals - 1608 The Queensway Between The East Mall and Atomic Avenue (Ward 5 - Etobicoke-Lakeshore)”.

Vote:

The Clause carried, without amendment.

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

S6.42 Clause No. 1 of Report No. 9 of The Etobicoke Community Council, headed “Reconstruction of Haliburton Avenue, Mulvey Avenue, Random Street, Tasker Road and Burrows Avenue (Ward 3 - Etobicoke Centre)”.

Vote:

The Clause carried, without amendment.

Councillors Flint, Jones and Shiner requested that their opposition to this Clause be noted in the Minutes of this meeting.

S6.43 Clause No. 8 of Report No. 10 of The Administration Committee, headed “Annual Report of the Toronto Archives, 2001”.

Motion:

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

“It is further recommended that the City Clerk be requested to submit a report to the Administration Committee on the policies which were in place in the former Area Municipalities with respect to the retention of records of Members of Council, such report to review the feasibility of adopting a policy similar to that of the former City of Toronto, to apply to the records of the present Members of Council.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

S6.44 Clause No. 12 of Report No. 9 of The Works Committee, headed “Request for Full Movement Driveway Access to The Queensway - 1750 The Queensway (Ward 5 – Etobicoke -Lakeshore)”.

Motion:

Councillor Lindsay Luby moved that the Clause be amended by striking out Recommendations Nos. (1) and (2) of the Works Committee, and inserting in lieu thereof the following:

- “(1) providing an eastbound-to-northbound left-turn storage lane from The Queensway to the property at 1750 The Queensway, constructed to the satisfaction of, and for a trial period to be determined by, the Commissioner of Works and Emergency Services, and at the applicant’s expense, including any costs of restoration if needed, by means of a letter of credit; and
- (2) that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee within two years following construction of this left-turn lane.”

Votes:

The motion by Councillor Lindsay Luby carried.

The Clause, as amended, carried.

S6.45 Clause No. 2 of Report No. 9 of The Works Committee, headed “Solid Waste Collection By-law – Proposed Exemption to Limit of Six Items Per Week”.

Motion:

Councillor Sutherland moved that the Clause be amended by deleting from Recommendation No. (1) of the Works Committee, all of the words after the word “Services”, so that such recommendation now reads as follows:

- “(1) the adoption of the following report (June 20, 2002) from the Commissioner of Works and Emergency Services;”.

Votes:

The motion by Councillor Sutherland carried.

The Clause, as amended, carried.

S6.46 Clause No. 3 of Report No. 12 of The Policy and Finance Committee, headed “Organization of Parking Responsibilities and Activities Including the Toronto Parking Authority”.

Motion:

Councillor Soknacki moved that the Clause be amended by deleting the following Part (c) of

Recommendation No. (2) embodied in the report dated May 24, 2002, from the Chief Administrative Officer:

- “(c) beginning with the new term of Council in 2003, each of the two Councillors appointed to the Toronto Parking Authority Board also be members of one of the TTC or the Economic Development and Parks Committee;”.

Votes:

The motion by Councillor Soknacki carried.

The Clause, as amended, carried.

S6.47 Clause No. 5 of Report No. 9 of The Works Committee, headed “F.G. Gardiner Expressway Dismantling Project from Don Roadway to Leslie Street - Update on Project Status - Site Specific Risk Assessment (SSRA) and Interim Options for Remediation of Contaminated Soils (Ward 30)”.

Motions:

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

“It is further recommended that Council adopt the report dated July 15, 2002, from the Commissioner of Works and Emergency Services, embodying the following recommendation:

‘It is recommended that upon completion of construction, the impacted areas be provided with signage describing the project history and the soil cap and monitoring.’”

- (b) Councillor Layton moved that:

(1) the foregoing motion (a) by Councillor Duguid be amended by adding to the end thereof, the words “; and further, that the proposed wording for the signs be discussed with the Ward Councillor prior to production”;

- (2) the Clause be amended by adding thereto the following:

“It is further recommended that:

- (i) the South Riverdale Environmental Liaison Committee be requested to establish a Monitoring Sub-Committee with a recommended membership of the Ward Councillor (or his representative), representatives from the South Riverdale Health Centre, interested residents and businesses, the

Medical Officer of Health (or her staff), the Works and Emergency Services Department, and the Parks and Recreation Division if it is to maintain the bike path and the landscaped area;

- (ii) the South Riverdale Environmental Liaison Committee Monitoring Sub-Committee develop terms of reference bearing in mind the suggestions contained in the communication dated June 24, 2002, from Councillor Layton (as embodied in the Clause);
 - (iii) the Toronto Waterfront Revitalization Corporation be requested to assist in the exploration of further long-term clean-up options;
 - (iv) the Federal Government and the Federation of Canadian Municipalities Brownfields Task Force be notified of this project and requested to provide advice and assistance as available;
 - (v) the feasibility of establishing a separation between the pathway and covered landscaping be referred back to the Commissioner of Works and Emergency Services and the Ward Councillor for a further report to the Works Committee; and
 - (vi) Council express its appreciation for the hard and successful work of:
 - (a) the Gardiner Dismantling Liaison Committee;
 - (b) City of Toronto staff; and
 - (c) the contractors, workers and adjacent businesses.”
- (c) Councillor Duguid, with the permission of Council, moved that Part (2)(ii) of motion (b) by Councillor Layton, be referred to the Commissioner of Works and Emergency Services for resolution in consultation with Councillor Layton.
- (d) Councillor Bussin moved that Part (2)(v) of motion (b) by Councillor Layton be amended to provide that the report be submitted to the Works Committee in the fall of 2002.
- (e) Councillor Shiner moved that Parts (2)(iii), (iv) and (v) of motion (b) by Councillor Layton be received.

Votes:

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

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

Part (2)(i) of motion (b) by Councillor Layton carried.

Motion (c) by Councillor Duguid carried.

Adoption of motion (e) by Councillor Shiner:

Yes - 21	
Mayor:	Lastman
Councillors:	Ashton, Berardinetti, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Moeser, Nunziata, Ootes, Pitfield, Shiner, Soknacki, Sutherland, Tziretas
No - 7	
Councillors:	Augimeri, Bussin, Chow, Jones, Layton, Mihevc, Moscoe

Carried by a majority of 14.

Having regard to the foregoing decision of Council, Deputy Mayor Ootes declared motion (d) by Councillor Bussin redundant.

Part (2)(vi) of motion (b) by Councillor Layton carried.

The Clause, as amended, carried.

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

“It is further recommended that:

- (1) Council adopt the report dated July 15, 2002, from the Commissioner of Works and Emergency Services, subject to amending the recommendation embodied therein so that it now reads as follows:

‘It is recommended that upon completion of construction, the impacted areas be provided with signage describing the project history and the soil cap and monitoring, and further, that the proposed wording for the signs be discussed with the Ward Councillor prior to production.’;

- (2) the South Riverdale Environmental Liaison Committee be requested to establish a

Monitoring Sub-Committee with a recommended membership of the Ward Councillor (or his representative), representatives from the South Riverdale Health Centre, interested residents and businesses, the Medical Officer of Health (or her staff), the Works and Emergency Services Department, and the Parks and Recreation Division if it is to maintain the bike path and the landscaped area;

- (3) Council express its appreciation for the hard and successful work of:
- (i) the Gardiner Dismantling Liaison Committee;
 - (ii) City of Toronto staff; and
 - (iii) the contractors, workers and adjacent businesses;
- (4) Council refer the following motion to the Commissioner of Works and Emergency Services for resolution in consultation with Councillor Layton:

Moved by Councillor Layton:

‘It is recommended that the South Riverdale Environmental Liaison Committee Monitoring Sub-Committee develop terms of reference bearing in mind the suggestions contained in the communication dated June 24, 2002, from Councillor Layton (as embodied in this Clause).’; and

- (5) Council receive the following motion:

Moved by Councillor Layton:

“It is recommended that:

- (i) the Toronto Waterfront Revitalization Corporation be requested to assist in the exploration of further long-term clean-up options;
- (ii) the Federal Government and the Federation of Canadian Municipalities Brownfields Task Force be notified of this project and requested to provide advice and assistance as available; and
- (iii) the feasibility of establishing a separation between the pathway and covered landscaping be referred back to the Commissioner of Works and Emergency Services and the Ward Councillor for a further report to the Works Committee.’ ”

S6.48 Clause No. 3 of Report No. 9 of The Planning and Transportation Committee, headed “Harmonization of the Street Vending By-law”.

Motions:

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

“It is further recommended that the Commissioner of Urban Development Services be requested to address the harmonization of penalties for illegal vendors when developing the harmonized by-law, with a view to setting fines at the upper levels.”

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

- (1) deleting from Part (c) of Recommendation No. (1) embodied in the report dated June 4, 2002, from the Commissioner of Urban Development Services, the name “Bathurst Street”, and inserting in lieu thereof the name “University Avenue”, so that such Part (c) now reads as follows:

“(c) the number of street vending permits issued in relation to designated vending locations in the downtown core (bounded by Bloor Street, University Avenue, the Lakeshore and Jarvis Street) be limited to existing levels at the existing permitted locations;”; and

- (2) adding thereto the following:

“It is further recommended that the Commissioner of Urban Development Services be requested to conduct, in consultation with Urban Design staff, an analysis of the downtown core area bounded by University Avenue, Bathurst Street, Bloor Street and Lakeshore Boulevard, to determine where additional vending locations/permits would provide service and animate the streetscape without obstructing pedestrian flow or hurting existing businesses, and submit a report thereon to the Planning and Transportation Committee.”

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

“It is further recommended that the Commissioner of Urban Development Services be requested to direct staff to continue active enforcement of the street vending by-laws currently in force throughout the City of Toronto, during the period of development of the harmonized street vending by-law.”

Votes:

Motion (a) by Councillor Nunziata carried.

Motion (b) by Councillor Chow carried.

Motion (c) by Councillor Li Preti carried.

The Clause, as amended, carried.

S6.49 Clause No. 5 of Report No. 7 of The Audit Committee, headed “Competition Bureau Investigation - Supply of Liquid Chlorine”.

Having regard that the Clause was submitted without recommendation:

Motions:

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

“It is recommended that the City Auditor be requested to submit a report to the Audit Committee on the results of the court actions that are being taken by the Competition Bureau as soon as that information becomes available.”

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

“It is recommended that Council adopt the report dated June 19, 2002, from the City Auditor, embodying the following recommendations:

‘It is recommended that:

- (i) the City Solicitor, in consultation with the Commissioner of Works and Emergency Services and the Chief Financial Officer and Treasurer, report to the November 2002 meeting of the Audit Committee on:
 - (a) the status of criminal proceedings brought against the companies and individuals charged with offences under the Competition Act, with respect to the supply of liquid chlorine to the City of Toronto; and
 - (b) the merits of possible civil action to recover any damages to the City, as a result of any convictions; and
- (ii) this report be forwarded to the Works Committee for information.’ ”

Votes:

Motion (a) by Councillor Moscoe carried.

Motion (b) by Councillor Balkissoon carried.

The Clause, as amended, carried.

S6.50 Clause No. 11 of Report No. 7 of The Economic Development and Parks Committee, headed “Tradelink Toronto and the National Trade Centre Investment Marketing Program Update (Ward 19 Trinity-Spadina)”.

Motion:

Councillor Moscoe 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 specific shows which were attracted to the National Trade Centre as a direct result of:

- (1) membership in UFI;
- (2) membership in ICCA;
- (3) membership in the International Association of Managers; and
- (4) participation in the PEMD-I program.”

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

S6.51 Clause No. 19 of Report No. 12 of The Policy and Finance Committee, headed “2003 Budget Directions”.

Motion:

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

“It is further recommended that the Chief Financial Officer and Treasurer be requested to:

- (1) investigate the possibility of offering a tax rebate or tax reduction, on a pro-rated basis, to the residential and commercial tax payers of Toronto, on next year’s tax bill; and
- (2) submit a report thereon to the Policy and Finance Committee.”

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of the motion by Councillor Ford, ruled such motion out of order.

Vote:

The Clause carried, without amendment.

S6.52 Clause No. 15 of Report No. 10 of The Humber York Community Council, headed “Parkdale Pilot Project (Parkdale-High Park, Ward 14)”.

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Korwin-Kuczynski moved that Council adopt the following recommendation:

“It is recommended that Council adopt the report dated July 31, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that:

- (1) the Parkdale Pilot Project planning regularisation application fees remain at \$1290.00;
- (2) the current procedure whereby Notices of Passing and Notices of Statutory public meetings are prepared and sent by the Parkdale Pilot Project team be continued; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Votes:

The motion by Councillor Korwin-Kuczynski carried.

The Clause, as amended, carried.

S6.53 Clause No. 57 of Report No. 9 of The Toronto East York Community Council, headed “Ontario Municipal Board Hearing - 265 Front Street East (Toronto Centre-Rosedale, Ward 28)”.

Having regard that the Clause was submitted without recommendation:

Motion:

Councillor Rae moved that Council adopt the following recommendations:

“It is recommended that:

- (a) Council adopt the report dated July 30, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that:

- (1) the City Solicitor be granted authority to seek a deferral of the Ontario Municipal Board Hearing pertaining to 265 Front Street East and should a deferral not be agreed to, that the City Solicitor be instructed to oppose the application;
 - (2) the City Solicitor be given authority to retain any expert witnesses necessary to defend the City’s interests at the Ontario Municipal Board; and
 - (3) Council request the Province of Ontario to initiate discussions with stakeholders regarding a larger co-ordinated vision for 265 Front Street East and adjacent lands which suitably commemorates and interprets the heritage of the First Parliament Buildings of Upper Canada.’; and
- (b) in the event the Ontario Municipal Board does not defer this hearing and approval is granted, the applicant be required to enter into an undertaking not to request a building permit prior to December 1, 2002.”

Votes:

The motion by Councillor Rae carried.

The Clause, as amended, carried.

S6.54 Clause No. 3 of Report No. 7 of The Audit Committee, headed “Auditor’s Report and Financial Statements of the Toronto Atmospheric Fund for the Year Ended December 31, 2001”.

Motions:

- (a) Councillor Shiner moved that the Clause be amended by striking out and referring that portion of the Audited Financial Statements of the Toronto Atmospheric Fund for the year ended December 31, 2001, related to the hiring of consultants and the relevant fees and services, to the Audit Committee for further consideration.
- (b) Councillor Soknacki moved that motion (a) by Councillor Shiner be amended by adding the words “in conjunction with the forthcoming review by the City Auditor with respect to purchasing functions”.

Votes:

Motion (b) by Councillor Soknacki carried.

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

The Clause, as amended, carried.

S6.55 Clause No. 23 of Report No. 9 of The Works Committee, headed “Maintenance and Operation of Electrical Traffic Control and Related Devices - Contract No. 02TM-01TP, Tender Call No. 101-2002”.

Motion:

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

“It is further recommended that all future reports on tenders include the previous costs associated with the goods and/or services.”

Votes:

The motion by Councillor Shiner carried.

Adoption of the Clause, as amended:

Yes - 32	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mihevc, Moeser, Moscoe, Nunziata, Ootes, Pitfield, Rae, Shaw, Shiner, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Mammoliti

Carried by a majority of 31.

S6.56 Clause No. 1 of Report No. 8 of The North York Community Council, headed “Final Report - Application to Amend the Zoning By-law - TB ZBL 2001 0016 - Blooming Forest Bhikkhuni Buddhist Association of Canada - 960-962 Wilson Avenue at Murray Road - Ward 9 - York Centre”.

Motion:

Councillor Sutherland moved that the Clause be amended by:

- (1) deleting from Recommendation No. (1) of the North York Community Council, the word “refused”, and inserting in lieu thereof the word “approved”, so that such recommendation now reads as follows:
 - “(1) Zoning By-law Amendment Application No. TB ZBL 2001 0016 submitted by Blooming Forest Bhikkhuni Buddhist Association of Canada to amend the Zoning By-law for an existing place of worship located at 960-962 Wilson Avenue at Murray Road, be approved;”; and
- (2) striking out Recommendation No. (2) of the North York Community Council.

Votes:

Adoption of the motion by Councillor Sutherland:

Yes - 16 Councillors:	Berardinetti, Bussin, Cho, Disero, Duguid, Feldman, Jones, Korwin-Kuczynski, Li Preti, Minnan-Wong, Ootes, Rae, Shaw, Sutherland, Tziretas, Walker
No - 19 Councillors:	Ashton, Augimeri, Chow, Di Giorgio, Filion, Flint, Ford, Hall, Holyday, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moeser, Moscoe, Nunziata, Pantalone, Silva, Soknacki

Lost by a majority of 3.

Adoption of the Clause, without amendment:

Yes - 21 Councillors:	Ashton, Augimeri, Chow, Di Giorgio, Disero, Filion, Flint, Ford, Hall, Holyday, Jones, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Moeser, Moscoe, Nunziata, Pantalone, Silva, Soknacki
No - 14 Councillors:	Berardinetti, Bussin, Cho, Duguid, Feldman, Korwin-Kuczynski, Li Preti, Minnan-Wong, Ootes, Rae, Shaw, Sutherland, Tziretas, Walker

Carried by a majority of 7.

S6.57 Clause No. 5 of Report No. 9 of The Planning and Transportation Committee, headed “Development of New City-Wide Sign By-law - A-Frame Signs and Mobile Signs”.

Motions:

- (a) Councillor Chow moved that the Clause be amended by adding to the end of Recommendation No. (2) of the Planning and Transportation Committee, the words “only after consultation with the local Councillor”, so that such recommendation now reads as follows:

“(2) in the interim, the by-laws within the former municipalities of Metropolitan Toronto and North York with respect to A-frame signs and mobile signs, be enforced only after consultation with the local Councillor;”.

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

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

- (i) develop an enforcement strategy that will respond quickly to repeat offenders of the sign by-law as it pertains to A-frame and mobile signs;
- (ii) investigate the establishment of a response team of staff from Building, Municipal Licensing and Standards, and Works and Emergency Services; and
- (iii) submit a report to the Planning and Transportation Committee, in consultation with the Commissioner of Works and Emergency Services, when the proposed by-law is brought forward, on an enforcement strategy.”

Votes:

Motion (a) by Councillor Chow carried.

Motion (b) by Councillor Li Preti carried.

The Clause, as amended, carried.

S6.58 Clause No. 1 of Report No. 9 of The North York Community Council, headed “Request for Exemption to Noise By-law No. 31317 - Earth Tech Canada Inc. - Highway 401 Westbound and Collector Rehabilitation from Allen Road to East of Bayview Avenue - Ward 9-York Centre, Ward 10-York Centre, Ward 23 -Willowdale, Ward 24 -Willowdale, Ward 33-Don Valley East”.

Motion:

Councillor Moscoe moved that the Clause be amended to provide that the boundaries for this exemption to the Noise By-law be extended to include the area from Bathurst Street to east of Bayview Avenue.

Votes:

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

S6.59 Clause No. 9 of Report No. 9 of The Works Committee, headed “Steeles Avenue East/CN Rail Grade Separation Near Kennedy Road - Review of Findings of Class Environmental Assessment (Ward 39 – Scarborough Agincourt)”.

Motion:

Councillor Moscoe moved that the Clause be amended:

(1) to provide that this project be conditional on York Region contributing at least 50 percent of the costs involved; and

(2) by adding thereto the following:

“It is further recommended that the Region of Durham be approached and requested to consider making a contribution to this project.”

Votes:

The motion by Councillor Moscoe carried.

Adoption of the Clause, as amended:

Yes - 24	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Feldman, Flint, Hall, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Shaw, Shiner, Silva, Walker
No - 1	
Councillor:	Ford

Carried by a majority of 23.

S6.60 Clause No. 1 of Report No. 10 of The Administration Committee, headed “Review of Sub-Committees, Advisory Committees, Special Committees and Task Forces Established by Standing Committees and Council Since December, 2000”.

Motions:

- (a) Councillor Moscoe moved that the Clause be amended by deleting Recommendation No. (4) of the Administration Committee and inserting in lieu thereof the following:

“(4) the Nathan Phillips Square Design Competition Reference Group be reconstituted with its current membership, and that it be requested to:

- (i) review the design improvements to Nathan Phillips Square, without an international competition, and make recommendations to Council, through the Administration Committee;
- (ii) explore commercial opportunities that will enhance the design of the Square and generate sufficient funds to pay for capital improvements; and
- (iii) review all City-owned lands within the block bounded by Queen Street, Bay Street and University Avenue, with a view to enhancing their public utility;”.

- (b) Councillor Moeser moved that Recommendation No. (4) of the Administration Committee be struck out and referred back to the Administration Committee for further consideration, together with motion (a) by Councillor Moscoe.

Votes:

Adoption of motion (b) by Councillor Moeser:

Yes - 12	
Councillors:	Balkissoon, Di Giorgio, Disero, Flint, Hall, Korwin-Kuczynski, Lindsay Luby, Moeser, Nunziata, Ootes, Silva, Walker
No - 14	
Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Fillion, Ford, Holyday, Kelly, Mihevc, Milczyn, Moscoe, Pantalone, Tziretas

Lost by a majority of 2.

Adoption of that portion of motion (a) by Councillor Moscoe pertaining to the reconstitution of the Nathan Phillips Square Design Competition Reference Group:

Yes - 26

Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Filion, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Silva, Tziretas, Walker
No - 5	
Councillors:	Disero, Feldman, Moeser, Nunziata, Shiner

Carried by a majority of 21.

That portion of motion (a) by Councillor Moscoe pertaining to the Nathan Phillips Square Design Competition Reference Group retaining its current membership, carried.

Part (i) of motion (a) by Councillor Moscoe carried.

Adoption of the first portion of Part (ii) of motion (a) by Councillor Moscoe, viz.:

“(ii) explore commercial opportunities that will enhance the design of the Square”:

Yes - 24	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Filion, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Shiner, Silva
No - 8	
Councillors:	Feldman, Flint, Moeser, Nunziata, Ootes, Rae, Tziretas, Walker

Carried by a majority of 16.

Adoption of the second portion of Part (ii) of motion (a) by Councillor Moscoe, viz.:

“and generate sufficient funds to pay for capital improvements”:

Yes - 13	
Councillors:	Augimeri, Balkissoon, Cho, Disero, Feldman, Ford, Holyday, Kelly, Korwin-Kuczynski, Milczyn, Minnan-Wong, Moscoe, Shiner
No - 19	
Councillors:	Ashton, Bussin, Chow, Di Giorgio, Filion, Flint, Hall, Layton, Lindsay Luby, Mammoliti, Mihevc, Moeser, Nunziata, Ootes, Pantalone, Rae, Silva, Tziretas, Walker

Lost by a majority of 6.

Part (iii) of motion (a) by Councillor Moscoe carried.

The Clause, as amended, carried.

S6.61 Clause No. 2 of Report No. 10 of The Administration Committee, headed “Four District Model for City Public Services (All Wards)”.

Motions:

- (a) Councillor Moscoe moved that the Clause be amended by amending Recommendation No. (2) embodied in the report dated June 17, 2002, from the Chief Administrative Officer, so that it now reads as follows:
- “(2) the current review of the Council-Committee structure include a review of options for the relationship between Community Councils and service districts, and the Chief Administrative Officer be requested to report the findings to the Administration Committee by April 2003, such report to:
- (a) include a review of the boundaries between the North, South and West districts and consider the feasibility of adjusting the service districts to conform with ward boundaries, where possible; and
- (b) take into consideration changes to federal ridings to occur in 2004;”.
- (b) Councillor Mammoliti moved that the Clause be amended by adding to the end of Recommendation No. (2) embodied in the report dated June 17, 2002, the words “and further, that, as per the terms of reference approved by Council at its meeting held on May 21, 22 and 23, 2002, by its adoption, as amended, of Clause No. 5 of Report No. 8 of The Policy and Finance Committee, headed “Mid-Term Review of the Council Committee Structure”, the recommendations regarding service districts take effect in time for the 2004-2007 term of Council;”.

Votes:

Motion (a) by Councillor Moscoe carried.

Adoption of motion (b) by Councillor Mammoliti:

Yes - 25 Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Feldman, Filion, Flint, Hall, Holyday, Jones, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Rae, Tziretas, Walker
No - 2 Councillors:	Disero, Ford

Carried by a majority of 23.

Adoption of the Clause, as amended:

Yes - 25 Councillors:	Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Feldman, Filion, Flint, Hall, Holyday, Jones, Kelly, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Rae, Tziretas, Walker
No - 2 Councillors:	Disero, Ford

Carried by a majority of 23.

In summary, Council amended this Clause by amending Recommendation No. (2) embodied in the report dated June 17, 2002, from the Chief Administrative Officer, so that it now reads as follows:

- “(2) the current review of the Council-Committee structure include a review of options for the relationship between Community Councils and service districts, and the Chief Administrative Officer be requested to report the findings to the Administration Committee by April 2003, such report to:
- (a) include a review of the boundaries between the North, South and West districts and consider the feasibility of adjusting the service districts to conform with ward boundaries, where possible; and
 - (b) take into consideration changes to federal ridings to occur in 2004;

and further, that, as per the terms of reference approved by Council at its meeting held on May 21, 22 and 23, 2002, by its adoption, as amended, of Clause No. 5 of Report No. 8 of The Policy and Finance Committee, headed “Mid-Term Review of the Council Committee Structure”, the recommendations regarding service

districts take effect in time for the 2004-2007 term of Council;”.

S6.62 Clause No. 3 of Report No. 10 of The Administration Committee, headed “Municipal Campaign Finance Reform”.

Motions:

- (a) Councillor Moscoe moved that the Clause be amended:
- (1) by amending part (IV) of the recommendation of the Administration Committee by:
 - (i) deleting from Part (a) the words “if allowed”, so that Part (a) now reads as follows:

“(a) that rebates only be issued for contributions of legal tender; and”;
 - (ii) striking out Part (b); and
 - (iii) inserting the following new Parts (b) and (c):

“(b) inclusion of factors in the rebate program that will provide adjustments for inflation; and

(c) the adequacy of limits on campaign expenditures and adjustments that will account for inflationary increases in costs;” and
 - (2) to provide that the composition of the Toronto Election Finance Review Task Force include the originator of the municipal election rebate plan, Bernard Nayman, C.A., and the Nayman Report originally submitted to the former City of North York Council be provided to the Task Force.
- (b) Councillor Hall moved that the Clause be amended by adding thereto the following:
- “It is further recommended that:
- (1) the City’s previous request of the Province of Ontario, approved by City Council on November 6, 7 and 8, 2001, by its adoption, as amended, of Clause No. 1 of Report No. 15 of The Administration Committee, headed ‘Municipal Elections Act, 1996 - Amendments and Election 2000 Report’, to amend the Municipal Elections Act to require the City Clerk to have voters prove that they meet citizenship and residency requirements, again be submitted to the Minister of Municipal Affairs and Housing for support prior to the 2003 municipal election; and

- (2) the Toronto Election Finance Review Task Force be requested to review and respond to the Discussion Paper on Municipal Elections Act Reform 2002, at the same time as the Task Force reviews the 19 issues raised in the joint report dated June 11, 2002, from the Chief Administrative Officer, the City Solicitor and the City Clerk.”

Disposition:

Having regard that Council did not conclude its consideration of this Clause prior to the end of this meeting, the Clause was deferred to the next regular meeting of City Council scheduled to be held on October 1, 2002. Council took no action with respect to motion (a) by Councillor Moscoe and motion (b) by Councillor Hall.

S6.63 IN-CAMERA MEETING SESSION OF THE COMMITTEE OF THE WHOLE

July 30, 2002:

Motion:

Deputy Mayor Ootes at 6:17 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider Clause No. 1 of Report No. 11 of The Administration Committee, headed “Request for Proposals No. 9155-01-7001 to Restore, Develop and Operate Union Station (Ward 28 - Toronto Centre -Rosedale)”, in accordance with the provisions of the Municipal Act, given that this matter is subject to Solicitor/Client privilege.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 6:20 p.m. to meet privately in the Council Chamber to consider the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 7:25 p.m., and met in public session in the Council Chamber.

Report of the Committee of the Whole:

Deputy Mayor Ootes took the Chair, called the Members to order and advised the Council that, having regard that Council had not concluded its discussion in Committee of the Whole, the in-camera session of this meeting would resume on Wednesday, July 31, 2002, following Council's review of the Notices of Motion.

July 31, 2002:

Motion:

Deputy Mayor Ootes, at 2:58 p.m., moved that Council now resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to resume the in-camera portion of this meeting, as it pertains to Clause No. 1 of Report No. 11 of The Administration Committee, headed "Request for Proposals No. 9155-01-7001 to Restore, Develop and Operate Union Station (Ward 28 - Toronto Centre -Rosedale)".

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 3:00 a.m., to meet privately in the Council Chamber to resume consideration of the above matter, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 6:19 p.m., and met in public session in the Council Chamber.

Report of the Committee of the Whole:

S6.64 Clause No. 1 of Report No. 11 of The Administration Committee, headed "Request for Proposals No. 9155-01-7001 to Restore, Develop and Operate Union Station (Ward 28 - Toronto Centre -Rosedale)".

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

In addition, Deputy Mayor Ootes 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 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 on a policy to allow proponents to give a presentation to a Committee of Council at the time an award of a proposal is before a Committee of Council."

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

“It is further recommended that the Commissioner of Corporate Services be requested to ensure that the sculpture to multiculturalism donated by Toronto’s Italian Community retains a place of pride at Union Station, and further, that a status update in this regard be included in the next report to be considered by Council on this matter.”

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

“It is further recommended that discussions with the proponent include:

- (1) the development of an ambitious plan for cycling facilities, cycling rentals and service, modelled on best practices from Europe, and further, that there be consultation with the City’s Cycling Committee and staff of the Works and Emergency Services Department; and
- (2) the pursuit of district heating and cooling options, plus the state-of-the-art Energy Efficiency and Renewable Energy Program, in consultation with the City’s Energy Efficiency Office.”

Moved in Public Session:

- (d) Councillor Walker moved that:

- (1) the Clause be struck out and referred back to the Administration Committee and that the two proponents be invited to make a presentation to the Administration Committee, with all Members of Council formally invited to attend the presentations; and
- (2) the Commissioner of Corporate Services be requested to pursue discussions based on Scenario 1 as set out in the confidential report date July 30, 2002 from the Commissioner of Corporate Services.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the deliberations during Committee of the Whole, ruled Part (2) of motion (d) by Councillor Walker out of order.

Councillor Walker challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of the Deputy Mayor:

Yes - 30
Mayor: Lastman
Councillors: Altobello, Ashton, Augimeri, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Kelly, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Sutherland, Tziretas
No - 3
Councillors: Ford, Layton, Walker

Carried by a majority of 27.

Vote on Referral:

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

Yes - 1
Councillor: Walker
No - 27
Mayor: Lastman
Councillors: Altobello, Ashton, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Shaw, Shiner, Silva, Sutherland, Tziretas

Lost by a majority of 26.

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

“It is further recommended that the Commissioner of Corporate Services be requested to include in the report to be submitted to the Administration Committee for its meeting to be held on October 8, 2002, a status update on GO Transit, Toronto Transit Commission and VIA Rail projects underway at Union Station.”

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

“It is further recommended that Council extend its appreciation to the Members of the Selection Committee for their hard work in this regard.”

- (g) Councillor Hall moved that motion (a) by Councillor Moscoe be amended by inserting the words “the feasibility of establishing”, after the words “Administration Committee on”.

Votes:

Motion (g) by Councillor Hall carried.

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

Motion (b) by Councillor Pantalone carried.

Motion (c) by Councillor Layton carried.

Motion (e) by Councillor Nunziata carried.

Adoption of motion (f) by Councillor Silva:

Yes - 36	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Layton, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

Adoption of the Clause, as amended:

Yes - 34	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Layton, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 2	

Councillors: Ford, Walker

Carried by a majority of 32.

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

“It is further recommended that:

- (1) discussions with the proponent include:
 - (a) the development of an ambitious plan for cycling facilities, cycling rentals and service, modelled on best practices from Europe, and further, that there be consultation with the City’s Cycling Committee and staff of the Works and Emergency Services Department; and
 - (b) the pursuit of district heating and cooling options, plus the state-of-the-art Energy Efficiency and Renewable Energy Program, in consultation with the City’s Energy Efficiency Office;
- (2) the Commissioner of Corporate Services be requested to:
 - (a) ensure that the sculpture to multiculturalism donated by Toronto’s Italian Community retains a place of pride at Union Station, and further, that a status update in this regard be included in the next report to be considered by Council on this matter; and
 - (b) include in the report to be submitted to the Administration Committee for its meeting to be held on October 8, 2002, a status update on GO Transit, Toronto Transit Commission and VIA Rail projects underway at Union Station;
- (3) the Chief Financial Officer and Treasurer be requested to submit a report to the Administration Committee on the feasibility of establishing a policy to allow proponents to give a presentation to a Committee of Council at the time an award of a proposal is before a Committee of Council; and
- (4) Council extend its appreciation to the Members of the Selection Committee for their hard work in this regard.”

In addition, City Council, at its in-camera session, issued confidential instructions to staff, such instructions to remain confidential, in accordance with the provisions of the Municipal Act, having

regard that they relate to the security of the property of the Municipality.

August 1, 2002:

Motion:

Deputy Mayor Ootes at 2:51 p.m., moved that Council resolve itself into Committee of the Whole in the Council Chamber and then recess to meet privately to consider the following confidential matters on the Order Paper for this meeting of Council, in accordance with the provisions of the Municipal Act:

- (a) Clause No. 4 of Report No. 7 of The Audit Committee, headed “Forensic Audits on Various Consulting Contracts”, given that this matter is subject to litigation or potential litigation; and
- (b) Clause No. 20 of Report No. 7 of The Economic Development and Parks Committee, headed “Proposed Resolution Regarding Float Homes and Liveaboards at Bluffer’s Park Marina (Ward 36 Scarborough Southwest)”, given that this matter is subject to Solicitor/Client privilege.

Vote:

The motion by Deputy Mayor Ootes carried.

Council resolved itself into Committee of the Whole.

Committee of the Whole recessed at 2:53 p.m. to meet privately in the Council Chamber to consider the above matters, in accordance with the provisions of the Municipal Act.

Committee of the Whole rose, reconvened as Council at 4:05 p.m., and met in public session in the Council Chamber.

Report of the Committee of the Whole:

S6.65 Clause No. 4 of Report No. 7 of The Audit Committee, headed “Forensic Audits on Various Consulting Contracts”.

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

Moved in Public Session:

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

“It is further recommended that the City Auditor be requested to submit a report to the Audit Committee on the following matters:

- (a) a review of all circumstances related to the selection of the former City of North York tax system as the system currently being used to process tax billings at the City of Toronto; and
- (b) an examination of all relevant documentation at the former City of North York, and an evaluation of whether or not policies and procedures at the former City of North York were followed, including whether or not such matters were reported to the Council of the former City of North York, in order to determine the circumstances related to the original hiring of the consultants at the former City of North York.”

Votes:

Motion (a) by Councillor Balkissoon carried.

The Clause, as amended, carried.

Motion to Re-Open:

Councillor Minnan-Wong, 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:

- (b) Councillor Feldman moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on October 1, 2002, together with motion (a) by Councillor Balkissoon.

Vote on Deferral:

Adoption of motion (b) by Councillor Feldman:

Yes - 12	
Mayor:	Lastman
Councillors:	Di Giorgio, Disero, Feldman, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner
No - 21	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Chow, Filion, Flint, Ford, Hall, Jones, Kelly, Layton, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Shaw, Silva, Tziretas, Walker

Lost by a majority of 9.

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

“It is further recommended that the City Auditor be requested to submit a report to the Audit Committee with an outline of the role of Audit staff with respect to work carried out in connection with the City’s tax and water billing systems, as well as the timelines when certain irregularities came to the attention of the City Auditor.”

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

“It is further recommended that the Chief Administrative Officer, in consultation with the Chief Financial Officer and Treasurer and the City Auditor, be requested to submit a report to the Audit Committee, for consideration with the foregoing reports requested of the City Auditor, on the savings achieved, if any, by the actions that were taken by the former Chief Financial Officer and Treasurer in sending the tax bills out on time, and the appropriateness of proceeding with the TMACS system in preference to TXM 2000.”

Votes:

Motion (c) by Councillor Minnan-Wong carried.

Motion (d) by Councillor Shiner carried.

The Clause, as further amended, carried.

S6.66 Clause No. 20 of Report No. 7 of The Economic Development and Parks Committee, headed “Proposed Resolution Regarding Float Homes and Liveaboards at Bluffer’s Park Marina (Ward 36 Scarborough Southwest)”.

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:

Having regard that the Clause was submitted without recommendation:

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

“It is recommended that:

- (1) Council receive the confidential joint report dated July 23, 2002, from the Commissioner of Economic Development, Culture and Tourism;
- (2) Council direct the City Solicitor to proceed with arbitration in order to determine that the lease does not permit float homes; and
- (3) the City Solicitor be requested to advise Bluffer’s Park Marina Limited and the float home owners that no increase in municipal service levels are contemplated by the City of Toronto as a result of the proposed settlement on the location of float homes at Bluffer’s Park Marina.

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

“It is recommended that Council adopt the confidential joint report dated June 21, 2002, from the Commissioner of Economic Development, Culture and Tourism and the City Solicitor, subject to amending such joint confidential report in accordance with the recommendation embodied in the further confidential joint report dated July 23, 2002, from the Commissioner of Economic Development, Culture and Tourism and the City Solicitor.”

Moved in Public Session:

(c) Councillor Moscoe moved that Council adopt the following recommendation:

“It is recommended the Chief Administrative Officer, in consultation with the Chief Financial Officer and Treasurer, be requested to review the feasibility of appealing the assessment on the Marina, in light of the fact that there are float homes existing on the property, and submit a report thereon to the Policy and Finance Committee.”

(d) Councillor Holyday moved that Council adopt the following recommendation:

“It is recommended that, should the arbitration result in the City’s favour, the occupants be given three years to relocate.”

(e) Councillor Feldman moved that Council adopt the following recommendation:

“It is recommended that the Commissioner of Economic Development, Culture and Tourism be requested to advise all marinas which lease land from the City of Toronto that float homes will not be permitted.”

Votes:

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

Yes - 10	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Disero, Holyday, Li Preti, Nunziata, Ootes, Shiner
No - 20	
Mayor:	Lastman
Councillors:	Chow, Di Giorgio, Feldman, Filion, Flint, Ford, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Silva, Tziretas, Walker

Lost by a majority of 10.

Having regard to the foregoing decision of Council, Deputy Mayor Ootes declared motion (d) by Councillor Holyday, redundant.

Part (3) of motion (a) by Councillor Ashton carried.

Adoption of motion (b) by Councillor Kelly:

Yes - 22	
Mayor:	Lastman
Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Disero, Feldman, Filion, Ford, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Silva, Tziretas, Walker
No - 8	

Councillors: Ashton, Balkissoon, Flint, Holyday, Jones, Nunziata, Ootes,
Shiner

Carried by a majority of 14.

Motion (c) by Councillor Moscoe carried.

Motion (e) by Councillor Feldman carried.

Adoption of the Clause, as amended:

Yes - 23	
Mayor:	Lastman
Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Disero, Feldman, Filion, Flint, Ford, Kelly, Korwin-Kuczynski, Layton, Li Preti, Lindsay Luby, Mihevc, Milczyn, Moscoe, Pantalone, Rae, Silva, Tziretas, Walker
No - 7	
Councillors:	Ashton, Balkissoon, Holyday, Jones, Nunziata, Ootes, Shiner

Carried by a majority of 16.

In summary, Council adopted the following recommendations:

“It is recommended that Council:

- (1) adopt the confidential joint report dated June 21, 2002, from the Commissioner of Economic Development, Culture and Tourism and the City Solicitor, such joint report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege, save and except the following recommendations embodied therein:

‘It is recommended that:

- (i) Council approve the proposed settlement with Bluffer’s Park Marina Limited as described in this report; and
- (ii) staff be authorized to sign the necessary documents to give effect thereto, including amendments to the existing lease between the City of Toronto, the Toronto and Region Conservation Authority and Bluffer’s Park Marina Limited and to the existing Bluffer’s Park Master Plan to reflect the

approved settlement, with all such documents to be satisfactory in form to the City Solicitor and Commissioner of Economic Development, Culture and Tourism and subject to the approval of the Toronto and Region Conservation Authority.’,

subject to amending such joint confidential report in accordance with the recommendation embodied in the further confidential joint report dated July 23, 2002, from the Commissioner of Economic Development, Culture and Tourism and the City Solicitor, such joint report to remain confidential in accordance with the provisions of the Municipal Act, having regard that it is subject to solicitor-client privilege, save and except the following recommendation embodied therein:

‘It is recommended that the recommendations in the joint confidential report (June 21, 2002) of the Commissioner of Economic Development, Culture and Tourism and the City Solicitor, considered by the Economic Development and Parks Committee on July 16, 2002, be amended to include a recommendation that as part of the proposed settlement the existing lease with Bluffer’s Park Marina Limited be further amended so that the City of Toronto is compensated for the cost of providing municipal services to permitted float homes and liveaboard boats in an amount comparable to the amount paid by those who own assessable real property of similar value, either by way of property taxes, licence fees, or failing either, the payment of like amount by the Marina.’;

- (2) the Chief Administrative Officer, in consultation with the Chief Financial Officer and Treasurer, be requested to review the feasibility of appealing the assessment on the Marina, in light of the fact that there are float homes existing on the property, and submit a report thereon to the Policy and Finance Committee;
- (3) the City Solicitor be requested to advise Bluffer’s Park Marina Limited and the float home owners that no increase in municipal service levels are contemplated by the City of Toronto as a result of the proposed settlement on the location of float homes at Bluffer’s Park Marina; and
- (4) the Commissioner of Economic Development, Culture and Tourism be requested to advise all marinas which lease land from the City of Toronto that float homes will not be permitted.”

MOTIONS (NOTICE PREVIOUSLY GIVEN) AND NOTICES OF MOTION

S6.67 McDonald’s Restaurants of Canada Limited - Lawsuit in the Ontario Superior Court of

Justice to Quash Interim Control By-laws No. 2-2002 and No. 3-2002 and to Compel Ann Borooah, as Chief Building Official, to Issue a Building Permit for a Drive-Through Restaurant at 710 St. Clair Avenue West

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

Moved by: Councillor Flint

Seconded by: Councillor Altobello

“**WHEREAS** McDonald’s Restaurants of Canada Limited has commenced litigation by way of Application against the City of Toronto and Ann Borooah, Chief Building Official; and

WHEREAS the matter is to be heard in Court on May 28 and May 31, 2002; and

WHEREAS the City needs to respond to the Court Application commenced by McDonald’s Restaurants of Canada Limited; and

WHEREAS the City Solicitor wishes to report to City Council with respect to this matter;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the confidential report dated May 22, 2002, from the City Solicitor.”

Council also had before it, during consideration of Motion F(1), the following confidential report and communication:

- (i) (May 22, 2002) from the City Solicitor seeking instructions regarding the McDonald’s Restaurants of Canada Limited lawsuit to quash By-laws and to compel issuance of a building permit for a restaurant at 710 St. Clair Avenue West; and
- (ii) (June 18, 2002) from A. Milliken Heisey, Papazian, Heisey, Myers, Barristers and Solicitors, on behalf of the Humewood Neighbourhood Ratepayer’s Inc., submitting comments with respect to the Interim Control By-law pertaining to 710 St. Clair Avenue West.

Motions:

- (a) Councillor Mihevc moved that Motion F(1) be adopted, subject to adding thereto the following new Operative Paragraph:

“**AND BE IT FURTHER RESOLVED THAT** Recommendation No. (3) embodied in the confidential report dated May 22, 2002, from the City Solicitor, be adopted.”

- (b) Councillor Shiner moved that Motion F(1) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT Recommendations Nos. (1) and (2) embodied in the confidential report dated May 22, 2002, from the City Solicitor, be adopted.”

Votes:

Adoption of motion (a) by Councillor Mihevc:

Yes - 19
Councillors: Ashton, Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Filion, Flint, Hall, Jones, Layton, Lindsay Luby, Mihevc, Moeser, Moscoe, Pantalone, Rae, Tziretas, Walker
No - 9
Councillors: Disero, Feldman, Ford, Holyday, Kelly, Nunziata, Ootes, Shiner, Soknacki

Carried by a majority of 10.

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

Motion F(1) was adopted, as amended.

In summary, Council adopted Motion F(1), subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the following Recommendation No. (3) embodied in the confidential report dated May 22, 2002, from the City Solicitor, be adopted, the balance of such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information which is subject to solicitor-client privilege:

- ‘(3) Council pass a Resolution confirming that, in passing Interim Control By-laws Nos. 2-2002 and 3-2002 at its sittings of February 13-15, 2002, City Council fully intended for the By-laws to bring the proposed re-development of 710-716 St. Clair Avenue West by MacDonald’s Restaurants of Canada

Limited within the provisions of these By-laws.’ ”

S6.68 Proposed ‘Super Hospital’ – Keele Street and Sheppard Avenue

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

Moved by: Councillor Nunziata

Seconded by: Councillor Di Giorgio

“**WHEREAS** the Humber River Regional Hospital has put forward a proposal to build a new ‘Super Hospital’ at Keele Street and Sheppard Avenue, on the former DND lands in Downsview, to replace services currently provided at the Church Street and Finch Street sites and at the former Northwestern General Hospital; and

WHEREAS the Toronto District Health Council has, at the Ontario Provincial Government’s request, reviewed this proposal and rejected it as not being in the best interest of the Community; and

WHEREAS the closure of Northwestern General Hospital has resulted in above average time in the transfer of patients by the Toronto EMS paramedics to the Church Street and Finch Street sites; and

WHEREAS despite the rejection of this proposal by the Toronto District Health Council, the Ontario Provincial Government appears set to proceed with this proposal without having conducted appropriate public consultations on the impact of the delivery of Health Care and of this development on the communities affected;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council formally request the Ontario Provincial Government to commit to a public consultation process on this proposal, prior to any formal decisions being made;

AND BE IT FURTHER RESOLVED THAT the Ontario Provincial Government be requested to commit to public disclosure of all information relevant to this proposal and of all correspondence between the Minister of Health and the Humber River Regional Hospital.”

Disposition:

Having regard that Council did not conclude its consideration of Motion F(2) prior to the end of this meeting, consideration of Motion F(2) was deferred to the next regular meeting of City Council

scheduled to be held on October 1, 2002.

S6.69 Proposed Development – 4277 Lawrence Avenue East

Deputy Mayor Ootes called upon Notice of Motion F(3) appearing on the Order Paper, as follows:

Moved by: Councillor Pitfield

Seconded by: Councillor McConnell

“**WHEREAS** Habitat for Humanity is a non-profit charitable organization which has had many successful years of experience in the development and construction of ownership housing for low income families with children; and

WHEREAS the average sale price of a Toronto home in 2000 was \$243,3000.00 and the average rent of an apartment with three or more units in 2001 was \$1,248.00, meaning that families with lower incomes are having a very difficult time finding suitable housing which they can afford; and

WHEREAS Habitat for Humanity constructs and renovates homes which are then sold to low income families at reduced rates with zero-interest mortgages; and

WHEREAS Habitat for Humanity has previously requested and been granted dispensation from the payment of building permit and planning application fees, consistent with the Council policy supporting the construction of affordable rental housing stock by other non-profit organizations, in order to further reduce housing costs for projects at 2 and 27 Lucy Avenue and the property located at the north-east corner of Lovilla Boulevard and Weston Road; and

WHEREAS Habitat for Humanity is currently evaluating the economic feasibility of constructing and renovating additional houses in Toronto; and

WHEREAS the waiving of building permit and planning application fees would permit the price of these homes to be reduced, making them even more affordable to the families who purchase them; and

WHEREAS City staff have been asked to report on the feasibility of waiving fees on Habitat for Humanity housing projects and other similar non-profit ownership housing projects; and

WHEREAS this report has been delayed due to delays in negotiations between the Federal and Provincial governments with respect to the new federal affordable housing program and this program may also provide funding for affordable ownership housing; and

WHEREAS Habitat for Humanity has recently sent out applications to 508 individuals on

the City of Toronto's Social Housing list and are receiving back 10 of these applications per day; and

WHEREAS Habitat for Humanity is optimistic that most of the families they will provide homes to this year will be selected from this list;

NOW THEREFORE BE IT RESOLVED THAT City Council agree to waive all building permit and planning application fees for Habitat for Humanity Housing Projects for the development of 15 townhouses at 4277 Lawrence Avenue East, the properties located at the vacant lots at Neilson Road and McLevin Avenue and on all land deemed surplus by the City of Toronto and transferred to Habitat for Humanity to build affordable housing."

Motion:

Councillor Pitfield moved that Motion F(3) be adopted, subject to deleting from the Operative Paragraph all of the words after the words "McLevin Avenue", and inserting, prior to the words "the properties", the word "and", so that such Operative Paragraph shall now read as follows:

"NOW THEREFORE BE IT RESOLVED THAT City Council agree to waive all building permit and planning application fees for Habitat for Humanity Housing Projects for the development of 15 townhouses at 4277 Lawrence Avenue East, and the properties located at the vacant lots at Neilson Road and McLevin Avenue."

Votes:

The motion by Councillor Pitfield carried.

Motion F(3), as amended, carried.

Motion to Re-Open:

Councillor Cho, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion F(3) be re-opened for further consideration, the vote upon which was taken as follows:

Yes - 14	
Councillors:	Altobello, Ashton, Cho, Di Giorgio, Feldman, Filion, Flint, Ford, Holyday, Li Preti, Mihevc, Ootes, Pantalone, Walker
No - 18	
Councillors:	Augimeri, Berardinetti, Bussin, Chow, Disero, Duguid, Hall, Layton, Mammoliti, Minnan-Wong, Moscoe, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland

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

S6.70 City of Toronto Appointments to the University Health Network Board of Trustees

Deputy Mayor Ootes called upon Notice of Motion F(4) appearing on the Order Paper, as follows:

Moved by: Councillor Lindsay Luby

Seconded by: Councillor Ootes

“WHEREAS the City of Toronto appoints three citizens to the University Health Network Board of Trustees; and

WHEREAS the University Health Network has applied to the Province of Ontario to amend the Toronto Hospital Act with the effect of eliminating the City of Toronto’s three appointees; and

WHEREAS the University Health Network has requested that the City indicate that it does not object to these changes so that legislation may be introduced at the current session of the Legislature of the Province of Ontario; and

WHEREAS the current legislative session is anticipated to end on June 27, 2002, and therefore, this request has an urgent legislative deadline;

NOW THEREFORE BE IT RESOLVED THAT Council consider the report dated June 18, 2002, from the Chief Administrative Officer, entitled ‘City of Toronto Appointments to University Health Network Board of Trustees’, and that such report be adopted;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

Council also had before, during consideration of Motion F(4), a report dated June 18, 2002, from the Chief Administrative Officer, entitled “City of Toronto Appointments to University Health Network Board of Trustees, Wards 20 - Trinity-Spadina, and 27 - Toronto Centre-Rosedale”. (See Attachment No. 1, Page 187.)

Vote:

Motion F(4) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated June 18, 2002, from the Chief Administrative Officer, embodying the following recommendations:

“It is recommended that:

- (1) Council indicate that it does not object to the proposal by the University Health Network that the Province of Ontario amend the Toronto Hospital Act, 1997 as it relates to the elimination of the three citizens appointed to the University Health Network Board of Trustees by the City of Toronto;
- (2) Council encourage the University Health Network Board of Trustees to maintain a mechanism to receive and consider community input into the vital services that this large healthcare network provides; and
- (3) the City Clerk be directed to communicate Council’s decision to the President and Chief Executive Officer of the University Health Network immediately, so that it can be forwarded to the Province in time for the current legislative session.”

S6.71 Sidewalk Construction on Birchwood Avenue, between Gordon Avenue and Highland Crescent

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

Moved by: Councillor Flint

Seconded by: Councillor Walker

“**WHEREAS** City Council at its meeting held on October 2, 3 and 4, 2001, adopted, without amendment, Midtown Community Council Report No. 7, Clause No. 32, headed ‘Sidewalk Construction on Birchwood Avenue, between Gordon Avenue and Highland Crescent (Don Valley West - Ward 25)’ (See Schedule ‘A’); and

WHEREAS there are 18 directly-affected households on the portion of Birchwood Avenue to be reconstructed, between Highland Crescent and Beechwood Avenue; and

WHEREAS a recent poll conducted by residents on this portion indicates that 13 households wish the road to be reconstructed with no sidewalks (1 is opposed and no response was received from 4). Of the 13, 7 do not want the road reconstructed if sidewalks are included; 3 wish to proceed nevertheless; and 3 offer no second choice because they are strongly opposed to doing nothing (see attached Schedule ‘B’); and

WHEREAS some of these residents feel that their opinions (see attached Schedule ‘C’), were not adequately considered at the September 12, 2001 Midtown Community Council meeting and would like to appeal the Toronto City Council decision to construct a sidewalk;

and

WHEREAS, in order for an appeal to be considered, the matter must be re-opened at Toronto City Council;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Midtown Community Council Report No. 7, Clause No. 32, headed 'Sidewalk Construction on Birchwood Avenue, between Gordon Avenue and Highland Crescent (Don Valley West - Ward 25)', be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council give further consideration to the reconstruction of the road and sidewalk on Birchwood Avenue, between Highland Crescent and Beechwood Avenue."

(A copy of the attachments referred to in the foregoing Motion are on file in the Office of the City Clerk.)

Vote:

Adoption of the first Operative Paragraph embodied in Motion I(1):

Yes - 13	
Councillors:	Altobello, Ashton, Berardinetti, Cho, Di Giorgio, Filion, Flint, Ford, Hall, Holyday, Shaw, Silva, Walker
No - 20	
Councillors:	Augimeri, Bussin, Chow, Disero, Duguid, Feldman, Jones, Layton, Li Preti, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki, Sutherland

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

Having regard to the foregoing decision of Council, Motion I(1) was not adopted.

S6.72 **Enforcement of Smoking By-law**

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

Moved by: **Councillor Sutherland**

Seconded by: Councillor Pitfield

“**WHEREAS** it has been observed by restaurant and bar owners that enforcement of the City’s Smoking By-law is uneven and sporadic; and

WHEREAS some restaurant and bar owners are abiding by the City’s Smoking By-law; and

WHEREAS other restaurant and bar owners are not abiding by the Smoking By-law; and

WHEREAS some restaurant and bar patrons intentionally frequent establishments where the Smoking By-law is not adhered to, and/or where the By-law is not regularly enforced; and

WHEREAS this creates an uneven playing field in terms of patronage to restaurants and bars and, in some cases, restaurants and bars that willingly comply with the Smoking By-law now experience a fall-off of customers;

NOW THEREFORE BE IT RESOLVED THAT the Medical Officer of Health be requested to report to the Board of Health, as soon as possible, on mechanisms to ensure that the Smoking By-law is enforced on an egalitarian basis, and that all establishments are treated fairly;

AND BE IT FURTHER RESOLVED THAT the necessary enforcement be carried out through the existing Board of Health 2002/2003 budget.”

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 I(2) to the Board of Health would have to be waived in order to now consider such Motion.

Procedural Vote:

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

Vote:

Motion I(2) was adopted, without amendment.

S6.73 Support to Defend Against the Appeal With Respect to the Sale of Hydro One

Deputy Mayor Ootes called upon Notice of Motion I(3) appearing on the Order Paper, as follows:

Moved by: **Councillor Layton**

Seconded by: **Councillor Miller**

“**WHEREAS** City Council on April 16, 17 and 18, 2002, adopted a number of motions as part of Policy and Finance Committee Report No. 6, Clause No. 1, headed ‘Implications of the Sale of Hydro One for the City of Toronto’, calling on the Provincial Government to stop the sale of Hydro One because of the many negative impacts such a sale could have on Torontonians; and

WHEREAS City Council on April 16, 17, and 18, 2002, adopted a motion stating ‘that the Mayor and Members of the Toronto City Council ask the Provincial Government and the new Premier of Ontario, Ernie Eves, to cancel the decision to privatize Hydro One and deregulate the energy market’; and

WHEREAS the Province is appealing the Superior Court decision made on April 19, 2002, that stopped the sale of Hydro One; and

WHEREAS the Communications, Energy and Paperworkers Union of Canada and the Canadian Union of Public Employees are defending against the appeal launched by the Ontario Government with regards to the April 19, 2002 Superior Court decision to stop the sale of Hydro One; and

WHEREAS given City Council’s position on the sale of Hydro One, it is in the interest of the City to help the Communications, Energy and Paperworkers Union of Canada and the Canadian Union of Public Employees in their defense against the appeal launched by the Ontario Government with regards to the April 19, 2002 Superior Court decision to stop the sale of Hydro One; and

WHEREAS timely support by the City to the Communications, Energy and Paperworkers Union of Canada and the Canadian Union of Public Employees in their defense against the appeal launched by the Ontario Government will greatly improve their ability to launch a successful defence;

NOW THEREFORE BE IT RESOLVED THAT the City support the action of the Communications, Energy and Paperworkers Union of Canada and the Canadian Union of Public Employees as they defend against the appeal launched by the Ontario Government with regards to the April 19, 2002 Superior Court decision to stop the sale of Hydro One at the Ontario Court of Appeal and that this support be 25 percent (or up to a maximum of \$40,000.00) of the legal fees;

AND BE IT FURTHER RESOLVED THAT funds be drawn for this purpose from the Legal Department Account for outside legal advice;

AND BE IT FURTHER RESOLVED THAT the Association of Municipalities of Ontario and Ontario cities with population over 50,000 be requested to consider joining the City of Toronto in providing financial support.”

Motion:

Councillor Layton, with the permission of Council, moved that consideration of Motion I(3) be deferred to the next regular meeting of City Council scheduled to be held on October 1, 2002, and the Chief Administrative Officer be requested to submit a report directly to City Council, for consideration therewith, on the status of the legal proceedings.

Vote:

The motion by Councillor Layton carried.

S6.74 Request to the Crown Attorney’s Office for Youth Suspects to be Tried in Adult Court

Deputy Mayor Ootes called upon Notice of Motion I(4) appearing on the Order Paper, as follows:

Moved by: Councillor Milczyn

Seconded by: Councillor Nunziata

“**WHEREAS** over the course of three days, starting on June 7, 2002, the residents of the City of Toronto were shocked by a series of carjackings; and

WHEREAS during the course of these carjackings, firearms were used; and

WHEREAS the victims of these carjackings were threatened, pistol-whipped, held against their will, terrorised and degraded; and

WHEREAS the Toronto Police Service has arrested five suspects in connection with these crimes; and

WHEREAS some of the suspects in custody are 17 years of age;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto express its concern and sympathy to the victims of these crimes;

AND BE IT FURTHER RESOLVED THAT Council request that the Crown Attorney's office pursue having the youth suspects in this case tried as Adult Offenders."

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 I(4) 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 I(4) to the Policy and Finance Committee was taken as follows:

Yes - 16	
Councillors:	Altobello, Ashton, Berardinetti, Cho, Disero, Duguid, Ford, Hall, Li Preti, Mammoliti, Milczyn, Pitfield, Shaw, Silva, Soknacki, Sutherland
No - 18	
Councillors:	Augimeri, Bussin, Chow, Di Giorgio, Feldman, Filion, Flint, Holyday, Jones, Layton, Mihevc, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Shiner, Walker

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

Having regard that the motion to waive referral did not carry, Motion I(4) was referred to the Policy and Finance Committee.

S6.75 **Support for Historic Places Initiative**

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(1), moved by Councillor Layton, seconded by Councillor Johnston, and, in the absence of Councillor Johnston, seconded by Councillor Walker, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Layton

Seconded by: Councillor Walker

“**WHEREAS** the opening ceremony of the annual meeting of the Federation of Canadian

Municipalities (FCM) was held on May 31, 2002, in Hamilton, Ontario; and

WHEREAS at the opening ceremony of the 2002 Annual Meeting of the FCM, the Honourable Sheila Copps, Minister of Canadian Heritage, announced the creation of a Heritage Caucus comprised of the Department of Canadian Heritage and the FCM working together to facilitate the development and implementation of the federal government's Historic Places Initiative; and

WHEREAS the Historic Places Initiative includes the creation of a Canadian Register of Historic Places, the development of conservation standards and guidelines for use across the country, a certification process, a Canadian heritage policy, and the introduction of federal tax credits to encourage the preservation and restoration of heritage buildings; and

WHEREAS the City of Toronto is participating as one of several municipalities in the development of the Historic Places Initiative, through pilot project studies to evaluate the conservation standards and guidelines developed by the federal government; and

WHEREAS the establishment of federal tax credits will provide an important incentive for property owners to undertake certifiable preservation and restoration initiatives, in accordance with the conservation standards and guidelines;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto extend to the FCM and the Department of Canadian Heritage its support for the Historic Places Initiative, and its hope that as part of its mandate, the Heritage Caucus will build a solid case in support of federal tax incentives as an essential tool to assist in the preservation and restoration of Canada's built heritage."

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(1) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(1) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(1) was adopted, without amendment.

S6.76 Proposed Censure of Mayor Melvin Lastman

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(2):

Moved by: Councillor Walker

Seconded by: Councillor Bussin

“**WHEREAS** Mayor Melvin Lastman has been actively responsible for failed labour relations that have resulted in the largest municipal strike in Canadian history; and

WHEREAS Mayor Melvin Lastman has publicly threatened politically-motivated legal action against a Member of Council; and

WHEREAS Mayor Melvin Lastman has actively and publicly welcomed a known organized crime group to the City, contrary to police efforts; and

WHEREAS Mayor Melvin Lastman bears responsibility for the maladministration of computer service contracts entered into by the City, creating a loss of public confidence in the City’s ability to effectively manage taxpayer money; and

WHEREAS Mayor Melvin Lastman has made public statements pertaining to Africans that demonstrate seriously flawed judgement concerning issues of ethnicity and multiculturalism; and

WHEREAS an audit has produced an incomplete explanation of the increase in spending from \$21 to \$45 million for Toronto’s 2008 Olympic Bid directed by Mayor Melvin Lastman; and

WHEREAS, through a consistent pattern of back room dealing, Mayor Melvin Lastman has effectively undermined the heritage of political openness and inclusiveness that has previously brought international acclaim to the City; and

WHEREAS the Mayor’s repeated pattern of the heavy-handed control of elected and appointed officials has created an environment of intolerance, inhibited individual creativity, dampened a spirit of idealism, and minimized the role of some Members; and

WHEREAS Mayor Melvin Lastman’s extensive absences from his duties have fuelled a growing public perception of a lack of interest and commitment on his part to the important duties of Chief Magistrate of the City;

NOW THEREFORE BE IT RESOLVED THAT Mayor Melvin Lastman has acted in ways that have brought the City, its Council and the Office of the Mayor into public dishonour and disrepute;

AND BE IT FURTHER RESOLVED THAT Mayor Melvin Lastman has carried out his duties in a frequently repressive, reactive and inconsistent manner that has brought harm to the reputation of City Council, undermined its opportunities, and invited public contempt and ridicule;

AND BE IT FURTHER RESOLVED THAT the Toronto City Council hereby censures Melvin Lastman for his practices and actions as Mayor.”,

the vote upon which was taken as follows:

Yes - 30	
Councillors:	Altobello, Ashton, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Layton, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 4	
Councillors:	Augimeri, Korwin-Kuczynski, Li Preti, Mihevc

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 Motion J(2) 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(2) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Duguid moved that Motion J(2) be received.

Vote Be Now Taken:

Councillor Soknacki 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 - 26 Councillors:	Altobello, Balkissoon, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki, Sutherland, Tziretas
No - 11 Councillors:	Ashton, Augimeri, Bussin, Chow, Holyday, Jones, Layton, Moscoe, Shaw, Silva, Walker

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

Permission to Withdraw Motion:

Councillor Duguid requested the permission of Council to withdraw his foregoing motion, the vote upon which was taken as follows:

Yes - 28 Councillors:	Balkissoon, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 10 Councillors:	Altobello, Ashton, Augimeri, Chow, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Moscoe

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

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the foregoing decisions of Council, ruled that the vote be now taken on Motion J(2).

Councillor Layton challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 30 Councillors: Altobello, Ashton, Balkissoon, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 8 Councillors: Augimeri, Bussin, Chow, Holyday, Jones, Layton, Moscoe, Walker

Carried by a majority of 22.

Request for Separate Votes:

Councillor Layton requested that the Operative Paragraphs in Motion J(2) be voted on separately.

Ruling by Deputy Mayor:

Deputy Mayor Ootes, having regard to the nature of Motion J(2), ruled that Council vote on such Motion in its entirety.

Councillor Layton challenged the ruling of the Deputy Mayor.

Vote to Uphold Ruling of Deputy Mayor:

Yes - 27 Councillors: Altobello, Balkissoon, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas
No - 11 Councillors: Ashton, Augimeri, Bussin, Chow, Holyday, Jones, Layton, Mihevc, Moscoe, Pantalone, Walker

Carried by a majority of 16.

Vote:

Adoption of Motion J(2), without amendment:

Yes - 7 Councillors:	Augimeri, Bussin, Chow, Jones, Layton, Moscoe, Walker
No - 31 Councillors:	Altobello, Balkissoon, Cho, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Ford, Hall, Holyday, Kelly, Korwin-Kuczynski, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 24.

S6.77 Proposed Area Traffic Management Study – Deer Park: Area Bounded by Avenue Road, St. Michael’s Cemetery and Rosehill Avenue, Vale of Avoca and Mount Pleasant Cemetery, and Frobisher Avenue

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(3), moved by Councillor Walker, seconded by Councillor Miller, and, in the absence of Councillor Miller, seconded by Councillor Mihevc, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Mihevc

“WHEREAS in June of 2002, Councillor Walker’s office received the attached request from the President of the Deer Park Ratepayers’ Group, Mr. John McGinnis, regarding traffic issues in Deer Park; and

WHEREAS this formal request on behalf of the ratepayers’ group is in response to strong concerns from residents; and

WHEREAS Mr. Stephen Benjamin, Manager of Traffic Operations, District One, and his staff are aware of this situation and have witnessed resident concern at a public meeting that was held in the area late last June; and

WHEREAS Mr. Stephen Benjamin has recommended that the group submit a request to the City Clerk regarding the feasibility of an area traffic management study;

NOW THEREFORE BE IT RESOLVED THAT the area bounded by Avenue Road, St. Michael's Cemetery and Rosehill Avenue, Vale of Avoca and Mount Pleasant Cemetery, and Frobisher Avenue be formalized for a traffic management study;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Works and Emergency Services be authorized to seek solutions to reduce speed and volume of traffic on residential streets in this area;

AND BE IT FURTHER RESOLVED THAT Toronto City Council instruct City staff to prepare an Area Traffic Management Study for Deer Park.”

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 Midtown 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 Midtown Community Council was taken as follows:

Yes - 23 Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Flint, Ford, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Silva, Soknacki, Tziretas, Walker
No - 12 Councillors:	Ashton, Disero, Duguid, Feldman, Filion, Holyday, Milczyn, Minnan-Wong, Ootes, Shaw, Shiner, Sutherland

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

Having regard that the motion to waive referral did not carry, Motion J(3) was referred to the Midtown Community Council.

Council also had before it, for consideration with Motion J(3), the following communication and report:

- (i) (June 24, 2002) from John A. McGinnis, President, Deer Park Ratepayers' Group Inc., addressed to Councillor Walker, entitled "Request for Comprehensive Deer Park Traffic Study", which is on file in the Office of the City Clerk; and

- (ii) (July 30, 2002) from the Commissioner of Works and Emergency Services, entitled “Proposed Area Traffic Management Study – Deer Park: Area bounded by Avenue Road, St. Michael’s Cemetery and Rosehill Avenue, Vale of Avoca and Mount Pleasant Cemetery, and Frobisher Avenue [Notice of Motion J(3)] (St. Paul’s, Ward 22)” (See Attachment No. 2, Page 190).

S6.78 Intersections of Dunvegan Road and Warren Road with St. Clair Avenue West - Proposed Prohibition of Southbound Left Turns

Councillor Walker 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(4), moved by Councillor Walker, seconded by Councillor Miller, and, in the absence of Councillor Miller, seconded by Councillor Mihevc, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Walker

Seconded by: Councillor Mihevc

“**WHEREAS** City Council at its meeting held on June 18, 19 and 20, 2002, adopted, without amendment, Midtown Community Council Report No. 6, Clause No. 16, headed ‘Intersections of Dunvegan Road and Warren Road with St. Clair Avenue West - Southbound Approaches – Proposed Prohibition of Southbound Left Turns (St. Paul’s - Ward 22)’; and

WHEREAS the North Hill District Home Owners Association requests that these new prohibitions be rescinded; and

WHEREAS the signage and appropriate changes to the intersections to incorporate the prohibitions have not yet been completed; and

WHEREAS it is the opinion of many residents that these prohibitions could be detrimental to the area if implemented before other parts of a traffic management plan for the area are implemented;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Midtown Community Council Report No. 6, Clause No. 16, headed ‘Intersections of Dunvegan Road and Warren Road with St. Clair Avenue West - Southbound Approaches – Proposed Prohibition of Southbound Left Turns (St. Paul’s - Ward 22)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the southbound left turn prohibitions from Dunvegan Road and from Warren Road onto St. Clair Avenue West, from 7:30 a.m. to 9:00 a.m., Monday to Friday, be rescinded;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.”

Votes:

The first Operative Paragraph embodied in Motion J(4) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(4) carried, without amendment.

S6.79 Proposed Closing of Ford Motor Company’s Ontario Truck Plant

Councillor Silva 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 Silva

Seconded by: Councillor Pantalone

“**WHEREAS** the Ford Motor Company’s Ontario Truck Plant has been in operation since 1965, and has received accolades over the past few years for being number one in quality and the second most efficient plant in the Ford manufacturing network; and

WHEREAS the Ontario Truck Plant is a success story, producing 520 vehicles per shift/day with a substantial competitive advantage to Ford plants in the United States; and

WHEREAS the Ford Motor Company announced on January 11, 2002, that the Ontario Truck Plant would be closing at the end of 2003, with the loss of over 1,400 jobs; and

WHEREAS each lost plant job translates into a further six lost job opportunities in the extended employment market that makes up the automotive industry in Toronto and the rest of Ontario; and

WHEREAS the automotive industry is a leading segment of Toronto's and Ontario's economy, and vital to the ongoing economic success of Toronto and the surrounding regions; and

WHEREAS the Ford Motor Company's proposal to close, instead of planning to expand with additional shifts, a plant that achieves tremendous results in quality and efficiency is counter-productive;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto call upon the Ford Motor Company to reconsider the decision to close the Ontario Truck Plant and commit itself to re-investing and growing its operations in Ontario;

AND BE IT FURTHER RESOLVED THAT the City of Toronto call upon the provincial and federal governments to assist in convincing the Ford Motor Company to keep the Ontario Truck Plant open."

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 Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(5) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(5) was adopted, without amendment.

S6.80 **Appointments to the Aboriginal Affairs Community Advisory Committee**

Councillor Shiner 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), moved by Councillor Lindsay Luby, seconded by Councillor Pitfield, and, in the absence of Councillor Lindsay Luby, moved by Councillor Shiner, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Shiner**

Seconded by: **Councillor Pitfield**

“**WHEREAS** the Chief Administrative Officer has submitted a report dated June 10, 2002, with a confidential Appendix A, recommending the appointment of additional community members to the Aboriginal Affairs Community Advisory Committee; and

WHEREAS this report was to have been considered by the Nominating Committee at a meeting scheduled to be held on July 4, 2002, which meeting was cancelled during the labour disruption; and

WHEREAS a community selection panel has short-listed, interviewed and recommended candidates for appointment by Council; and

WHEREAS there is some urgency to this matter, as vacancies on the Aboriginal Affairs Committee need to be filled, so that the Committee can attain quorum and do business;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the aforementioned report dated June 10, 2002, from the Chief Administrative Officer, and that such report be adopted;

AND BE IT FURTHER RESOLVED THAT authority be granted for the introduction of the necessary bills in Council to give effect thereto;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take the necessary action 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(6) to the Nominating 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 Nominating Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(6), a report dated June 10, 2002, from the Chief Administrative Officer, entitled “Appointment of Additional Community Members to the Aboriginal Affairs Community Advisory Committee” (See Attachment No. 3, Page 194).

Vote:

Motion J(6) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated June 10, 2002, from the Chief Administrative Officer, embodying the following recommendations:

“It is recommended that:

- (1) City Council approve the appointment of community members to fill vacancies on the Aboriginal Affairs Community Advisory Committee as listed in Appendix A, distributed under confidential cover to Members of Council; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto”.

Persons recommended for appointment, as listed in Appendix A to the aforementioned report, such Appendix now public in its entirety:

Bonny Cann;
Ramsey Kane;
Monica McKay; and
Blanch White.

S6.81 **Ontario Municipal Hearing Respecting 209A and 209B Scarborough Road**

Councillor Bussin 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 Bussin

Seconded by: Councillor Altobello

“**WHEREAS** on April 24, 2002, the Committee of Adjustment refused variances for lot coverage and rear deck height relating to properties municipally known as 209A and 209B Scarborough Road; and

WHEREAS the applicant has now appealed the Committee of Adjustment’s decision to the Ontario Municipal Board; and

WHEREAS the Committee of Adjustment refused the variances on the grounds that the general intent and purpose of the Zoning By-law had not been maintained, the variances were not considered desirable for the appropriate development of the land and, in the opinion of the Committee, the variances were not minor; and

WHEREAS City Planning staff have indicated that they cannot support the Committee of Adjustment's decision; and

WHEREAS a hearing could be scheduled by the Ontario Municipal Board prior to the next scheduled Council meeting of October 1, 2 and 3, 2002, thus making this matter time sensitive and urgent;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to attend at the Ontario Municipal Board hearing in support of the Committee of Adjustment's decision and to retain an outside planning consultant and such other consultants which the City Solicitor deems necessary to support the City's position."

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 Toronto East York Community Council 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 Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(7) was adopted, without amendment.

S6.82 Introduction of Complementary Uses – Centennial Community Centre

Councillor Duguid 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(8), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Duguid

Seconded by: Councillor Altobello

“WHEREAS the Centennial Community Centre is a regional community and recreational resource; and

WHEREAS its value to the community would be enhanced through the introduction of complementary uses; and

WHEREAS the Ellesmere Road frontage of the Centre property may provide an opportunity for locating such complementary uses;

NOW THEREFORE BE IT RESOLVED THAT City Planning staff be requested to investigate, in consultation with appropriate City staff, complementary uses to the Centennial Community Centre and report thereon to the Scarborough Community Council in the first quarter of 2003, for direction related to possible enabling amendments to the Official Plan and Zoning By-law.”

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(8) to the Scarborough Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(8) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(8) was adopted, without amendment.

S6.83 Ontario Municipal Board Appeal – 135 St. Clair Avenue West

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

Moved by: Councillor Walker

Seconded by: Councillor Pitfield

“**WHEREAS** an application was made to the City of Toronto for an Official Plan Amendment and Re-zoning for the property located at 135 St. Clair Avenue West to permit the construction of a 24-storey condominium at 6.65 times the area of the lot and 98 metres high; and

WHEREAS at its meeting of June 4, 2002, Midtown Community Council recommended the refusal of the application outright, due to the excessive size of the proposal relative to the in-force By-laws, Official Plans and the pattern of development in the area and City Council adopted the Community Council’s recommendation in this regard; and

WHEREAS the developer has appealed to the Ontario Municipal Board and is requesting a ‘fast track’ date; and

WHEREAS another application has been made on the southwest corner of Avenue Road and St. Clair Avenue West for larger increases in height and density far in excess of those contemplated in in-force and proposed planning documents and residents are concerned about possible precedent setting on this site at 135 St. Clair Avenue West;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to appear before the Ontario Municipal Board to defend the decisions of the Midtown Community Council and City Council;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be directed, if necessary, to retain outside planning advice to defend the decision of the Midtown Community Council and City 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(9) to the Midtown Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

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

Vote:

Motion J(9) was adopted, without amendment.

S6.84 **Supreme Court of Canada’s Hudson Decision - Potential for Expansion of Municipal Powers**

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

Moved by: Councillor Moscoe

Seconded by: Councillor Soknacki

“**WHEREAS** the Supreme Court of Canada, in the Hudson Decision on July 28, 2001, confirmed that local government ‘Omnibus Powers’ ought to be given a broad interpretation; and

WHEREAS this opens the door to enhancing the powers of municipalities; and

WHEREAS the attached opinion commissioned by the Federation of Canadian Municipalities from Donald Lidstone of Lidstone, Young, Anderson, reviewed the importance of the Hudson decision to municipalities;

NOW THEREFORE BE IT RESOLVED THAT this matter be referred to Legal Services;

AND BE IT FURTHER RESOLVED THAT Legal Services prepare for Council a discussion paper on how the Hudson case can be utilized by the City of Toronto to expand its municipal powers.”

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(10) 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(10) to the Policy and Finance Committee was taken as follows:

Yes - 28	
Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Ford, Jones, Kelly, Korwin-Kuczynski, Layton, Mammoliti, Mihevc, Moscoe, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 6	
Councillors:	Ashton, Flint, Holyday, Li Preti, Minnan-Wong, Ootes

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

Council also had before it, during consideration of Motion J(10), the case comment on the Hudson Case which was commissioned by the Federation of Canadian Municipalities and prepared by Donald Lidstone of Lidstone, Young, Anderson, a copy of which is on file in the Office of the City

Clerk.

Vote:

Motion J(10) was adopted, without amendment.

S6.85 Appointment to the St. Lawrence Centre for the Arts Board of Directors

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

Moved by: Councillor Disero

Seconded by: Councillor Rae

“WHEREAS Bluma Appel has, for decades, been an enduring supporter of the Arts in Toronto; and

WHEREAS she was a major contributor to the St. Lawrence Centre for the Arts last capital renovations campaign and the naming donor of the Centre’s Bluma Appel Theatre; and

WHEREAS the former City of Toronto had always appointed a member of the Appel family to the Board of Directors of the St. Lawrence Centre for the Arts, in recognition of their contributions to that theatre; and

WHEREAS Ms. Bluma Appel has expressed an interest in returning to that Board;

NOW THEREFORE BE IT RESOLVED THAT the relevant provisions of Chapter 11 of the former City of Toronto Municipal Code be amended to increase the composition of the Board of Directors of the St. Lawrence Centre for the Arts by one citizen member;

AND BE IT FURTHER RESOLVED THAT notwithstanding Council’s adoption, on March 6, 7 and 8, 2001, of Clause No. 2 of Report No. 1 of The Nominating Committee, and on April 13, 14 and 15, 1999, of the Policy for Citizen Appointments through the Nominating Committee, Toronto City Council appoint Bluma Appel to the Board of Directors of the St. Lawrence Centre for the Arts, for a term of office expiring November 30, 2003, and until her successor is appointed;

AND BE IT FURTHER RESOLVED THAT authority be granted for the introduction of the necessary bills in Council to give effect thereto;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take the necessary action 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(11) 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(11) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(11) was adopted, without amendment, more than two-thirds of Members present having voted in the affirmative.

S6.86 Toronto Community Housing Corporation Sale of Vacant Land at 4020 Dundas Street West

Councillor Chow 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 Chow

Seconded by: Councillor Duguid

“**WHEREAS** City Council at its meeting held on October 2, 3 and 4, 2001, adopted, as amended, Joint Report No. 1 of The Policy and Finance Committee and The Community Services Committee, Clause No. 1, headed ‘Shareholder Direction to the Toronto Community Housing Corporation (“TCHC”); and

WHEREAS the Toronto Community Housing Corporation (“TCHC”) wishes to sell 0.71 acres of vacant land at 4020 Dundas Street West, Toronto; and

WHEREAS the TCHC requires the approval of the Shareholder for the proposed disposition under the City’s Shareholder Direction and the TCHC requires the approval of the City of Toronto, as service manager, under the federal operating agreement, pursuant to the Social Housing Reform Act, 2000; and

WHEREAS due to the time sensitivity of closing of the proposed transaction, it is necessary that the matter be considered at the July 2002 Council meeting;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the report dated July 23, 2002, from the Commissioner of Community and Neighbourhood Services, and that such report be adopted.”

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 Community Services Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(12) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(12), a report dated July 23, 2002, from the Commissioner of Community and Neighbourhood Services, entitled "Toronto Community Housing Corporation ('TCHC') Sale of 0.71 Acres of Vacant Land Being Part of 4020 Dundas Street West, Toronto, ('the Property') (Ward 13 Parkdale - High Park)" (See Attachment No. 4, Page 197).

Vote:

Motion J(12) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated July 23, 2002, from the Commissioner of Community and Neighbourhood Services, embodying the following recommendations:

"It is recommended that:

- (1) the sale by TCHC of 0.71 acres of vacant land being part of the Property located in the northwest corner of Dundas Street West and Scarlett Road, and being an irregular shape having a frontage of approximately 266 feet on Dundas Street and depths of approximately 48 to 142 feet, be approved by the City of Toronto, in its capacity as Shareholder, pursuant to section 6.3.1 (b) of the Shareholder Direction, on condition that the net sale proceeds be deposited into TCHC's reserve account for capital repairs and a portion of the proceeds to be applied to capital repairs to the Property;
- (2) the Shelter, Housing and Support Division of the Community and Neighbourhood Services Department be authorized to approve the sale by TCHC of the vacant land described in Recommendation No. (1) on behalf of the City of Toronto, in its capacity as service manager, as required under the federal operating agreement administered by the City of Toronto pursuant to Transfer Order No. 22-4/2001 made under the Social Housing Reform Act, 2000 (the 'SHRA');

- (3) the Shelter, Housing and Support Division of the Community and Neighbourhood Services Department be authorized to submit a business case to the Minister of Municipal Affairs and Housing, on behalf of TCHC, to seek Ministry approval pursuant to Ministry guidelines; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect to Recommendations Nos. (2) and (3).”

S6.87 Request of Federal Government pertaining to the Superior Court of Ontario Ruling on Same Sex Marriages

Councillor Rae 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 Rae

Seconded by: Councillor Disero

“**WHEREAS** the people of Toronto have been in the forefront of efforts to create a compassionate society which recognizes the inherent dignity of all its members; and

WHEREAS in 1973, the City of Toronto established the Non-Discrimination Policy which includes gays and lesbians as a protected group, in advance of any other Canadian City; and

WHEREAS on August 10, 1981, Toronto City Council called upon the Province to amend the Ontario Human Rights Code to include ‘sexual orientation’ as a prohibited ground of discrimination, which the Province finally amended in 1986; and

WHEREAS in 1986, the Ontario Human Rights Code was amended to include sexual orientation as a protected group; and

WHEREAS in 1991, Lesbian and Gay Pride Day was officially proclaimed in Toronto; and

WHEREAS in 1992, City Council extended employment benefits to civic employees in same-sex spousal relationships, in advance of provincial government legislation in 1995; and

WHEREAS in 1996, sexual orientation was included in the Canadian Human Rights Act; and

WHEREAS in 1998, the amalgamated City of Toronto reaffirmed an anti-discrimination policy, which included protection based on sexual orientation and gender identity, among others; and

WHEREAS in 1999, as a result of continuing City advocacy, OMERS, the City's pension benefit provider, announced the extension of pension benefits to the same-sex spouses of City employees, in advance of federal and provincial government legislation; and

WHEREAS in 1999, the Ontario Legislature passed Bill 5 that provided the same rights and obligations to same-sex spouses as common-law spouses in every piece of provincial legislation; and

WHEREAS in 2000, the Federal government passed Bill C23, extending full benefits and obligations under federal jurisdiction to all same-sex relationships; and

WHEREAS Toronto City Council policies and benefits recognize same-sex and opposite-sex spouses as having equal status; and

WHEREAS in 2002, the Ontario Superior Court ruled unanimously that the definition of marriage as being exclusively between a man and a woman is unconstitutional and should be struck down;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council strongly requests the Prime Minister of Canada to direct the Attorney General's office not to pursue the appeal of the Ontario Superior Court ruling;

AND BE IT FURTHER RESOLVED THAT Toronto City Council strongly requests the Prime Minister of Canada to take immediate steps to allow marriages between persons of the same sex;

AND BE IT FURTHER RESOLVED THAT, recognizing that the City Clerk is a party to the litigation, City Council request that the City Clerk advise the Courts on the appeal that City of Toronto Council endorses the decision of the Ontario Divisional Court."

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

Procedural Vote:

The vote to waive referral of Motion J(13) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(13), communications from the following, pertaining to the Superior Court of Ontario's ruling on same sex marriages, copies of which are on file in the Office of the City Clerk:

- (July 31, 2002) from Greg W. Johns;
- (July 31, 2002) from Jennifer Mason;
- (July 31, 2002) from Fionnuala Martin;
- (July 31, 2002) from Alec S. Kaminsky;
- (July 31, 2002) from Shelley M. Hobbs;
- (July 31, 2002) from John Kennedy;
- (July 31, 2002) from Salman Nensi;
- (July 30, 2002) from Steve Bourgeois and Konrad Merner;
- (July 31, 2002) from Rochelle Strauss;
- (July 30, 2002) from Zak Bailey;
- (July 30, 2002) from Matt Hughes and Roger Johnson;
- (July 31, 2002) from Richard Telfer, Ontario National Executive Representative of the Canadian Federation of Students;
- (July 30, 2002) from Sam Archer;
- (July 30, 2002) from Jenny Marino;
- (July 30, 2002) from Marie Robertson;
- (July 30, 2002) from Kevin Maisonville;
- (July 18, 2002) from Mark Grieveson;
- (July 18, 2002) from Daniel Greanya, together with the signatures of 13 others;
- (July 18, 2002) from Sandi Facciolo;
- (July 23, 2002) from James L.N.G. Hamilton;
- (July 29, 2002) from Grace Chang;
- (July 18, 2002) from Timothy C.S. Hemming;
- (July 31, 2002) from Christopher Wokral;
- (July 31, 2002) from Peter Schneider;
- (July 31, 2002) from Sara Catalarranas;
- (July 31, 2002) from Marc Glockner-Kaiser;
- (July 31, 2002) from Robb Travers;
- (July 31, 2002) from Bill Baker;
- (July 31, 2002) from Ken Davies;
- (July 31, 2002) from Rosanne Metz; and
- (July 31, 2002) from John Pollard.

Vote:

Adoption of Motion J(13), without amendment:

Yes - 27	
Councillors:	Ashton, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Jones, Kelly, Layton, Mammoliti, Mihevc, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 6	
Councillors:	Altobello, Ford, Holyday, Korwin-Kuczynski, Li Preti, Minnan-Wong

Carried by a majority of 22.

Motion to Re-Open:

Mayor Lastman, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(13) be re-opened for further consideration, only insofar as it pertains to the vote thereon, in order that he may be recorded as in support of such Motion, which carried, more than two-thirds of Members present having voted in the affirmative.

Revised vote on the adoption of Motion J(13), without amendment:

Yes - 28	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Jones, Kelly, Layton, Mammoliti, Mihevc, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 6	
Councillors:	Altobello, Ford, Holyday, Korwin-Kuczynski, Li Preti, Minnan-Wong

Carried by a majority of 22.

S6.88 Proposed Alterations to the Designated Property at 320 Bay Street

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

Moved by: **Councillor Rae**

Seconded by: **Councillor Pitfield**

“**WHEREAS** the property at 320 Bay Street is designated by municipal By-law No. 502-75, under Part IV of the Ontario Heritage Act; and

WHEREAS the property at 320 Bay Street is also subject to a Heritage Easement Agreement (HEA) with the City of Toronto that identifies the interior ground floor banking hall as among the Reasons for Identification set out in the HEA pertaining to the architectural significance of the building; and

WHEREAS CIBC Mellon has recently assumed a lease over the ground floor banking hall and mezzanine level and is proposing to undertake a number of alterations to this space, prior to their staff occupying the space in September 2002, that affect the Reasons for Identification and therefore required City Council’s approval; and

WHEREAS Heritage Preservation Services staff has reviewed the proposed alterations and consider them to be respectful of the integrity and value of the heritage elements of the interior banking hall, including the replication of missing elements and the restoration of finishes at considerable cost to CIBC, in addition to alterations necessary to meet Building Code requirements and to provide adequate work space for staff in the banking hall; and

WHEREAS at its meeting on July 18, 2002, the Toronto Preservation Board endorsed the staff recommendation that Council approve the proposed alterations for the designated property at 320 Bay Street;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto:

- (1) approve the proposed alterations to the interior banking hall of 320 Bay Street, as set out in Attachment No. 3 of the staff report to the Toronto Preservation Board dated June 26, 2002, subject to final review and approval of detailed drawings by the Manager of Heritage Preservation Services; and
- (2) require the owner to provide two sets of replacement photographs for Schedule ‘B’ of the existing Heritage Easement Agreement for the property.”

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(14) to the Toronto East York Community Council

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

Procedural Vote:

The vote to waive referral of Motion J(14) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(14) was adopted, without amendment.

S6.89 Proposed Alterations to the Designated Property at 40 Maple Avenue (H. H. Fudger House)

Councillor Rae 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(15), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Rae**

Seconded by: **Councillor Pitfield**

“**WHEREAS** the property at 40 Maple Avenue is designated under Part IV of the Ontario Heritage Act; and

WHEREAS the owner of this property has consented to the entering into of a Heritage Easement Agreement with the City of Toronto; and

WHEREAS at its meeting on April 16, 17, and 18, 2002, City Council authorized the entering into of a Heritage Easement Agreement for the property at 40 Maple Avenue (H. H. Fudger House); and

WHEREAS the owner of the property has submitted plans for the alteration of a Heritage Property Designated under Part IV of the Ontario Heritage Act, considered by the Toronto Preservation Board at its meeting on July 18, 2002; and

WHEREAS at its meeting on July 18, 2002, the Toronto Preservation Board endorsed the staff recommendation that City Council approve the proposed alterations for the designated property at 40 Maple Avenue; and

WHEREAS a building permit application for the subject property is currently on file with the Urban Development Services Department;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto approve the proposed alterations for the designated property at 40 Maple Avenue (H.H. Fudger House), in accordance with the building permit drawings currently on file with the Urban Development Services Department.”

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(15) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(15) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(15) was adopted, without amendment.

S6.90 **Designation of 417 King Street East (Little Trinity Rectory)**

Councillor Rae 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(16), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Rae**

Seconded by: **Councillor Pitfield**

“**WHEREAS** at its meeting held on May 21, 22 and 23, 2002, Council adopted Clause No. 20 of Report No. 7 of The Toronto East York Community Council, headed ‘Intention to Designate – Under Part IV of the Ontario Heritage Act and Toronto Heritage Fund Grant Application – 417 King Street East (Little Trinity Rectory) (Toronto Centre-Rosedale, Ward 28)’; and

WHEREAS, pursuant to the direction of Council contained in the Clause, notice of intention to designate the property located at 417 King Street East (Little Trinity Rectory) as a property of architectural and historical value or interest was sent to the owner of the property and to the Ontario Heritage Foundation and was published in a newspaper of general circulation on June 2, 2002; and

WHEREAS the notice of intention to designate required that any objection to the designation be served on the City Clerk within thirty days, expiring July 3, 2002; and

WHEREAS no objections have been received by the City Clerk; and

WHEREAS the Ontario Heritage Act has been complied with in relation to the designation of 417 King Street East;

NOW THEREFORE BE IT RESOLVED THAT authority be granted for the introduction of the necessary Bill in Council to designate 417 King Street East (Little Trinity Rectory) for architectural and historical reasons under Part IV of the Ontario Heritage Act; and that the appropriate City Officials be directed to take whatever action may be necessary to comply with the provisions of the Act with respect to the designation.”

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(16) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(16) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(16) was adopted, without amendment.

S6.91 **Proposed Alterations to 355 Roselawn Avenue (the Eglinton Hunt Club)**

Councillor Rae 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 Rae**

Seconded by: **Councillor Pitfield**

“**WHEREAS** the property at 355 Roselawn Avenue is designated by municipal By-law No. 323-2000, under Part IV of the Ontario Heritage Act; and

WHEREAS the owner of this property has consented to enter into a Heritage Easement Agreement with the City of Toronto; and

WHEREAS City Council, at its meeting held on October 1, 1998, approved the retention of the heritage building as part of a larger development, subject to a restoration plan, a heritage easement agreement, posting of letters of credit and a maintenance plan for the heritage building; and

WHEREAS the Toronto Preservation Board, at its meeting held on July 19, 2001, endorsed the staff recommendations, giving heritage approval to alterations, in keeping with Council's approval of October 1, 1998; and

WHEREAS the Owner has found, based on further investigation of the building, that additional alterations are required; and

WHEREAS the Toronto Preservation Board, at its meeting held on May 30, 2002, endorsed the staff recommendations for heritage approval of these additional alterations;

NOW THEREFORE BE IT RESOLVED THAT City Council approve the additional alterations to the building known as the Eglinton Hunt Club on the property at 355 Roselawn Avenue, designated under Part IV of the Ontario Heritage Act, substantially as set out in plans prepared by Burka Varacalli, Architects, dated April 18, 2002, and on file with the Manager of Heritage Preservation Services, subject to:

- (1) the restoration of the portions of the heritage building to be retained, including the designated interior spaces, being in accordance with the conservation plan prepared by Spencer Higgins Architect, dated June 18, 2001;
- (2) the installation of a temporary bracing scheme to hold portions of the building to be retained in situ satisfactory to the Manager of Heritage Preservation Services;
- (3) the retention of the palladian window/door at the landing of the staircase in the entrance hall; and
- (4) the cladding of the roof of the heritage building in natural slate shingles.”

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

Procedural Vote:

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

Vote:

Motion J(17) was adopted, without amendment.

S6.92 **Status of Signage Policy for the Fort York Precinct**

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

Moved by: Councillor Pantalone

Seconded by: Councillor Chow

“**WHEREAS** the Toronto Waterfront Revitalization Corporation, the City of Toronto Waterfront Secretariat, and City staff are working together, planning Toronto’s waterfront; and

WHEREAS the Front Street Extension is one of four priority projects the Toronto Waterfront Revilization Corporation is mandated to lead, starting June 20, 2002, with a completion date scheduled for 2006; and

WHEREAS at its meeting held on April 3, 2001, which doubled as a Public Meeting under the Municipal Act for purposes of approving a sign application from H&R Development, the Downtown Community Council requested the Commissioner of Urban Development Services to submit a report on a signage policy for the Fort York Precinct as soon as possible; and

WHEREAS at its meeting on April 23 to 27, April 30, and May 1 and 2, 2001, City Council adopted, as amended, Clause No. 6 of Report No. 3 of The Downtown Community Council, headed ‘Variances from Chapter 297, Signs, of the Former City of Toronto Municipal Code to Permit Temporary Signage at 640 Fleet Street (Trinity-Spadina, Ward 19)’, which noted this request; and

WHEREAS Fort York Boulevard will be opened to traffic on or before Wednesday, August 14, 2002;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services be requested to submit a report to Council for its meeting to be held

on October 1, 2002, through the Toronto East York Community Council, on the status of the signage policy for the Fort York Precinct;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services prepare a sign by-law for the Fort York Precinct for submission to City Council in February 2003.”

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(18) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

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

Vote:

Motion J(18) was adopted, without amendment.

S6.93 Default of CCS Computercable Systems Inc., Completion Agreement with The Sovereign General Insurance Company

Councillor Duguid 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(19), moved by Councillor Duguid, seconded by Councillor Lindsay Luby, and, in the absence of Councillor Lindsay Luby, seconded by Councillor Soknacki, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Duguid

Seconded by: Councillor Soknacki

“**WHEREAS** the City of Toronto entered into Contract No. 01FS-41WP (‘Contract’) with CCS Computercable Systems Inc. (‘CCS’) dated January 9, 2002, for \$2,098,184.40 inclusive of all taxes and charges and, on or about June 2002, CCS defaulted under the Contract by going into receivership; and

WHEREAS The Sovereign General Insurance Company (‘Sovereign’) issued a

Performance Bond for the Contract, under which it has the obligation to arrange the completion of the Contract work, and Sovereign has indicated to the City its willingness to complete the Contract and wants to enter a completion agreement with the City to document the manner in which the project is to be completed and the funds applied for such completion; and

WHEREAS the timely performance of the Contract work is crucial, since it affects other contracts within the Works Best Practices Program (WPBP) Process Control System (PCS) and, therefore, there is an urgent need for Council authority for the City to enter into a completion agreement with Sovereign; and

WHEREAS the Commissioner of Works and Emergency Services and the City Solicitor, by joint report dated July 24, 2002, are recommending that authority be granted for the City to enter into an agreement with Sovereign to acknowledge the financial status of the Contract and the manner in which the Contract work will be paid for and completed;

NOW THEREFORE BE IT RESOLVED THAT Council consider the joint report dated July 24, 2002, from the Commissioner of Works and Emergency Services and the City Solicitor, and that such joint report be adopted.”

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(19) 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(19) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(19), a joint report dated July 24, 2002, from the Commissioner of Works and Emergency Services and the City Solicitor, entitled “Default of CCS Computercable Systems Inc., Completion Agreement with The Sovereign General Insurance Company, Works Best Practices Program Process Control System, Fibre Optic Network Water Pollution Control Contract 01FS-41WP” (See Attachment No. 5, Page 201).

Vote:

Motion J(19) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the joint report dated July 24, 2002, from the Commissioner of Works and Emergency Services and the City Solicitor, embodying the following recommendations:

“It is recommended that:

- (1) authority be granted to enter into an agreement with The Sovereign General Insurance Company, the surety under the Performance Bond issued in respect of Contract 01FS-41WP, to detail arrangements concerning the completion of construction by the surety under Contract 01FS-41WP, in accordance with the terms and conditions described in this report and otherwise on terms and conditions satisfactory to the Commissioner of Works and Emergency Services and the City Solicitor;
- (2) all remaining payments properly falling due under Contract 01FS-41WP be made to The Sovereign General Insurance Company, or as it directs, in accordance with law;
- (3) staff be authorized to execute any ancillary documents required for the proper completion of Contract 01FS-41WP to the satisfaction of the Commissioner of Works and Emergency Services; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

S6.94 TCHC Sale of Underground Parking Spaces and Strip of Land at 100 High Park Avenue, Toronto

Councillor Chow 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(20), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Councillor Walker

“**WHEREAS** City Council at its meeting held on October 2, 3 and 4, 2001, adopted as amended, Joint Report No. 1, Clause No. 1 of The Policy and Finance Committee and The Community Services Committee, headed ‘Shareholder Direction to the Toronto Community Housing Corporation (“TCHC”); and

WHEREAS the Toronto Community Housing Corporation (“TCHC”) wishes to sell 141 unused underground parking spaces and a strip of land at 100 High Park Avenue, Toronto; and

WHEREAS the TCHC requires the approval of the Shareholder for the proposed disposition under the City’s Shareholder Direction; and

WHEREAS the proposed sale is scheduled to be completed in August 2002, and due to the time sensitivity of the transaction, it is necessary that the matter be considered at the July 2002 Council meeting;

NOW THEREFORE BE IT RESOLVED THAT Council give consideration to the report dated July 25, 2002, from the Commissioner of Community and Neighbourhood Services, and that such report be adopted.”

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(20) to the Community Services Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(20) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(20), a report dated July 25, 2002, from the Commissioner of Community and Neighbourhood Services, entitled “Toronto Community Housing Corporation (‘TCHC’) Sale of a 20-foot Strip of Land and 141 Underground Parking Spaces at 100 High Park Avenue, Toronto (‘the Property’) (Ward 13, Parkdale - High Park)” (See Attachment No. 6, Page 204).

Vote:

Motion J(20) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated July 25, 2002, from the Commissioner of Community and Neighbourhood Services, embodying the following recommendations:

“It is recommended that:

- (1) the sale by TCHC of 141 underground parking spaces in the Property together with a strip of land approximately 20 feet in width comprising approximately 2,948 square feet of land on the south side of the Property, be approved by the City of Toronto, solely in its capacity as Shareholder, pursuant to clause 6.3.1 (b) of the Shareholder Direction, on condition that TCHC abide by its stated intention of depositing the net sale proceeds into TCHC’s reserves maintained for the purpose of assisting with the funding of future residential property redevelopments or acquisitions;

- (2) the Shelter, Housing and Support Division of the Community and Neighbourhood Services Department be authorized to submit a business case to the Minister of Municipal Affairs and Housing, on behalf of TCHC, to seek Ministry approval pursuant to Ministry guidelines; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect to Recommendation No. (2).”

S6.95 **Request for Roll Back of 15 Percent Increase to Residents of Long-Term Care Facilities**

Councillor Berardinetti 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(21), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved By: Councillor Berardinetti

Seconded By: Councillor Altobello

“**WHEREAS** over 60,000 senior citizens and vulnerable people reside in more than 525 nursing home facilities in Ontario; and

WHEREAS approximately 11,703 seniors and 69 facilities are in the City of Toronto area; and

WHEREAS more and more vulnerable seniors are now being admitted at an older age with more complex needs; and

WHEREAS the Provincial Government announced on June 29, 2002, that an increase of 15 percent would be effective August 1, 2002, for residents in long-term care facilities; and

WHEREAS the letter issued by the Ministry of Health and Long-Term Care in this regard was dated June 26, 2002, and the Provincial Government held this letter until after the House rose; and

WHEREAS, while apartment rent increases for the year 2002 are capped at 3.9 percent, for residents who live in nursing homes, the increase will be 15 percent, or over \$200.00 per month; and

WHEREAS federal pension increases have only been 0.3 percent for Old Age Security as of July 1, 2002, and only 3 percent for CPP in 2002; and

WHEREAS many long-term care institutions are run by private businesses; and

WHEREAS three years ago, the Provincial Government changed the law so that private institutions could keep the fee increases for themselves, and much of this increase will go into higher profits for private nursing homes;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council demand that the Provincial Government roll back the obscene 15 percent rent increase imposed on seniors and other vulnerable people living in nursing homes;

AND BE IT FURTHER RESOLVED THAT a copy of this Motion be forwarded to all Toronto Area M.P.P.'s."

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(21) to the Community Services Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(21) to the Community Services Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Adoption of Motion J(21), without amendment:

Yes - 35 Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 1 Councillor:	Ford

Carried by a majority of 34.

S6.96 Toronto Outdoor Art Exhibition - Change in Date and Designation as Community Festival

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

Moved by: Councillor Rae

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** City Council at its meeting held on June 18, 19 and 20, 2002, adopted, without amendment, Toronto East York Community Council Report No. 8, Clause No. 41, headed ‘Use of Nathan Phillips Square: The Toronto Outdoor Art Exhibition – July 12 to 14, 2002’; and

WHEREAS, due to the recent labour disruption, the Toronto Outdoor Art Exhibition originally scheduled for July 12, 13 and 14, 2002, was cancelled; and

WHEREAS an alternate date of August 30, 31 and September 1, 2002, has been planned to accommodate the exhibition on Nathan Phillips Square;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Toronto East York Community Council Report No. 8, Clause No. 41, headed ‘Use of Nathan Phillips Square: The Toronto Outdoor Art Exhibition – July 12 to 14, 2002’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the Clause be amended to reflect the change in date of the event from July 12, 13 and 14, 2002, to August 30, 31 and September 1, 2002;

AND BE IT FURTHER RESOLVED THAT City Council declare the Toronto Outdoor Art Exhibition taking place on August 30, 31, and September 1, 2002, to be a Community Festival for the purposes of liquor licensing, and the Alcohol and Gaming Commission of Ontario be advised that Council has no objection to it taking place.”

Votes:

The first Operative Paragraph embodied in Motion J(22) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(22) was adopted, without amendment.

S6.97 Quebex Development Corporation – Application to Construct a Condominium Tower

Councillor Korwin-Kuczynski 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(23), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Disero

“WHEREAS the City owned lands at 20 Gothic Avenue are designated open space and zoned for park; and

WHEREAS the City owned lands are leased to York Condominium Corporations Nos. 323 and 435 for the provision of tennis courts, green space and parking; and

WHEREAS the Quebec/Gothic Concerned Neighbours Association, representing a significant number of residents in the neighbourhood, strongly opposes any residential development on the City owned land; and

WHEREAS the Concerned Neighbours Association, through their Counsel, wrote to the City Clerk on April 23, 2002, requesting notice of any motion concerning the City lands; and

WHEREAS the City Clerk failed to provide notice as requested of the Quebex Motion adopted by Council on May 21, 2002, [Ref.: Motion J(2), moved by Councillor Moscoe, seconded by Councillor Korwin-Kuczynski]; and

WHEREAS the Motion adopted by Council stated that the development of the City-owned land was an alternative to the development of a 20 story tower at the property municipally known as 66-68 and 74 Quebec Avenue; and

WHEREAS on July 10, 2002, Mr. Adam Brown, solicitor for the applicant Quebex, wrote to the Ontario Municipal Board appealing Council’s refusal to approve a development at 66, 68 and 74 Quebec Avenue; and

WHEREAS the Quebex application on City land is highly contentious and should be the subject of deputations and consideration at the Humber York Community Council; and

WHEREAS there are no reasons of emergency, health or safety or legal deadline which prevent this matter from being properly considered at Humber York Community Council;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(2), moved by Councillor Moscoe, seconded by Councillor Korwin-Kuczynski, to consent to an application by Quebex to amend the Official Plan and Zoning By-law for the City lands to permit residential development thereon, which was adopted, without amendment, by City Council at its meeting held on May 21, 22 and 23, 2002, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the proposal to consent to the submission of an application by Quebex be referred to the Humber York Community Council for further consideration.”

Vote:

Adoption of first Operative Paragraph embodied in Motion J(23):

Yes - 11	
Councillors:	Altobello, Berardinetti, Cho, Disero, Korwin-Kuczynski, Layton, Minnan-Wong, Nunziata, Shiner, Silva, Sutherland
No - 25	
Councillors:	Ashton, Augimeri, Bussin, Chow, Di Giorgio, Duguid, Filion, Flint, Ford, Hall, Holyday, Jones, Kelly, Li Preti, Mammoliti, Mihevc, Milczyn, Moscoe, Ootes, Pantalone, Pitfield, Rae, Shaw, Soknacki, Walker

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

Having regard to the foregoing decision of Council, Motion J(23) was not adopted.

Council also had before it, for consideration with Motion J(23), the following communications:

- (i) (July 26, 2002) from Ronald M. Kanter, McDonald and Hayden LLP;
- (ii) (April 23, 2002) from Ronald M. Kanter, McDonald and Hayden LLP;
- (iii) (May 28, 2002) from the City Clerk, addressed to Ronald M. Kanter, McDonald and Hayden, Barristers and Solicitors;

- (iv) (July 10, 2002) from Adam J. Brown, Brown, Dryer, Karol, Barristers and Solicitors, addressed to the Ontario Municipal Board and the Humber York Community Council;
- (v) (July 30, 2002) fax transmission from Dr. Ann E. Camps, addressed to Councillor Korwin-Kuczynski, submitted by Councillor Moscoe; and
- (vi) (April 15, 2002) joint communication from Bob Howell, President of York Condominium Corporation No. 323, and Ann E. Camps, President of York Condominium Corporation No. 435, for and on behalf of High Park Green, addressed to the City Clerk and the Commissioner of Urban Development Services.

S6.98 Ontario Municipal Board Hearing – 114 and 116 Wanless Avenue

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

Moved by: Councillor Flint

Seconded by: Councillor Walker

“WHEREAS JRC Developments made application to the Midtown Committee of Adjustment for consents for severance and variances to the former City of Toronto Zoning By-law No. 438-86 for properties at 114 and 116 Wanless Avenue; and

WHEREAS one of the variances requested for each of the three proposed properties would permit an integral garage in the wall facing the front lot line; and

WHEREAS Zoning By-law No. 438-86 does not permit such integral garages on a lot of less than 7.62 metres frontage; and

WHEREAS the frontage of each of the three proposed lots is less than 7.62 metres; and

WHEREAS the Committee of Adjustment heard the applications (Files Nos. A222, A223 and A224) at its meeting of May 9, 2002; and

WHEREAS the Committee of Adjustment refused the applications; and

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

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be directed to attend the Ontario Municipal Board hearing to defend the decision of the Committee of Adjustment with regard to the variance for integral garages.”

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(24) to the Midtown Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(24) to the Midtown Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(24) was adopted, without amendment.

S6.99 Request for Provincial Assistance to Eliminate Sewage Discharges at Ashbridges Bay and Other Outflows Along Toronto’s Waterfront, Ward 32-Beaches-East York

Councillor Bussin 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(25), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Bussin

Seconded by: Councillor Disero

“**WHEREAS** Ontario’s Ministry of the Environment recently announced its intention to investigate discharges of sewage into Lake Ontario at Ashbridges Bay, as a result of water sampling carried out by the Sierra Legal Defense Fund in April showing high levels of e-coli bacteria; and

WHEREAS the Water and Wastewater Services of the City of Toronto’s Works and Emergency Services Department has clearly identified the source of the discharges as coming from the over-burdening of the sewer system during heavy rains, allowing water and sewage to overflow into Lake Ontario from storm sewer outflows at Ashbridges Bay and other locations along the Toronto waterfront; and

WHEREAS the Water and Wastewater Services are in the process of developing a \$2 billion master plan to address the outflow discharges through various options, including the use of retention tanks similar to those installed in the Eastern Beaches, that has reduced the pre-1990 level of e-coli counts to the point that bathing criteria are met nearly 80 percent of the swimming season; and

WHEREAS the Ontario Ministry of the Environment should be well aware of the source of the discharges and should not engage in an investigation of the Ashbridge's Bay Treatment Plant which is clearly not the source of the pollution; and

WHEREAS the resources of the Ontario Ministry of the Environment and the Ontario Government would be better used by financially assisting the City of Toronto to implement the City's pending master plan to resolve a major pollution hazard that affects, not only our community, but the water quality of all of Lake Ontario;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Works and Emergency Services be directed to invite the Ontario Government and the Ministry of the Environment to join with the City of Toronto in funding the solution for this significant pollution problem on our waterfront."

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(25) 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(25) to the Works Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(25) was adopted, without amendment.

S6.100 Proposed Settlement of Demolition Appeal to the Ontario Municipal Board - 164 Cheritan Avenue

Councillor Rae 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(26), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Rae**

Seconded by: **Councillor Ootes**

“**WHEREAS** the Owner of the lands municipally known as 164 Cheritan Avenue (the ‘Site’) has applied to the Buildings Division of Urban Development Services for a permit to demolish the existing 15 residential apartment buildings on the ‘Site’; and

WHEREAS City Council at its held on May 21, 22 and 23, 2002, adopted, without amendment, Notice of Motion J(4), moved by Councillor Johnston, seconded by Councillor Walker, headed ‘Application to Demolish 435-515 Rosewell Avenue and 164-170 Cheritan Avenue (Application No. 02-126750)’, and, in so doing, adopted the recommendations contained in a confidential report from the City Solicitor and thus refused the demolition application and instructed City staff to attend on any appeal to the Ontario Municipal Board in support of Council’s decision; and

WHEREAS the Owner has appealed Council’s refusal of the demolition permit for the ‘Site’ to the Ontario Municipal Board (the ‘Appeal’); and

WHEREAS the Owner has proposed a settlement regarding the Appeal which is outlined in letters dated June 28, 2002, and July 29, 2002, from the Owner’s solicitor (the ‘Settlement’), as set out in the confidential report dated July 29, 2002, from the City Solicitor; and

WHEREAS the Ontario Municipal Board had scheduled the hearing of the Appeal to originally commence on July 29, 2002; and

WHEREAS the Ontario Municipal Board has adjourned the hearing of the Appeal until August 2, 2002, to permit Council to consider the ‘Settlement’ and, therefore, this matter is time critical and urgent;

NOW THEREFORE BE IT RESOLVED THAT Council consider the confidential report dated July 29, 2002, from the City Solicitor, and that such report be adopted.”

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(26) to the Midtown Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(26) to the Midtown 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(26) a the confidential report dated July 29, 2002, from the City Solicitor.

Vote:

Motion J(26) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the confidential report dated July 29, 2002, from the City Solicitor, such report to remain confidential in accordance with the provisions of the Municipal Act, having regard that it pertains to litigation, save and except the following recommendations embodied therein:

“It is recommended that:

- (1) Council adopt the settlement offer attached as Appendix A, as amended by the letter attached as Appendix B to this report, and grant the permit to demolish the subject residential buildings (Application No. 02-126750), subject to the following:
 - (a) the permit would issue upon the securing of the settlement as set out in Recommendation No. 2 herein, including the registration of the Section 37 Agreement as a first charge against the lands;
 - (b) the permit would be subject to the following conditions:
 - (i) the applicant constructing and substantially completing the following:
 - (1) the portions of the building shown as Buildings A and B1 to be erected on the lands, as shown on the Master Site Plan prepared by Page and Steele Architects and Planners date stamped received June 26, 2002, by not later than twenty-six (26) months from the day demolition of the existing residential property is commenced
 - (2) the portions of the building shown as Building B2 to be erected on the lands, as shown on the Master Site Plan prepared by Page and Steele Architects and Planners date stamped received June 26, 2002, by not later than thirty-eight (38) months from the day demolition of the existing residential property is commenced; and
 - (3) the portions of the building shown as Buildings C1 and C2, to be erected on the lands, as shown on the Master Site Plan prepared by Page and Steele Architects and Planners date stamped received June 26, 2002, by not later than fifty (50) months from the day demolition of the existing residential property is commenced;

- (ii) that on failure to complete the new building or portions thereof so as to provide the replacement of 115 dwelling units within the times specified in (i), the City Clerk shall be entitled to enter on the collector's roll, to be collected in like manner as municipal taxes, the sum of Twenty Thousand Dollars (\$20,000) for each dwelling unit of the 115 replacement dwelling units which has not been substantially completed and that such sum shall, until payment, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued;
- (2) the City Solicitor together with other appropriate City staff be instructed to secure the settlement terms utilizing Section 37 of the Planning Act, in accordance with the Ontario Municipal Board's Order issued July 10, 2002, including:
 - (a) the re-opening of Official Plan Amendment No. 231 for the former City of Toronto and the site specific zoning by-law amendment on consent pursuant to s.43 of the Ontario Municipal Board Act, if necessary;
 - (b) securing the terms in an agreement pursuant to Section 37 of the Planning Act;
 - (c) to make any necessary appearances before the Ontario Municipal Board or otherwise to secure the settlement terms; and
 - (d) to take the necessary actions to give effect thereto;
- (3) the City Clerk and Chief Financial Officer and Treasurer be authorized to execute any agreements which may be required to secure the settlement and the other Section 37 matters discussed in this report; and
- (4) the Chief Building Official be requested to process the applications for building permits for the replacement building in an expeditious manner to implement the settlement."

S6.101 Rescind Surplus Authority with Respect to a Portion of the City-Owned Surplus Property, 1530 Markham Road

Councillor Berardinetti 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(27), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: **Councillor Berardinetti**

Seconded by: **Councillor Holyday**

“**WHEREAS** City Council at its meeting on April 16, 17 and 18, 2002, adopted, as amended, Clause No. 1 of Report No. 4 of The Administration Committee, headed ‘Further Direction for Master Accommodation Plan (MAP) for 2002 and Beyond’, declaring the City-owned property, municipally known as 1530 Markham Road, surplus to municipal requirements and authorizing the property to be offered for sale on the open market, subject to the appropriate leaseback as identified in the body of that report, and all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code be taken; and

WHEREAS the property known as 1530 Markham Road consists of four parcels of land, shown as Parts 1, 2, 3 and 4, on Sketch PS-2002-050 attached to a report dated July 26, 2002, entitled ‘City-owned Surplus Property – 1530 Markham Road’, from the Commissioner of Corporate Services; and

WHEREAS Parts 2 and 3 on Sketch PS-2002-050 are designated in the Scarborough Official Plan, Schedule C – Roads Plan for road widening purposes, and the surplus authority as it relates to these two Parts needs to be rescinded, so that a Bill can be introduced before Council to dedicate Parts 2 and 3 for public highway purposes; and

WHEREAS the Toronto Parking Authority (TPA) is interested in operating a municipal parking lot on Part 4 on Sketch No. PS-2002-050, and the surplus authority as it relates to this Part needs to be rescinded in order to accommodate the TPA’s interest; and

WHEREAS Part 1 on Sketch No. PS-2002-050 remains surplus to municipal requirements and will be offered for sale on the open market, subject to the appropriate leaseback;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 1 of Report No. 4 of The Administration Committee, headed ‘Further Direction for Master Accommodation Plan (MAP) for 2002 and Beyond’, adopted as amended by City Council on April 16, 17 and 18, 2002, be re-opened for further consideration, only in so far as it pertains to Parts 2, 3 and 4 as shown on Sketch No. PS-2002-050;

AND BE IT FURTHER RESOLVED THAT City Council give consideration to the report dated July 26, 2002, from the Commissioner of Corporate Services, and that such report be adopted.”

Council also had before it, during consideration of Motion J(27) a report dated July 26, 2002, from the Commissioner of Corporate Services, entitled "City-owned Surplus Property - 1530 Markham Road (Ward 42 - Scarborough Rouge River)" (See Attachment No. 7, Page 208).

Votes:

The first Operative Paragraph embodied in Motion J(27) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(27) carried, without amendment, and, in so doing, Council adopted, without amendment, the report dated July 26, 2002, from the Commissioner of Corporate Services, embodying the following recommendations:

"It is recommended that:

- (1) Clause No. 1 of Report No. 4 of The Administration Committee, adopted, as amended, by City Council on April 16, 17 and 18, 2002, declaring the property municipally known as 1530 Markham Road surplus to municipal requirements, be rescinded, as it relates to Parts 2, 3 and 4 on Sketch No. PS-2002-050 (a copy of which is attached) ('the Sketch'), and that Part 4 on the Sketch (the 'Parking Area') be retained for municipal parking purposes;
- (2) jurisdiction over Parts 2 and 3 on the Sketch be transferred to Works and Emergency Services and dedicated for public highway purposes;
- (3) all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code be taken; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any bills necessary to give effect thereto."

S6.102 Ontario Municipal Board Pre-Hearing Conference Pertaining to 76 Brumwell Street

Councillor Moeser 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(28), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Moeser

Seconded by: Councillor Duguid

“**WHEREAS** the owner of 76 Brumwell Street has filed applications for a plan of subdivision and associated zoning and official plan amendments; and

WHEREAS the owner has appealed its applications to the Ontario Municipal Board on the basis that Council has not made a decision within the time limits required by the Planning Act; and

WHEREAS the Toronto and Region Conservation Authority and the Ministry of Natural Resources have expressed concern regarding the preservation of a watercourse within the site; and

WHEREAS, because of this watercourse, the property is being considered for preservation in the proposed harmonized Ravine By-law scheduled to be considered by City Council in October of 2002; and

WHEREAS the community feels strongly that this area should remain a Green Ecological System; and

WHEREAS Urban Development Services have not yet reported to Scarborough Community Council on this matter; and

WHEREAS the first meeting of City Council at which Urban Development Services can now report is the meeting to be held in October of 2002;

WHEREAS a Pre-hearing Conference has been scheduled at the Ontario Municipal Board for August 29, 2002;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services be directed to report to the next meeting of the Scarborough Community Council on the applications that have been appealed to the Ontario Municipal Board;

AND BE IT FUTHER RESOLVED THAT the City Solicitor be authorized to attend the Pre-hearing Conference at the Ontario Municipal Board on August 29, 2002, to ask that a further pre-hearing be set after the Council meeting to be held in October 2002;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Corporate Services and the Commissioner of Works and Emergency Services be directed to report to the next meeting of the Policy and Finance Committee on the options to preserve the property in its natural state.”

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(28) to the Scarborough Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(28) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(28) was adopted, without amendment.

S6.103 Process for Report Presentation

Councillor Hall 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(29), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Hall

Seconded by: Councillor Minnan-Wong

“WHEREAS it is difficult at times to quickly and accurately review agenda items due to unclear recommendations and the need to search the report to try and determine what is before Council; and

WHEREAS greater clarity enables City Councillors to fully understand the recommendations that they are being asked to support; and

WHEREAS greater clarity would allow the public to understand exactly what City Council is approving or not approving; and

WHEREAS if the recommendations were clear and listed at the beginning of a report, the process would be more accountable and efficient;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto request that the City Clerk establish a process for report presentation that will simplify the wording and structure of municipal agendas and reports.”

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(29) 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(29) to the Administration Committee was taken as follows:

Yes - 24 Councillors: Altobello, Berardinetti, Cho, Chow, Disero, Duguid, Feldman, Filion, Hall, Kelly, Korwin-Kuczynski, Layton, Mammoliti, Mihevc, Moscoe, Nunziata, Ootes, Pitfield, Shaw, Shiner, Silva, Soknacki, Tziretas, Walker
No - 14 Councillors: Ashton, Augimeri, Bussin, Di Giorgio, Flint, Ford, Holyday, Jones, Li Preti, Milczyn, Minnan-Wong, Pantalone, Rae, Sutherland

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

Having regard that the motion to waive referral did not carry, Motion I(4) was referred to the Administration Committee.

S6.104 Proposed Addition to Entry Pavillion – Toronto Rehabilitation Institute, 550 University Avenue

Councillor Chow 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(30), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Councillor Rae

“**WHEREAS** By-law No. 13409 requires City Council, upon the advice of the Commissioner of Urban Development Services, to approve the architectural treatment and proposed building materials of additions or alterations to the external front and flank walls of buildings fronting or abutting on University Avenue, between Queen Street and College Street; and

WHEREAS the Toronto Rehabilitation Institute has applied for a building permit to construct a 58 m² addition to the front entry pavilion of its University Centre at the northwest corner of the intersection of University Avenue and Elm Street; and

WHEREAS City Planning staff of the Urban Development Services Department have reviewed the proposed addition and are satisfied that the proposal is in keeping with the provisions of By-law No. 13409;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the report dated July 29, 2002, from the Commissioner of Urban Development Services, and that such report be adopted.”

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(30) to the Toronto East York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(30) to the Toronto East York 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(30), a report dated July 29, 2002, from the Commissioner of Urban Development Services, entitled “Toronto Rehabilitation Institute – University Centre, 550 University Avenue, 002039, Trinity-Spadina, Ward 20” (See Attachment No. 8, Page 211).

Vote:

Motion J(30) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated July 29, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

“It is recommended that City Council:

- (1) approve the proposed addition to the front entry pavilion as identified on the plans and drawings submitted to Urban Development Services on June 20, 2002, namely Plan A0.02 - Site Plan, Front Entry and South Ramp and Plan A2.01 – Building Elevations and Section, as prepared by Urbana Architects Corporation; and

- (2) advise the owner:
- (a) that the issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with all relevant provisions of the Ontario Building Code; and
 - (b) of the need to receive the approval of the Commissioner of Works and Emergency Services and obtain a construction permit for any work to be carried out within the public right-of-way."

S6.105 Lease to Castan Waterfront Development Inc. – 20 Polson Street

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(31):

Moved by: Councillor Layton

Seconded by: Councillor Chow

“WHEREAS a ‘Go-Kart’ operation has been established on the easterly portion of 20 Polson Street which was formerly used for parking purposes; and

WHEREAS 20 Polson Street is owned by TEDCO and leased to Castan Waterfront Development Inc. for a term of almost 93 years ending on June 26, 2090, which is further sub-leased to 1299485 Ontario Limited; and

WHEREAS there is an outstanding tax account totalling \$105,053.03 as of June 14, 2002, including interest to June 30, 2002, which is comprised of \$11,919.48 from 2001 and a full year 2002 amount of \$93,133.55, of which \$47,928.37 is the final billing and is not yet due; and

WHEREAS the conversion of the existing parking lot to a ‘Go-Kart’ facility would not be in compliance with the existing Section 41 (Site Plan) agreement and is not in compliance with the provision of the Zoning By-law; and

WHEREAS, according to staff from Municipal Licensing and Standards, 20 Polson Street has been charged for numerous contraventions and violations to the Municipal Licensing and Standards with respect to codes, standards and applicable laws; and

WHEREAS the Administration Committee requested the Chair of the Administration Committee to convene a special meeting of the Committee, prior to this meeting of Council, to give consideration of this item; and

WHEREAS this special Administration Committee meeting did not occur and, therefore, made it impossible to deal with this matter prior to Council, through the Administration Committee;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be authorized to seek an immediate court injunction to cease the ‘Go-Kart’ operation at 20 Polson Street, should the Commissioner of Urban Development Services deem it appropriate;

AND BE IT FURTHER RESOLVED THAT staff be authorized to take any other actions they deem appropriate to cease the ‘Go-Kart’ operation.”,

the vote upon which was taken as follows:

Yes - 29 Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Feldman, Fillion, Flint, Ford, Hall, Jones, Kelly, Korwin-Kuczynski, Layton, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Pitfield, Shaw, Shiner, Silva, Soknacki, Walker
No - 7 Councillors:	Duguid, Holyday, Li Preti, Minnan-Wong, Ootes, Sutherland, Tziretas

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 Motion J(31) 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(31) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(31) was adopted, without amendment.

S6.106 Approval of Development at 1379-95 Bloor Street West

Councillor Silva 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(32), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Silva

Seconded by: Councillor Disero

“**WHEREAS** the Ontario Municipal Board, in its decision issued on February 9, 1995, approved amendments to the Official Plan and Zoning By-law for the former City of Toronto and a site plan to permit the erection on the 2.0 hectare site known municipally as 1379-95 Bloor Street West, of 550 dwelling units contained in a 9-storey (27 m) mixed-use building fronting on Bloor Street West, up to 4 apartment buildings ranging in height from 5-storeys (16 m) to 7-storeys (21.3 m) to be secured through a social housing agreement, and a 3-storey (14 m) industrial building at the rear of the site, which would act as a buffer to the adjacent industrial uses; and

WHEREAS on May 21, 2002, a revised site plan application was submitted that proposed, as an alternative to the OMB approved site plan, a 15-storey condominium building and a 12-storey condominium building with a 7-storey portion (465 units) and landscaped open space in addition to 96 townhouses (the ‘2002 Proposal’); and

WHEREAS the Ontario Municipal Board has, at the request of the current owner of the site, scheduled a pre-hearing conference for August 6, 2002, to consider this matter;

NOW THEREFORE BE IT RESOLVED THAT the Ontario Municipal Board be advised that City Council supports the 2002 Proposal, by way of a letter from the City Clerk confirming adoption of this Motion, and that City staff not attend at the Ontario Municipal Board.”

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(32) to the Humber York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(32) to the Humber York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(32) was adopted, without amendment.

S6.107 Replacement of Playgrounds

Councillor Mammoliti 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(33), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Mammoliti

Seconded by: Councillor Nunziata

“BE IT RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to prepare a list of parks that are a priority with respect to playgrounds and bring forward recommendations respecting replacing playgrounds that no longer exist and/or need to be replaced and submit a report thereon to the Economic Development and Parks Committee.”

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(33) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(33) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(33) was adopted, without amendment.

S6.108 Tender for Child Care Centre at 5176 Yonge Street

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

Moved by: **Councillor Filion**

Seconded by: **Councillor Chow**

“**WHEREAS** Council authorized the issuance of a tender to proceed with the completion of a child care centre at 5176 Yonge Street by the amendment and adoption of Community Services Committee Report No. 2, Clause No. 7 at its meeting of March 6, 7 and 8, 2001, a copy of which is attached; and

WHEREAS Council approved a maximum funding amount of \$2.25 million for the project to be provided by Sam-Sor Enterprises Inc. and Imperial Oil Limited; and

WHEREAS the lowest bid for construction submitted by Pegah Construction Ltd. of \$2.83 million has exceeded the available funding by \$.78 million; and

WHEREAS subsequent analysis of the lowest bid by the architect determined that approximately \$.2 million of expenditures could be eliminated and GST and energy efficiency rebates will reduce the projected cost by an additional \$.14 million; and

WHEREAS earned interest on funding provided by Sam-Sor Enterprises Inc. and Imperial Oil Limited increases their total contribution to approximately \$2.46 million; and

WHEREAS the Non-Residential Building Construction Index suggests that, due to inflation alone, the cost of the project should have been adjusted from \$2.25 million to \$2.58 million; and

WHEREAS the failure to increase the approved budget by \$.58 million to be funded by \$.08 million additional interest on Imperial Oil Limited letter of security, \$.14 million in GST and energy efficiency rebates, and \$.36 million contribution from the Child Care Capital Reserve Fund will further delay the project; and

WHEREAS it is appropriate to award the contract to the lowest bidder, subject to the final capital expenditure not exceeding the revised sum of \$2.83 million;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(21) moved by Councillor Chow, seconded by Councillor Filion, adopted, without amendment, by City Council on June 18, 19 and 20, 2002, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT Council give consideration to the report dated July 30, 2002, from the Commissioner of Community and Neighbourhood Services,

and that such report be adopted.”

Council also had before it, during consideration of Motion J(34), a report dated July 30, 2002, from the Commissioner of Community and Neighbourhood Services, entitled “Tender for Child Care Centre at 5176 Yonge Street” (See Attachment No. 9, Page 214).

Votes:

The first Operative Paragraph embodied in Motion J(34) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(34) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated July 30, 2002, from the Commissioner of Community and Neighbourhood Services, embodying the following recommendations:

“It is recommended that:

- (1) City Council authorize the increase in the total budget for the capital project WBS CCS006 5128/5200 Yonge Street-Child Care Centre to \$2.83 million;
- (2) City Council authorize that the increase of \$.58 million be funded by additional interest revenue on the Letter of Security provided by Imperial Oil Limited (\$.08 million), GST and energy efficiency rebates (\$.14 million) and Child Care Capital Reserve funding (\$.36 million);
- (3) City Council authorize the contract for the construction of the centre be awarded, subject to successful negotiation with respect to cost reduction to the lowest bidder, Pegah Construction Ltd. at the cost not to exceed \$2.63 million; and
- (4) the appropriate City officials take the necessary action to give effect thereto.”

S6.109 Indianapolis/Scarborough Peace Games

Councillor Ashton 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(35), moved by Councillor Ashton, seconded by Councillor Moeser, and, in the absence of Councillor Moeser, seconded by Councillor Soknacki, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Ashton

Seconded by: Councillor Soknacki

“**WHEREAS** the Indianapolis/Scarborough Peace Games celebrated its 30th Anniversary on the weekend of July 27, 2002; and

WHEREAS the Peace Games has been established as an international City-to-City event and relationship of great success and accomplishment; and

WHEREAS a tremendous number of friendships have been started and sustained over 30 years between two great Cities and Countries; and

WHEREAS thousands of youth have participated and benefited from friendly competition; building character, sportsmanship and self-esteem; and

WHEREAS staff from both Cities have benefited from this mutual exchange of ideas and recreational/parks values; and

WHEREAS the Peace Games has its success strongly rooted in the commitment and support of Scarborough’s volunteer sports community; and

WHEREAS the City of Indianapolis is the sports capital of the United States; and

WHEREAS the City of Indianapolis was this year’s overall cup winner; and

WHEREAS the City of Indianapolis opened its homes and hearts to our youth for this year’s competition;

NOW THEREFORE BE IT RESOLVED THAT the City of Indianapolis, volunteers, staff and parents be congratulated for their tremendous contribution to this year’s extraordinary international event upholding this strong tradition;

AND BE IT FURTHER RESOLVED THAT the City of Toronto applaud the City of Indianapolis for its hard fought victory in this the 30th Anniversary Year of the Indianapolis/Scarborough Peace Games, and congratulate the athletes from Scarborough for their outstanding 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(35) to the Economic Development and Parks Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(35) to the Economic Development and Parks Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Ashton moved that Motion J(35) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT a copy of this Motion be forwarded to the Council of the City of Indianapolis.”

Votes:

The motion by Councillor Ashton carried.

Motion J(35), as amended, carried.

S6.110 Car Free Day - 2002

Councillor Chow 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(36), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Chow

Seconded by: Councillor Layton

“WHEREAS City Council on July 4, 5 and 6, 2000, adopted a motion in support of Toronto Car Free Day; and

WHEREAS Car Free Day now takes place in over 1,000 cities worldwide; and

WHEREAS Council has supported the promotion of alternative modes of transportation in a number of documents, including the Official Plan and the ‘Shifting Gears’ report; and

WHEREAS a Toronto public-health study linked 1,000 Toronto deaths a year to air pollution; and

WHEREAS this year’s Car Free Day is to consist mainly of a series of small community street parties;

NOW THEREFORE BE IT RESOLVED THAT the City support the 2002 Car Free Day initiatives taking place in a number of neighbourhoods across the City;

AND BE IT FURTHER RESOLVED THAT staff be requested to assist in the implementation of these events and accommodate the needs of community organizers, where possible, including allowing flexibility for application deadlines.”

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(36) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(36) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Minnan-Wong moved that Motion J(36) be adopted, subject to adding, to the first Operative Paragraph, the words “subject to no additional City funds being expended on this initiative”, so that such Operative Paragraph shall now read as follows:

“NOW THEREFORE BE IT RESOLVED THAT the City support the 2002 Car Free Day initiatives taking place in a number of neighbourhoods across the City, subject to no additional City funds being expended on this initiative.”

Votes:

The motion by Councillor Minnan-Wong carried.

Motion J(36), as amended, carried.

S6.111 Grant to the Toronto Outdoor Art Exhibition

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

Moved by: Councillor Moscoe

Seconded by: Councillor Rae

“WHEREAS the Toronto Outdoor Art Exhibition has been an annual Nathan Philips Square event for 41 years; and

WHEREAS this show, the largest outdoor art event in Canada, attracts more than 100,000 visitors and generates more than \$3 million dollars in revenue for the contributing artists; and

WHEREAS the show, which traditionally has taken place the second week in July (this year, July 12, 13 and 14), was cancelled because of the municipal strike; and

WHEREAS the show which is run by a volunteer board and employs only 1 1/2 staff, depends upon the generosity of contributors and the City for its financial base; and

WHEREAS notwithstanding the difficulties of re-scheduling some 560 artists to attempt to hold the show over the Labour Day weekend, the cost of cancelling and re-scheduling the show will impose a \$54,000.00 cost burden which could well sink the Show; and

WHEREAS Council needs to make a decision on the matter for this Council meeting, in order to allow the show to go forward this September;

NOW THEREFORE BE IT RESOLVED THAT Council support the Toronto Outdoor Art Exhibition with a one time grant of \$54,531.00, to cover the costs related to the cancellation and re-scheduling of the show to the Labour Day weekend;

AND BE IT FURTHER RESOLVED THAT, subject to final approval of the Chief Administrative Officer and the Chief Financial Officer and Treasurer, the funds be taken from the 'SkyDome Public Art Reserve'."

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(37) 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(37) 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(37), a communication dated July 19, 2002, from Jennifer Rudder, Executive Director, Toronto Outdoor Art Exhibition, addressed to the Mayor and Members of Council, submitted by Councillor Moscoe, a copy of which is on file in the Office of the City Clerk.

Motion:

Councillor Moscoe moved that Motion J(37) be adopted, subject to amending the first Operative Paragraph embodied therein to now read as follows:

“NOW THEREFORE BE IT RESOLVED THAT City Council support the Toronto Outdoor Art Exhibition with a one-time grant of up to \$54,531.00, to cover the costs related to the cancellation and re-scheduling of the show to the Labour Day weekend, subject to:

- (1) the Chief Administrative Officer, in consultation with appropriate staff, evaluating whether or not there is a potential for claims for damages, as a result of the strike, by individuals or businesses which could use this grant as a precedent for claims; and

- (2) the Commissioner of Economic Development, Culture and Tourism submitting a report to the Economic Development and Parks Committee, once the Commissioner has had an opportunity to review the receipts in connection with the costs incurred;”.

Votes:

The motion by Councillor Moscoe carried.

Adoption of Motion J(37), as amended:

Yes - 27	
Councillors:	Ashton, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Filion, Hall, Holyday, Jones, Layton, Li Preti, Lindsay Luby, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki, Walker
No - 1	
Councillor:	Ford

Carried by a majority of 26.

S6.112 Deferral of Fees for Second Application on a Condominium Development

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(38):

Moved by: Councillor Moscoe

Seconded by: Councillor Di Giorgio

“**WHEREAS** an application has been submitted to construct a twenty-storey condominium building on Quebec Avenue; and

WHEREAS the vast majority of residents surrounding this project are opposed to this application; and

WHEREAS, in an attempt to craft a compromise, a plan has emerged to construct an alternative seven or eight storey building on City land and air rights over the Bloor subway, and accomplish this through a land exchange; and

WHEREAS the surrounding condominium corporations have granted permission to transfer the application to the alternative site which they control by way of a land lease with the City which runs to 2082; and

WHEREAS City Council, by Notice of Motion, May 21, 2002 attached, has, in the broader community interest, given the applicant permission to make an alternative application on the land owned by the City and leased to the neighbouring condominium corporations; and

WHEREAS, in the spirit of a compromise, the applicant, notwithstanding his having paid all the required planning application fees on the original site, is prepared to co-operate by submitting an additional application for a development on the alternative site; and

WHEREAS it would be unfair to require the payment of planning application fees twice;

NOW THEREFORE BE IT RESOLVED THAT the planning fees for the second application be deferred, with the expectation that, if, ultimately, the alternative site is the one approved, the original application will be abandoned and the fees transferred to cover payment of fees on the alternative site.”,

the vote upon which was taken as follows:

Yes - 27	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Duguid, Filion, Flint, Ford, Hall, Jones, Layton, Li Preti, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Shaw, Silva, Soknacki
No - 10	
Councillors:	Disero, Feldman, Holyday, Kelly, Korwin-Kuczynski, Minnan-Wong, Shiner, Sutherland, Tziretas, Walker

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 Motion J(38) to the Humber York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(38) to the Humber York Community Council was taken as follows:

Yes - 27	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Ford, Holyday, Jones, Layton, Li Preti, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Pantalone, Shaw, Silva, Soknacki
No - 10	
Councillors:	Cho, Kelly, Korwin-Kuczynski, Minnan-Wong, Ootes, Pitfield, Shiner, Sutherland, Tziretas, Walker

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

Council also had before it, during consideration of Motion J(38), the following Motion and communication, copies of which are on file in the Office of the City Clerk:

- (i) Motion J(2), moved by Councillor Moscoe, seconded by Councillor Korwin-Kuczynski, which was considered by City Council at its meeting held on May 21, 2002; and
- (ii) (July 31, 2002) from Ronald M. Kanter, addressed to the Mayor and Members of Council, submitted by Councillor Moscoe.

Vote:

Motion J(38) was adopted, without amendment.

S6.113 Proposed Development at 2245 Lawrence Avenue West; Oakwood Retirement Communities Inc.

Councillor Ford 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(39), moved by Councillor Ford, seconded by Councillor Lindsay Luby, and, in the absence of Councillor Lindsay Luby, seconded by Councillor Holyday, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Ford

Seconded by: Councillor Holyday

“**WHEREAS** the Ontario Municipal Board issued a decision on July 18, 2002, which determined that the application by Oakwood to construct a long-term care, retirement and seniors apartment facility at the site may be approved by the Board prior to November 18, 2002, provided it is revised in consultation with the community within certain parameters established by the Board, including elimination of the proposed south service lane and increasing certain side yard set backs and provided Oakwood and the City engage in meaningful dialogue towards encouraging the integration of the designated heritage building on the site as part of the proposal; and

WHEREAS the Ontario Municipal Board provided that the City would have until September 18, 2002, to determine if it wished to acquire, at its cost, additional park land on the site above the minimum required pursuant to the Planning Act; and

WHEREAS the City is not in a position, given its established schedule of Council and Committee meetings, to respond to the parks issue before September 18, 2002, but wishes to move expeditiously to respond to this matter;

NOW THEREFORE BE IT RESOLVED THAT, subject to available funding, the Commissioner of Corporate Services, the Commissioner of Economic Development, Culture and Tourism and the Commissioner of Urban Development Services give consideration to acquiring additional parkland at the site and enter into discussions with Oakwood and/or the Toronto District School Board in that regard and report to the Administration Committee on September 10, 2002, so that the matter may be considered by Council at its meeting on October 1, 2 and 3, 2002;

AND BE IT FURTHER RESOLVED THAT staff be authorized to work with Oakwood and the community to provide input to the revised proposal as directed by the Board.”

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(39) to the Etobicoke Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(39) to the Etobicoke Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(39) was adopted, without amendment.

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, Motion J(39) 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 Motion J(39) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the City Solicitor be requested to submit a report to the appropriate Committee on the cost to the City of the Ontario Municipal Board hearing.”

Votes:

The motion by Councillor Jones carried.

Adoption of Motion J(39), as amended:

Yes - 21	
Councillors:	Augimeri, Balkissoon, Cho, Di Giorgio, Disero, Feldman, Ford, Hall, Holyday, Li Preti, Lindsay Luby, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Rae, Silva, Soknacki, Tziretas, Walker
No - 7	
Councillors:	Ashton, Chow, Flint, Jones, Kelly, Layton, Mihevc

Carried by a majority of 14.

S6.114 Request for Transferral of Ownership of 1510 King Street West

Councillor Korwin-Kuczynski 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(40), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Mihevc

“**WHEREAS**, in celebration of the visit of Pope John Paul II to the City of Toronto, bringing with him the message of justice and ‘love thy neighbour’; and

WHEREAS, in honour of the Pilgrims who visited Toronto, with their hope and faith for a better world;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto request that the Province of Ontario, the owner of the property at 1510 King Street West, transfer title to the land to the City of Toronto for the purpose of creating affordable housing units;

AND BE IT FURTHER RESOLVED THAT the local Councillor and the Mayor’s office be consulted on the development of the project, if the Province passes over title of the land.”

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(40) to the Community Services Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(40) to the Community Services Committee was taken as follows:

Yes - 21	
Councillors:	Altobello, Augimeri, Bussin, Chow, Di Giorgio, Duguid, Fillion, Flint, Ford, Kelly, Korwin-Kuczynski, Layton, Mihevc, Milczyn, Moscoe, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki
No - 14	
Councillors:	Ashton, Cho, Disero, Feldman, Hall, Holyday, Li Preti, Minnan-Wong, Nunziata, Ootes, Shiner, Sutherland, Tziretas, Walker

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

Having regard that the motion to waive referral did not carry, Motion J(40) was referred to the Community Services Committee.

Motion to Re-Open:

Councillor Li Preti, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Motion J(40) be re-opened for further consideration, which carried, more than two-thirds of Members present having voted in the affirmative.

Motion:

Councillor Korwin-Kuczynski moved that Motion J(40) be adopted, subject to adding thereto the following new Operative Paragraph:

“AND BE IT FURTHER RESOLVED THAT the transfer of title to the City of Toronto for affordable housing purposes be conditional on the present occupants immediately vacating the premises at 1510 King Street West.”

Votes:

Adoption of motion by Councillor Korwin-Kuczynski:

Yes - 21 Councillors:	Augimeri, Balkissoon, Bussin, Di Giorgio, Feldman, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Li Preti, Milczyn, Minnan-Wong, Ootes, Pantalone, Rae, Shiner, Silva, Tziretas, Walker
No - 8 Mayor: Councillors:	Lastman Chow, Disero, Ford, Layton, Lindsay Luby, Mihevc, Moscoe

Carried by a majority of 13.

Adoption of Motion J(40), as amended:

Yes - 23 Councillors:	Augimeri, Balkissoon, Bussin, Chow, Di Giorgio, Feldman, Flint, Ford, Hall, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Pantalone, Rae, Silva, Tziretas, Walker
No - 6 Mayor:	Lastman

Councillors: Disero, Holyday, Lindsay Luby, Ootes, Shiner

Carried by a majority of 17.

S6.115 Settlement Proposal - 1978 Lake Shore Boulevard West

Councillor Feldman 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(41), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Feldman

Seconded by: Councillor Moscoe

“WHEREAS the City is the owner of a property located at 1978 Lake Shore Boulevard West (the ‘Property’); and

WHEREAS the Property was leased by the City (the ‘Lease’) for many years for the purposes of a service station (the ‘Joy Oil Heritage Structure Building’); and

WHEREAS the Lease contained requirements that the Property be remediated once its use was terminated; and

WHEREAS the use of the Property for a service station has been terminated; and

WHEREAS City Council has previously declared the Property as surplus to its municipal requirements and allocated the Property for housing purposes; and

WHEREAS the former leaseholder of the Property, OLCO Petroleum Group Inc., (‘OLCO’) has undertaken remediation of the majority of the Property; and

WHEREAS certain technical issues prevented the full remediation of that portion of the Property beneath the Joy Oil Heritage Structure Building; and

WHEREAS the City and OLCO wish to agree on a process for the final remediation of the Property; and

WHEREAS negotiations have been underway, on a without prejudice basis, to conclude matters between the City and OLCO in this regard (the Settlement Proposal), subject to approval by City Council; and

WHEREAS a copy of the Settlement Proposal is attached to this Notice of Motion as Schedule A;

NOW THEREFORE BE IT RESOLVED THAT the final remediation of the Property and the release of OLCO from its obligations under the Lease (the 'Release') be approved, based upon the terms and conditions outlined in the Settlement Proposal and this Notice of Motion;

AND BE IT FURTHER RESOLVED THAT Council authorize the Commissioner of Corporate Services, in consultation with the Commissioner of Community and Neighbourhood Services, to negotiate, approve and execute on behalf of the City, the Settlement Proposal, based substantially upon the terms and conditions set out in Schedule A, and such amendments thereto and other terms and conditions as are satisfactory to the Commissioner of Corporate Services, in consultation with the Commissioner of Community and Neighbourhood Services, in a form acceptable to the City Solicitor;

AND BE IT FURTHER RESOLVED THAT authority be granted for the execution of a binding Settlement Agreement as described in the Settlement Proposal and the Release of OLCO and any other related agreement(s) or documentation to give effect thereto, based substantially upon the terms and conditions set out in Schedule A and such amendments thereto and other terms and conditions as are satisfactory to the Commissioner of Corporate Services, in consultation with the Commissioner of Community and Neighbourhood Services, all in a form acceptable to the City Solicitor;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take the necessary action 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(41) 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(41) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

Council also had before it, during consideration of Motion J(41), a communication dated July 31, 2002, from the Special Advisor, Housing Development, Community and Neighbourhood Services, addressed to the Manager of Operations, OLCO Petroleum Group, entitled “1978 Lake Shore Blvd. W. (the 'Site') - Settlement Proposal”, a copy of which is on file in the office of the City Clerk.

Vote:

Motion J(41) was adopted, without amendment.

S6.116 Special Occasion Permit Community Event St. Roch's Church, Feast of Our Patron St. Roch Celebration -Ward 7 – York West

Councillor Shiner 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(42), moved by Councillor Mammoliti, seconded by Councillor Disero, and, in the absence of Councillor Mammoliti, moved by Councillor Shiner, which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Shiner

Seconded by: Councillor Disero

“**WHEREAS** St. Roch's Parish community will be holding the feast of our Patron St. Roch on Sunday, August 11, 2002, from 5:00 p.m. to 11:30 p.m.; and

WHEREAS this celebration is an annual event which has been continually held for the past twenty-four years and is considered to be a community event; and

WHEREAS the Alcohol and Gaming Commission requires that, for events of this nature, approval be granted by City Council;

NOW THEREFORE BE IT RESOLVED THAT St. Roch's Church be granted permission to hold this Special Occasion Beer Garden Permit event in the St. Roch's Parish Hall;

AND BE IT FURTHER RESOLVED THAT City Council, for liquor licensing purposes, declare this community event to be an event of municipal and or community significance; that it has no objection to the event taking place, and that the Alcohol and Gaming Commission of Ontario 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(42) to the North York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(42) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(42) was adopted, without amendment.

S6.117 Review of Places of Worship in the New Zoning By-law

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

“BE IT RESOLVED THAT the Commissioner of Urban Development Services be requested to address the issue of places of worship in the development of the new Zoning By-law.”

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(43) to the Planning and Transportation Committee would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(43) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(43) was adopted, without amendment.

S6.118 Special Occasion Permit Community Event - Seneca Student Federation Incorporated

Councillor Shiner 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(44), which carried, more than two-thirds of Members present having voted in the affirmative:

Moved by: Councillor Shiner

Seconded by: Councillor Filion

“**WHEREAS** Seneca Student Federation Incorporated will be holding an orientation event for students on September 11, 2002; and

WHEREAS the Alcohol and Gaming Commission requires that, for events of this nature, approval be granted by City Council;

NOW THEREFORE BE IT RESOLVED THAT Seneca Student Federation Incorporated be granted permission to hold this event at 1750 Finch Avenue East from 4:00 p.m. to 10:00 p.m., on September 11, 2002;

AND BE IT FURTHER RESOLVED THAT City Council, for liquor licensing purposes, declare this community event to be an event of municipal and or community significance; that it has no objection to the event taking place, and that the Alcohol and Gaming Commission of Ontario 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(44) to the North York Community Council would have to be waived in order to now consider such Motion.

Procedural Vote:

The vote to waive referral of Motion J(44) to the North York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

Vote:

Motion J(44) was adopted, without amendment.

S6.119 Proposed Use of Portion of 324 Cherry Street and 429 Lake Shore Boulevard East

Councillor Layton gave notice of the following Motion to permit consideration at the next regular meeting of City Council scheduled to be held on October 1, 2002:

Moved by: Councillor Layton

Seconded by: Councillor Chow

“**WHEREAS** City Council at its meeting on June 18, 19 and 20, 2002, adopted, as amended, Clause No. 10 of Report No. 10 of The Policy and Finance Committee and directed the Commissioner of Works and Emergency Services to provide a one time only

collection of waste from the site at 324 Cherry Street and 429 Lake Shore Boulevard East, which is owned by Home Depot, and that Home Depot be charged for the waste collection service; and

WHEREAS City Council at its meeting on June 18, 19 and 20, 2002, also directed the Chief Administrative Officer, in consultation with the Commissioner of Works and Emergency Services, the Commissioner of Urban Development Services, the Commissioner of Community and Neighbourhood Services and the Chief Financial Officer and Treasurer to report to the Policy and Finance Committee respecting issues pertaining to this site, including the long term implications; and

WHEREAS City Council at its meeting on November 6, 7 and 8, 2001, requested an update report on the development proposal of transitional housing using manufactured structures for its meeting on December 4, 5, and 6, 2001, and adopted the October 18, 2001 report from the Acting Commissioner of Community and Neighbourhood Services, entitled 'Development Proposal for Transitional Housing Using Manufactured Structures'; and

WHEREAS City Council on December 4, 5 and 6, 2001, received the December 3, 2001, report from the Acting Commissioner of Community and Neighbourhood Services, entitled 'Update on Development Proposal for Transitional Housing Using Manufactured Structures'; and

WHEREAS Home Depot and Homes First Society, in partnership, have made a verbal proposal to the City to address housing needs arising from the current situation, by providing temporary housing on a small portion of the site at 324 Cherry Street and 429 Lake Shore Boulevard East as a demonstration project and may be filing an application to permit the temporary use of the lands for residential purposes;

NOW THEREFORE BE IT RESOLVED THAT upon receipt of such an application for approval of a temporary by-law for two years to permit residential uses on a portion of the site known as 324 Cherry Street and 429 Lake Shore Boulevard East, the Commissioner of Urban Development Services be authorized to hold a public meeting pertaining to this application and to prepare a Final Report on this application for consideration by Toronto East York Community Council;

AND BE IT FURTHER RESOLVED THAT the adoption of this Resolution does not commit Council to any position respecting the application and staff be instructed to give full consideration to any environmental, servicing and public safety issues pertaining to the application and, furthermore, these matters would also have to be addressed in any associated Site Plan Approval application which would be dealt with concurrently in the consideration of this application."

S6.120 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 October 1, 2002:

JOINT REPORT NO. 2 OF THE POLICY AND FINANCE COMMITTEE AND
THE WORKS COMMITTEE

Clause No. 1 - "Other Item Considered by the Committee".
(a) Recommended Governance Structure for Water and Wastewater Services

REPORT NO. 10 OF THE ADMINISTRATION COMMITTEE

Clause No. 3 - "Municipal Campaign Finance Reform".

Clause No. 4 - "Use of Corporate Logo, Donations and Sponsorships and Personal Funds by Members of Council".

Clause No. 34 - "City Hall Store (Ward 27 - Toronto Centre Rosedale)".

Council concurred in the proposal by Deputy Mayor Ootes.

BILLS AND BY-LAWS

S6.121 On July 30, 2002, at 6:09 p.m., Councillor Nunziata, seconded by Councillor Disero, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, which carried:

Bill No. 612	By-law No. 589-2002	To effect interim control on lands bounded by Hilldale Road, Cripps Avenue, Spears Street and Hillborn Avenue.
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S6.122 On July 30, 2002, at 7:25 p.m., Councillor Altobello, seconded by Councillor Sutherland, 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. 632	By-law No. 590-2002	To confirm the proceedings of the Council at its special meeting held on the 30th day of July, 2002,
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the vote upon which was taken as follows:

Yes - 29	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Hall, Holyday, Jones, Kelly, Lindsay Luby, Milczyn, Minnan-Wong, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Sutherland, Tziretas, Walker
No - 0	

Carried, without dissent.

S6.123 On July 31, 2002, at 7:42 p.m., Councillor Fillion, seconded by Councillor Shiner, 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. 633	By-law No. 591-2002	To confirm the proceedings of the Council at its special meeting held on the 30th and 31st days of July, 2002,
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the vote upon which was taken as follows:

Yes - 33	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Fillion, Flint, Hall, Holyday, Kelly, Korwin-Kuczynski, Layton, Li Preti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 1	
Councillor:	Ford

Carried by a majority of 32.

S6.124 On August 1, 2002, at 12:35 p.m., Councillor Berardinetti, seconded by Councillor Silva, 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. 634	By-law No. 592-2002	To confirm the proceedings of the Council at its special meeting held on the 30th and 31st days of July, and the 1st day of August, 2002,
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the vote upon which was taken as follows:

Yes - 27 Councillors: Ashton, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Filion, Ford, Hall, Holyday, Jones, Layton, Li Preti, Lindsay Luby, Mammoliti, Mihevc, Milczyn, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki, Walker
No - 0

Carried, without dissent.

S6.125 On August 1, 2002, at 5:51 p.m., Councillor Balkissoon, seconded by Councillor Walker, 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. 580	By-law No. 593-2002	To amend Section 15 of By-law No. 438-86 of the former City of Toronto respecting the Index of Exceptions.
Bill No. 581	By-law No. 594-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Heatherbank Trail and Sheppard Avenue East.
Bill No. 582	By-law No. 595-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 583	By-law No. 596-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 275 Finch Avenue West.
Bill No. 584	By-law No. 597-2002	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. 585	By-law No. 598-2002	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. 586	By-law No. 599-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 587	By-law No. 600-2002	To amend former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks, to provide for the installation of trees on City boulevards approved for boulevard cafe licences.
Bill No. 588	By-law No. 601-2002	To levy an amount for the year 2002 upon certain Public Hospitals and Provincial Mental Health Facilities.
Bill No. 589	By-law No. 602-2002	To levy an amount for the year 2002 upon certain Universities and Colleges.
Bill No. 590	By-law No. 603-2002	To levy an amount for the year 2002 upon certain Correctional Facilities.
Bill No. 591	By-law No. 604-2002	To levy and collect taxes for 2002 on Certain Railway Company and Power Utility Lands.
Bill No. 592	By-law No. 605-2002	To establish a Dundas Street West Streetscape Improvements Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 593	By-law No. 606-2002	To establish a High-Level Pumping Station Park Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.
Bill No. 594	By-law No. 607-2002	To amend City of Toronto Municipal Code

		Chapter 19, "Business Improvement Areas", to add the number of members and number required for quorum for the Rosedale -Summerhill Business Improvement Area Board of Management.
Bill No. 595	By-law No. 608-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Milner Avenue.
Bill No. 596	By-law No. 609-2002	To layout and dedicate certain land for public highway purposes to form part of the public highway Goldene Way.
Bill No. 597	By-law No. 610-2002	To exempt lands municipally known as 5 Tyre Avenue from Part Lot Control.
Bill No. 598	By-law No. 611-2002	To exempt lands municipally known as 355 Roselawn Avenue from Part Lot Control.
Bill No. 599	By-law No. 612-2002	To exempt lands municipally known as 19A, 19B, 21A, 21B, 23 and 25 Brian Drive, 16, 18 – 27 (inclusive) and 29 Doubletree Road and 46, 48, 50, 52, 54 and 56 Wilkinson Drive from Part Lot Control.
Bill No. 600	By-law No. 613-2002	To exempt lands municipally known as 665 Trethewey Drive from Part Lot Control.
Bill No. 601	By-law No. 614-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Dufferin Street, Lansdowne Avenue, Marion Street and Ritchie Avenue.
Bill No. 602	By-law No. 615-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bay Street, Nassau Street and Victoria Street.

Bill No. 603	By-law No. 616-2002	To amend Chapter 910, Parking Machines, of the City of Toronto Municipal Code regarding parking machines on certain streets within the City of Toronto.
Bill No. 604	By-law No. 617-2002	To amend City of Toronto Municipal Code Chapter 447, Fences, to exempt a portion of the fence on the property municipally known as 1610 Woodbine Heights Boulevard from the minimum distance requirements for pool fences.
Bill No. 605	By-law No. 618-2002	To amend City of York Municipal Code Ch. 997, "School Bus Loading Zone, respecting Willard Avenue".
Bill No. 606	By-law No. 619-2002	To amend City of York Municipal Code Ch. 997, "School Bus Loading Zone, respecting Earnscliffe Road".
Bill No. 607	By-law No. 620-2002	To designate the property at 417 King Street East (Little Trinity Rectory) as being of architectural and historical value or interest.
Bill No. 608	By-law No. 621-2002	To designate the property at 571 Jarvis Street (William R. Johnston House) as being of architectural and historical value or interest.
Bill No. 609	By-law No. 622-2002	To designate the area bounded generally by Hazelton Avenue, Scollard Street, Bay Street and Davenport Road, including Webster Avenue, (Yorkville -Hazelton Avenue Area) as a Heritage Conservation District.
Bill No. 610	By-law No. 623-2002	To define the South Rosedale area as an area of the City of Toronto to be examined for future designation as a heritage conservation district.

Bill No. 611

By-law No. 624-2002

To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.

Bill No. 613	By-law No. 625-2002	To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands located on the south side of North Queen Street, east of Highway No. 427.
Bill No. 614	By-law No. 626-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Ascot Avenue.
Bill No. 615	By-law No. 627-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cowan Avenue, Dufferin Street, Fort Rouille Street, Gladstone Avenue, Jameson Avenue, Melbourne Avenue, Peel Avenue, Spencer Avenue, Springhurst Avenue and Tyndall Avenue.
Bill No. 616	By-law No. 628-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Bain Avenue, Essex Street, Larchmount Avenue, Robinson Street and Strafford Street.
Bill No. 617	By-law No. 629-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Fleet Street and Strachan Avenue.
Bill No. 618	By-law No. 630-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Alexander Street, Euclid Avenue, Mutual Street and Wood Street.
Bill No. 619	By-law No. 631-2002	To layout and dedicate certain land for public lane purposes to form part of the public lane east of Davenport Road extending south-easterly from Dupont Street.

Bill No. 620	By-law No. 632-2002	To amend further By-law No. 271, a By-law "To prohibit parking on certain sides of certain highways", being a By-law of the former Borough of East York.
Bill No. 621	By-law No. 633-2002	To amend current City of Toronto By-law Nos. 30742 (North York), No. 197 (East York), No. 107-86 (Metro), No. 1645-89 (York), No. 22614 (Scarborough), and Municipal Code Chapters 187 (Etobicoke), 400 (Toronto), and 982 (York) respecting the use of parking meters, and The City of Toronto Municipal Code Chapter 910 respecting the use of parking machines, to establish new voluntary payment amounts and set fine amounts with respect to offences.
Bill No. 622	By-law No. 634-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Montrose Avenue.
Bill No. 623	By-law No. 635-2002	To amend Chapter 910, Parking Machines, of the City of Toronto Municipal Code regarding parking machines on certain streets within the City of Toronto.
Bill No. 624	By-law No. 636-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Woodlawn Avenue East.
Bill No. 625	By-law No. 637-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 626	By-law No. 638-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 627	By-law No. 639-2002	To adopt an amendment to the Official Plan

for the former City of Toronto respecting lands known as 1, 2, 3, 4, 6 and 10 Elm Avenue.

Bill No. 628	By-law No. 640-2002	To amend By-law No. 438-86 of the former City of Toronto with respect to lands known municipally in the year 2001 as 1, 2, 3, 4, 6 and 10 Elm Avenue.
Bill No. 629	By-law No. 641-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 1415 Lawrence Avenue West.
Bill No. 630	By-law No. 642-2002	To adopt Amendment No. 520 of the Official Plan for the former City of North York in respect of lands municipally known as 866 and 868 Sheppard Avenue West.
Bill No. 631	By-law No. 643-2002	To amend City of North York By-law No. 7625 in respect of lands municipally known as 866-868 Sheppard Avenue West,

the vote upon which was taken as follows:

Yes - 31 Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Filion, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Tziretas, Walker
No - 1 Councillor:	Milczyn

Carried by a majority of 30.

S6.126 On August 1, 2002, at 5:53 p.m., Councillor Tziretas, 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. 635

By-law No. 644-2002

To confirm the proceedings of the Council at its special meeting held on the 30th and 31st days of July, and the 1st day of August, 2002,

the vote upon which was taken as follows:

Yes - 31	Councillors: Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Filion, Flint, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Lindsay Luby, Mammoliti, Mihevc, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Tziretas, Walker
No - 1	Councillor: Milczyn

Carried by a majority of 30.

OFFICIAL RECOGNITIONS:

S6.127 Condolence Motions

July 30, 2002:

Councillor Mihevc, seconded by Councillor Pitfield, moved that:

“WHEREAS Ms. Karen Vesna Srbely, a member of the City of Toronto Citizen Advisory Committee on Disability Issues, passed away peacefully after a long and courageous struggle on July 19, 2002; and

WHEREAS Ms. Srbely demonstrated, throughout her young life, strength, fortitude and humour in living with disabilities; and

WHEREAS Ms. Srbely was able to bring her first hand experience and expertise on disability issues, particularly related to youth, to become a voice for the disabled; and

WHEREAS Ms. Srbely served as a vital and committed member of the former City of Etobicoke Barrier-Free Accessibility Committee from 1996; and

WHEREAS Ms. Srbely worked tirelessly to ensure the rights and interests of persons with disabilities were addressed within a number of community contexts;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to her mother, Dragica Srbely, her brother John Srbely and family members.”

Leave to introduce the foregoing Motion was granted and the Motion was adopted unanimously.

Council rose and observed a moment of silence in memory of the late Ms. Karen Vesna Srbely.

July 31, 2002:

Councillor Duguid, seconded by Councillor Chow, moved that:

“**WHEREAS** the Toronto Emergency Medical Services (EMS) family, the citizens of Toronto and members of the Toronto media are deeply saddened by the passing of Rick Boustead on July 1, 2002; and

WHEREAS Rick Boustead selflessly served the citizens of Toronto as a Paramedic, through Toronto Emergency Medical Services, from 1975 to 2002; and

WHEREAS Rick Boustead’s contributions to the field of Emergency Medicine were unprecedented through his genuine love of life and care for others; and

WHEREAS Rick Boustead co-ordinated Toronto’s EMS activities with the Toronto Children’s Breakfast Club and on June 26, 2002, the ‘Falstaff Breakfast Club for Kids’ was re-named in his honour, the ‘Rick Boustead Falstaff Breakfast Club for Kids’; and

WHEREAS Rick Boustead’s founding, fundraising and coordinating efforts led to the successful fundraising drives of numerous charities in the City of Toronto; and

WHEREAS Rick Boustead’s altruistic contributions to the City of Toronto led to his receiving many awards, including the Award for Valor, Award of Merit, the William Allen Award for Outstanding Contribution to Toronto EMS and the Community, Certificate of Merit from St. John Ambulance, EMS Award from the Toronto Junior Chamber of Commerce, Toronto Tourism Emergency Services Award, and the prestigious Federal Emergency Medical Services Exemplary Service Medal presented by Lieutenant Governor James Bartleman on June 27, 2002;

NOW THEREFORE BE IT RESOLVED THAT Rick Boustead be honoured and remembered as a selfless and community-oriented individual who gave of himself for the

benefit of others;

AND BE IT FURTHER RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to Rick's family, friends, and all the citizens of Toronto who mourn the loss of this truly special individual."

Leave to introduce the foregoing Motion was granted and the Motion was adopted unanimously.

Council rose and observed a moment of silence in memory of the late Mr. Rick Boustead.

July 31, 2002:

Councillor Moscoe, seconded by Councillor Feldman, moved that:

"WHEREAS the Members of City Council are deeply saddened with the tragic death of Mr. David Rosenzweig on July 14, 2002, who died in an unprovoked attack outside a kosher pizza shop on Bathurst Street; and

WHEREAS Mr. Rosenzweig demonstrated throughout his life an unbinding love for his family even to the end as he assisted his son with a broken down car; and

WHEREAS Mr. Rosenzweig was a proud, loyal and committed Jew, a peaceful man who was a role model for each life he touched; and

WHEREAS Mr. Rosenzweig was respected by the community he served and dedicated his time selflessly to his faith and to the betterment of the world;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of the Members of City Council, our sincere sympathy to his wife Chavie, his six children and their family members."

Leave to introduce the foregoing Motion was granted and the Motion was adopted unanimously.

Council rose and observed a moment of silence in memory of the late Mr. David Rosenzweig.

August 1, 2002:

Councillor Ford, seconded by Councillor Layton, moved that:

“**WHEREAS** the Members of City Council are deeply saddened to learn of the tragic passing of Mr. John Weber and Mrs. Margaret Weber in a house fire on July 11, 2002;

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

Leave to introduce the foregoing Motion was granted and the Motion was adopted unanimously.

Council rose and observed a moment of silence in memory of the late Mr. John Weber and Mrs. Margaret Weber.

S6.128 Presentations/Introductions/Announcements:

July 30, 2002:

Councillor Cho, with the permission of Council, during the afternoon session of the meeting, announced that a donation of \$25,000.00 had been received from Honda Canada, as a contribution towards the reconstruction of Murison Park.

Councillor Rae, with the permission of Council, during the afternoon session of the meeting, introduced the following members of a delegation visiting from Lambda, Istanbul, present at the meeting:

- Nejat Hnlu;
- Martin Krajcik; and
- Michelle Atbin.

July 31, 2002:

Mayor Lastman, during the morning session of the meeting, addressed the Council with respect to the tremendous success of World Youth Day, held from July 22 to 28, 2002, in the City of Toronto.

He acknowledged the commendable behaviour of the visiting pilgrims, as well as the hard work and dedication of those involved, including Councillors Mihevc and Pantalone, City of Toronto staff who assisted with the event's planning and clean-up, the Toronto Police Service and the Toronto Transit Commission for the exceptional services provided, as well as the thousands of citizens and volunteers who welcomed the pilgrims into our City. The Mayor presented Inukshuk gifts to Councillors Mihevc and Pantalone to commemorate the occasion. The Mayor invited Father Tom Rosica,

National Director and CEO of World Youth Day, to the podium and presented to him, on behalf of the Canadian Conference of Catholic Bishops, a key to the City. Father Rosica addressed Council and expressed his thanks to Mayor Lastman and Members of Council for the goodwill, trust and kindness they have shown through all phases of this event.

Councillor Layton and Councillor Bussin, with the permission of Council, during the morning session of the meeting, introduced Mr. Divyabh Manchanda, Consul General of India in Toronto, present at the meeting.

Councillor Layton, with the permission of Council, during the afternoon session of the meeting, introduced Ottawa City Councillor Clive Doucet, present at this meeting, and visiting Toronto as part of the "HayWest - One for the Road" campaign which assists central and eastern farmers with moving hay west to aid drought stricken prairie farmers.

August 1, 2002:

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced participants from the International Black Summit, present at this meeting. He advised that the Summit would be taking place in Toronto from August 2 to 4, 2002, and would host over 300 participants from around the world.

S6.129 MOTIONS TO VARY PROCEDURE

Vary the order of proceedings of Council:

July 30, 2002:

Councillor Layton, at 9:42 a.m., moved that Council vary the order of its proceedings to consider Clause No. 5 of Report No. 9 of The Works Committee, headed 'F.G. Gardiner Expressway Dismantling Project from Don Roadway to Leslie Street - Update on Project Status - Site Specific Risk Assessment (SSRA) and Interim Options for Remediation of Contaminated Soils (Ward 30)', on July 31, 2002, at 9:30 a.m., which carried.

August 1, 2002:

Councillor Feldman, at 9:43 a.m., moved that Council vary the order of its proceedings to now consider Notice of Motion J(2), moved by Councillor Walker, seconded by Councillor Bussin, respecting the Proposed Censure of Mayor Melvin Lastman, which carried.

Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:

July 31, 2002:

Councillor Mihevc, at 6:34 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 7:30 p.m. recess, in order to conclude consideration of those items remaining on the Order Paper for this meeting, the vote upon which was taken as follows:

Yes - 15 Councillors:	Altobello, Duguid, Feldman, Flint, Ford, Holyday, Li Preti, Milczyn, Moscoe, Ootes, Pitfield, Shaw, Shiner, Silva, Sutherland
No - 20 Mayor: Councillors:	Lastman Ashton, Augimeri, Bussin, Cho, Chow, Di Giorgio, Disero, Filion, Hall, Kelly, Korwin-Kuczynski, Layton, Mihevc, Minnan-Wong, Nunziata, Pantalone, Rae, Tziretas, Walker

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

August 1, 2002:

Councillor Soknacki, at 9:40 a.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. adjournment, and adjourn at 12:30 p.m. or upon completion of those items on the Order Paper which are marked as 'time critical', whichever occurs later, the vote upon which was taken as follows:

Yes - 19 Councillors:	Altobello, Balkissoon, Bussin, Di Giorgio, Disero, Duguid, Feldman, Korwin-Kuczynski, Li Preti, Mammoliti, Mihevc, Moeser, Ootes, Rae, Shiner, Silva, Soknacki, Tziretas, Walker
No - 12 Councillors:	Augimeri, Chow, Flint, Ford, Hall, Holyday, Jones, Lindsay Luby, Minnan-Wong, Moscoe, Nunziata, Pantalone

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

S6.130 ATTENDANCE

Councillor Walker, seconded by Councillor Tziretas, moved that the absence of Councillors Johnston, McConnell and Miller from this Special meeting of Council be excused, which carried.

July 30 2002	9:40 a.m. to 12:30 p.m.*	Roll Call 11:02 a.m.	Roll Call 2:07 p.m.	2:07 p.m. to 6:15 p.m.	Roll Call 3:56 p.m.	Ctte. of the Whole In-Camera 6:20 p.m.	7:25 p.m. to 7:30 p.m.*
Lastman	x	x	-	x	-	x	x
Altobello	x	x	x	x	-	x	x
Ashton	x	-	x	x	-	x	x
Augimeri	x	-	x	x	x	-	-
Balkissoon	x	x	-	x	x	x	x
Berardinetti	x	x	x	x	x	-	-
Bussin	x	x	x	x	x	x	x
Cho	x	-	x	x	x	x	x
Chow	x	x	-	x	x	x	x
Di Giorgio	x	x	x	x	x	x	x
Disero	x	x	-	x	x	x	x
Duguid	x	x	x	x	x	x	x
Feldman	x	x	x	x	-	x	x
Filion	x	x	-	x	x	x	x
Flint	x	x	x	x	x	x	x
Ford	x	x	x	x	x	x	x
Hall	x	x	x	x	x	x	x
Holyday	x	x	x	x	x	x	x
Johnston	-	-	-	-	-	-	-
Jones	x	x	x	x	x	x	x
Kelly	x	x	x	x	x	x	x
Korwin-Kuczynski	x	x	x	x	-	-	-
Layton	x	x	-	x	x	-	-
Li Preti	x	x	x	x	x	x	x
Lindsay Luby	x	x	-	x	x	x	x
Mammoliti	x	x	x	x	x	x	x

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July 30 2002	9:40 a.m. to 12:30 p.m.*	Roll Call 11:02 a.m.	Roll Call 2:07 p.m.	2:07 p.m. to 6:15 p.m.	Roll Call 3:56 p.m.	Ctte. of the Whole In-Camera 6:20 p.m.	7:25 p.m. to 7:30 p.m.*
McConnell	-	-	-	-	-	-	-
Mihevc	x	x	-	x	-	x	x
Milczyn	x	-	-	x	-	x	x
Miller	-	-	-	-	-	-	-
Minnan-Wong	x	x	-	x	-	-	-
Moeser	x	-	x	x	-	x	x
Moscoe	x	x	x	x	x	x	x
Nunziata	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
Rae	x	x	x	x	-	x	x
Shaw	x	x	-	x	x	x	x
Shiner	x	x	x	x	-	x	x
Silva	x	x	x	x	x	-	-
Soknacki	x	x	x	x	-	-	-
Sutherland	x	x	-	x	-	x	x
Tziretas	x	x	-	x	x	x	x
Walker	x	-	x	x	x	x	x
Total	42	35	27	42	27	34	35

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

July 31, 2002	Roll Call 9:40 a.m.	9:40 a.m. to 11:05 a.m.*	Roll Call 10:45 a.m.	Ctte. of the Whole In-Camera 11:15 a.m.	12:20 .m. to 12:30 p.m.*
Lastman	-	x	x	x	x
Altobello	x	x	-	x	x
Ashton	-	x	x	x	x
Augimeri	x	x	x	x	-
Balkissoon	-	-	-	-	-
Berardinetti	-	x	x	x	-
Bussin	x	x	x	x	x

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July 31, 2002	Roll Call 9:40 a.m.	9:40 a.m. to 11:05 a.m.*	Roll Call 10:45 a.m.	Ctte. of the Whole In-Camera 11:15 a.m.	12:20 .m. to 12:30 p.m.*
Cho	x	x	-	x	x
Chow	x	x	x	x	-
Di Giorgio	x	x	-	x	x
Disero	x	x	-	-	x
Duguid	x	x	x	x	x
Feldman	x	x	x	x	x
Filion	-	x	-	x	-
Flint	x	x	x	x	-
Ford	x	x	x	x	x
Hall	x	x	x	x	x
Holyday	x	x	x	x	x
Johnston	-	-	-	-	-
Jones	-	x	x	x	x
Kelly	-	x	x	x	x
Korwin-Kuczynski	x	x	x	x	x
Layton	x	x	x	x	-
Li Preti	x	x	-	x	x
Lindsay Luby	-	-	-	-	-
Mammoliti	-	x	x	x	-
McConnell	-	-	-	-	-
Mihevc	x	x	x	x	-
Milczyn	-	-	-	x	x
Miller	-	-	-	-	-
Minnan-Wong	x	x	-	x	-
Moeser	x	x	x	-	-
Moscoe	-	x	x	x	x
Nunziata	x	x	-	x	-
Ootes	x	x	x	x	x
Pantalone	x	x	-	-	-
Pitfield	-	x	x	x	x
Rae	x	x	-	x	x

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July 31, 2002	Roll Call 9:40 a.m.	9:40 a.m. to 11:05 a.m.*	Roll Call 10:45 a.m.	Ctte. of the Whole In-Camera 11:15 a.m.	12:20 .m. to 12:30 p.m.*
Shaw	-	x	-	x	-
Shiner	x	x	x	x	x
Silva	x	x	-	-	-
Soknacki	x	x	x	x	-
Sutherland	x	x	x	x	x
Tziretas	x	x	x	x	x
Walker	-	x	-	x	x
Total	28	39	26	36	26

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

July 31, 2002	Roll Call 2:08 p.m.	2:08 p.m. to 3:00 p.m.*	Ctte. of the Whole In-Camera 3:05 p.m.	6:19 p.m. to 7:47 p.m.*
Lastman	-	x	x	x
Altobello	x	x	x	x
Ashton	-	x	x	x
Augimeri	x	x	x	-
Balkissoon	-	-	-	-
Berardinetti	x	x	-	-
Bussin	x	x	x	x
Cho	x	x	x	x
Chow	x	x	x	x
Di Giorgio	x	x	x	x
Disero	-	x	x	x
Duguid	x	x	x	x
Feldman	x	x	x	x
Filion	x	x	x	x
Flint	x	x	x	x
Ford	x	x	x	x
Hall	x	x	x	x
Holyday	x	x	x	x
Johnston	-	-	-	-
Jones	-	x	x	x

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July 31, 2002	Roll Call 2:08 p.m.	2:08 p.m. to 3:00 p.m.*	Ctte. of the Whole In-Camera 3:05 p.m.	6:19 p.m. to 7:47 p.m.*
Kelly	-	x	x	x
Korwin-Kuczynski	-	x	x	x
Layton	x	x	x	x
Li Preti	x	x	x	x
Lindsay Luby	-	-	-	-
Mammoliti	x	x	x	-
McConnell	-	-	-	-
Mihevc	x	x	x	x
Milczyn	-	x	x	x
Miller	-	-	-	-
Minnan-Wong	x	x	x	x
Moeser	-	-	-	-
Moscoe	x	x	x	x
Nunziata	-	x	x	x
Ootes	x	x	x	x
Pantalone	x	x	x	x
Pitfield	x	x	x	x
Rae	x	x	x	x
Shaw	x	x	-	x
Shiner	x	x	x	x
Silva	x	x	x	x
Soknacki	x	x	x	x
Sutherland	-	x	x	x
Tziretas	-	x	x	x
Walker	x	x	x	x
Total	29	39	37	36

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

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August 1, 2002	Roll Call 9:44 a.m.	9:44 a.m. to 12:35 p.m.*	Roll Call 11:17 a.m.	2:10 p.m. to 2:50 p.m.*	Roll Call 2:31 p.m.
Lastman	-	x	-	-	-
Altobello	x	x	-	-	-
Ashton	-	x	x	x	x
Augimeri	x	x	x	x	x
Balkissoon	x	x	-	x	x
Berardinetti	-	x	x	x	-
Bussin	x	x	-	x	x
Cho	-	x	-	x	-
Chow	x	x	x	x	x
Di Giorgio	x	x	x	x	x
Disero	x	x	x	x	x
Duguid	x	x	x	x	-
Feldman	x	x	x	x	x
Filion	-	x	x	x	x
Flint	x	x	x	x	x
Ford	-	x	x	x	x
Hall	x	x	x	x	x
Holyday	x	x	x	x	x
Johnston	-	-	-	-	-
Jones	x	x	-	x	x
Kelly	-	x	x	x	x
Korwin-Kuczynski	-	x	-	-	-
Layton	-	x	-	x	x
Li Preti	x	x	-	x	-
Lindsay Luby	x	x	x	x	x
Mammoliti	x	x	x	-	-
McConnell	-	-	-	-	-
Mihevci	-	x	x	x	x
Milczyn	-	x	x	x	-
Miller	-	-	-	-	-
Minnan-Wong	-	x	x	x	-

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August 1, 2002	Roll Call 9:44 a.m.	9:44 a.m. to 12:35 p.m.*	Roll Call 11:17 a.m.	2:10 p.m. to 2:50 p.m.*	Roll Call 2:31 p.m.
Moeser	x	x	x	x	x
Moscoe	x	x	x	x	x
Nunziata	x	x	x	x	x
Ootes	x	x	-	x	x
Pantalone	x	x	x	x	x
Pitfield	-	x	x	-	-
Rae	x	x	x	x	x
Shaw	-	x	x	x	x
Shiner	x	x	x	x	x
Silva	x	x	-	x	-
Soknacki	x	x	-	x	x
Sutherland	-	x	x	-	-
Tziretas	x	x	x	x	x
Walker	x	x	x	x	x
Total	27	42	30	36	29

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

August 1, 2002	Ctte. of the Whole In-Camera 2:53 p.m.	4:05 p.m. to 6:00 p.m.*	Roll Call 5:50 p.m.
Lastman	x	x	-
Altobello	-	-	-
Ashton	x	x	x
Augimeri	x	x	x
Balkissoon	x	x	x
Berardinetti	-	-	-
Bussin	x	x	x
Cho	x	x	-
Chow	x	x	x
Di Giorgio	x	x	x
Disero	x	x	x
Duguid	x	-	-

Minutes of a Special Meeting of the Council of the City of Toronto
 July 30, 31 and August 1, 2002

August 1, 2002	Ctte. of the Whole In-Camera 2:53 p.m.	4:05 p.m. to 6:00 p.m.*	Roll Call 5:50 p.m.
Feldman	x	x	-
Filion	x	x	x
Flint	x	x	x
Ford	x	-	-
Hall	x	x	x
Holyday	x	x	x
Johnston	x	-	-
Jones	x	x	-
Kelly	x	-	-
Korwin-Kuczynski	x	x	-
Layton	x	x	-
Li Preti	x	x	-
Lindsay Luby	x	x	x
Mammoliti	x	x	x
McConnell	-	-	-
Mihevc	x	x	x
Milczyn	x	x	x
Miller	-	-	-
Minnan-Wong	x	x	x
Moeser	x	x	x
Moscoe	x	x	x
Nunziata	x	x	x
Ootes	x	x	x
Pantalone	x	x	x
Pitfield	-	-	-
Rae	x	x	x
Shaw	x	x	x
Shiner	x	x	-
Silva	x	x	-
Soknacki	x	x	-
Sutherland	-	-	-

Minutes of a Special Meeting of the Council of the City of Toronto
July 30, 31 and August 1, 2002

August 1, 2002	Ctte. of the Whole In-Camera 2:53 p.m.	4:05 p.m. to 6:00 p.m.*	Roll Call 5:50 p.m.
Tziretas	x	x	x
Walker	x	x	x
Total	39	34	25

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

MEL LASTMAN,
Mayor

ULLI S. WATKISS,
City Clerk

ATTACHMENT NO. 1 [Notice of Motion F(4)]

Report dated June 18, 2002, from the Chief Administrative Officer, entitled "City of Toronto Appointments to University Health Network Board of Trustees, Wards 20 - Trinity-Spadina, and 27 - Toronto Centre-Rosedale". (See Minute No. S6.70, Page 83):

Purpose:

This report recommends that Council not object to proposed amendments to the Toronto Hospital Act that would eliminate the three City of Toronto appointees to the University Health Network Board of Trustees.

Financial Implications and Impact Statement:

There are no financial implications to this report.

Recommendations:

It is recommended that:

- (1) Council indicate that it does not object to the proposal by the University Health Network that the Province of Ontario amend the Toronto Hospital Act, 1997 as it relates to the elimination of the three citizens appointed to the University Health Network Board of Trustees by the City of Toronto;
- (2) Council encourage the University Health Network Board of Trustees to maintain a mechanism to receive and consider community input into the vital services that this large healthcare network provides; and
- (3) the City Clerk be directed to communicate Council's decision to the President and Chief Executive Officer of the University Health Network immediately so that it can be forwarded to the Province in time for the current legislative session.

Background:

In an e-mail (attached) addressed to the Mayor and the Chief Administrative officer dated June 4, 2002, Mr. Tom Closson, the President and Chief Executive Officer of the University Health Network (formerly the Toronto Hospital), reported that the Network has applied to the Province for an amendment to the Toronto Hospital Act, 1997, that would reduce the Board of Trustees from 38 to 20 members.

The Toronto Hospital Act currently provides for a Board of Trustees comprised of 11 appointed members and 27 elected and ex-officio members. The 11 appointed members include 3 trustees appointed by the City of Toronto from persons nominated by the Network's Community Advisory Committee. The proposed amendment would eliminate 9 of the appointed trustee positions including all three of the City of Toronto appointees. Mr. Closson has requested that the City of Toronto confirm that it has no objection to the proposed change of composition of the Board of Trustees with respect to the elimination of the City of Toronto appointees. This information is required as soon as possible in response to a request from the Province of Ontario in order that legislation may be introduced during the current session of the Provincial Legislature, which is anticipated to end on June 27, 2002.

Comments:

In his communication, Mr. Closson notes that the City has no real involvement in the operation of the Board or Hospital aside from appointing three citizen members every three years, following a municipal election, from a shortlist prepared by the Network's Community Advisory Committee. The three citizen members are appointed by Council on recommendation of the Nominating Committee. In January 2001 the Nominating Committee recommended to Council the appointment of three citizens based on the information forwarded by the Network on each candidate without conducting interviews. The timeline for a decision was short and the Community Advisory Committee had already undertaken an application and shortlisting process. The appointees are not specifically required to report to the City of Toronto Council on the Network's activities during their term of office.

The City of Toronto's involvement in the University Health Network Board of Trustees is peripheral and requires the Nominating Committee and Council to make appointments based on an abbreviated process and limited information about the appointees. However, the shortlist of five citizens is provided by the Network's Community Advisory Committee, so that the three City appointees are also to reflect the wishes and concerns of the community.

Council should indicate to the University Health Network that the Board maintain a mechanism to receive and consider community input into the vital services that this large healthcare network provides. There are no Council Member appointees to this Board.

A communication was sent to Mr. Closson indicating that a decision could not be made by Council by the requested date of June 7, 2002, but that the matter would be placed before Council as soon as possible.

Conclusions:

It is recommended that Council not object to the University Health Network request for the Province of Ontario to amend the Toronto Hospital Act, 1997 to eliminate the three citizens appointed to the University Health Network Board of Trustees by the City of Toronto. Council should direct the City Clerk to communicate Council's decision to the President and Chief Executive Officer of the University Health Network urgently so that it can be forwarded to the Province in time for the current legislative session.

Contact:

Anna Pace
Sr. Corporate Management
and Policy Consultant
Office of the Chief Administrator
Telephone: 416-392-8117
Fax : 416-696-3645
E-mail: apace@city.toronto.on.ca

Helen Smith
Nominations and Appointments
Administrator
Office of the City Clerk
Telephone: 416-392-0146
Fax: 416-392-2983
E-mail: hsmith@city.toronto.on.ca

(A copy of the attachment referred to in the foregoing report is on file in the Office of the City Clerk.)

ATTACHMENT NO. 2 [Notice of Motion J(3)]

Report dated July 30, 2002, from the Commissioner of Works and Emergency Services, entitled "Proposed Area Traffic Management Study – Deer Park: Area bounded by Avenue Road, St. Michael's Cemetery and Rosehill Avenue, Vale of Avoca and Mount Pleasant Cemetery, and Frobisher Avenue [Notice of Motion J(3)] (St. Pauls, Ward 22)" (See Minute No. S6.77, Page 95):

Purpose:

To report directly to City Council, at its meeting of July 30, 31 and August 1, 2002, on the Deer Park area traffic management study as proposed in the Notice of Motion J(3), moved by Councillor Michael Walker and seconded by Councillor David Miller, to establish the process to be followed for this study and to obtain permission to retain an outside transportation consultant to assist in conducting this study, in the event that Council adopts the Motion.

Financial Implications and Impact Statement:

As part of an Ontario Municipal Board decision respecting De Lisle Court, the OMB ordered the developer to pay to the City of Toronto a sum of \$100,000 to fund an area traffic management study and implement traffic calming measures where required. It is estimated that the cost to retain a consultant to conduct this study will be \$60,000.

Recommendations:

It is recommended that should Council adopt Notice of Motion J(3) moved by Councillor Michael Walker to authorize an Area Traffic Management Study for Deer Park, such study be conducted as follows:

- (1) the Deer Park Ratepayers Group Inc. be requested to establish a residents' traffic committee comprising a representative cross-section of geographic area and community interests to participate on a study Steering Committee, also comprised of Transportation Services' staff and a representative of Councillor Walker's office, with the study being done in accordance with the process for undertaking area traffic management studies contained in the Policy adopted by the former City of Toronto Council at its meeting of May 30 and 31, 1994, and more particularly, Appendix B (attached) of the Policy;
- (2) the study Steering Committee establish terms of reference for the Deer Park Area Traffic Management Study, prepare a Request For Proposal in order to retain a transportation consulting firm to undertake the study, and oversee the progress of the study once a consultant has been retained;

- (3) approval be given to retain a transportation consultant to be selected by the Steering Committee, with funding for the consultant to be provided from a \$100,000 contribution arising from a development agreement/OMB decision with the developers of the De Lisle Court project, secured for the study and implementation of traffic calming measures;
- (4) upon the completion of the study, a report be submitted to Midtown Community Council on any recommendations arising therefrom; and
- (5) the appropriate City officials be requested to take any action necessary to give effect to the foregoing.

Background:

Councillor Michael Walker has submitted Motion J(3) directly to City Council at its meeting of July 30 31 and August 1, 2002, recommending that an area traffic management study be undertaken as requested by the Deer Park Ratepayers Group Inc. in the area bounded by Avenue Road, St. Michael's Cemetery, Vale of Avoca and Mount Pleasant Cemetery, and Frobisher Avenue. This report is submitted in order to establish the parameters for this study and to seek permission to retain a transportation consultant to assist in conducting this study should Council decide to adopt the Motion.

Comments:

The subject Motion arose from a series of public meetings convened by Councillor Walker in the Deer Park Area where the Councillor wished to obtain public input respecting requested changes to existing traffic controls which had been implemented a number of years ago to discourage non-resident traffic. The Deer Park Ratepayers Group Inc., in its letter of June 24, 2002, appended to Councillor Walker's motion, has indicated that rather than consider implementing changes to existing traffic controls within its community on a street-by-street, ad hoc basis, it would like to see an area-wide traffic management study undertaken to review all existing traffic controls within the Deer Park Area with the view of establishing a plan that would be satisfactory to the entire Deer Park community.

The Council of the former City of Toronto, at its meeting of May 30 and 31, 1994 (Clause No. 55 in Report No. 9 of the City Services Committee, contained in Report No. 15 of the Executive Committee), established a policy respecting area traffic management studies. The process to be followed is contained in Appendix B to the Clause and is also attached to this report.

Essentially, a residents' association or a residents' traffic committee submits a request to the appropriate committee of Council (currently the appropriate Community Council) to receive authority to develop an area traffic management plan for the area of concern and to request the Commissioner of Works and Emergency Services to assist the residents' traffic committee. The traffic committee, with the assistance of Works' staff, identifies and quantifies traffic concerns and develops and assesses alternatives, potentially leading to a proposed Neighbourhood Traffic Management Plan. The acceptability of the Plan to the community is to be established at public meeting(s) held in the area. All households within the area are to receive notice of all public meetings. The plan, amended as necessary, is submitted by the Residents' Association or Traffic Committee to the appropriate Community Council (in this case, Midtown Community Council).

Upon submission of the Plan to Community Council, the Community Council requests the Commissioner of Works and Emergency Services to report on the plan, including comments on the plan feasibility, impacts, any amendments considered necessary, implementation costs and timing, and the views of other agencies, such as the Toronto Transit Commission, Emergency Services, the Police, etc. Community Council then considers the plan and the report of the Commissioner of Works and Emergency Services, hears deputations from the public and interested parties and makes recommendations to Council. Once the plan is approved and implemented, Works' staff are to monitor the impacts of the plan and report, as necessary, to Community Council on any problems that may have been identified or changes that might be required to improve the effectiveness of the plan.

In light of the availability of funding and current heavy workload of Transportation Services District 1 staff, it is suggested, to expedite this study, that some of the above-noted funds be used to retain a transportation consultant to undertake the study. It is suggested, in keeping with the spirit of the above-noted Policy, that a Deer Park Area Traffic Management Study Steering Committee be established to oversee the study. The Steering Committee would consist of representatives of the Deer Park Ratepayers Group Inc., Transportation Services' staff and a representative from Councillor Walker's office.

The Steering Committee would be responsible for developing the objectives, terms of reference and timetable for the study, prepare a Request for Proposals (RFP) to be submitted to various consulting firms. The Steering Committee would then review the bids received from responding consulting firms and award the contract to the bid deemed most suitable. The Steering Committee would meet on a regular basis with the consultant and schedule public consultation meetings within the Deer Park community to advise residents of the progress of the study and to receive input.

Once the study has been completed, the Steering Committee, upon having achieved consensus within the community of any traffic management plan arising from the study, will submit the plan to Midtown Community Council. In keeping with the above-noted policy,

a separate report, prepared by Transportation Services' staff, will be submitted to Midtown Community Council commenting on the neighbourhood traffic plan proposed by the Steering Committee. Prior to any final decisions being made respecting implementing the proposed plan, it is suggested that the hearing of deputations from the public be undertaken by Midtown Community Council.

This process would not preclude the City from fulfilling any statutory provisions of the Municipal Act and/or the Class Municipal Environmental Assessment Act, should the proposed plan recommend the implementation of physical traffic calming measures. These obligations are outlined in the Traffic Calming Policy recently adopted by City Council at its meeting of April 16, 17 and 18, 2002 (Clause No. 1 in Report No. 4 of the Works Committee).

Conclusions:

Should Council adopt the motion authorizing the Deer Park Traffic Management Study, as outlined in Motion J(3), it is recommended that a Steering Committee, comprised of representatives of the Deer Park Ratepayers Group Inc., Transportation Services' staff and a representative of Councillor Michael Walker's office be established. The Steering Committee will be responsible for designing the terms of reference for the study, overseeing the retention of a transportation consultant to carry out the study, conduct public consultation and to develop an overall traffic management plan for the Deer Park area. Funding for this process is to be taken from funds deposited with the City, by order of the OMB, by the developer of the De Lisle Court project, currently under construction, dedicated for this purpose.

Contact:

Stephen Benjamin, Manager, Traffic Operations, District 1 – Central Area
Telephone: (416) 392-7773; Fax: (416) 392-1920
E-mail: sbenjami@city.toronto.on.ca

(A copy of the attachments referred to in the foregoing report are on file in the Office of the City Clerk.)

ATTACHMENT NO. 3 [Notice of Motion J(6)]

Report dated June 10, 2002, from the Chief Administrative Officer, entitled "Appointment of Additional Community Members to the Aboriginal Affairs Community Advisory Committee" (See Minute No. S6.80, Page 99):

Purpose:

To recommend to Council the appointment of additional community members to the Aboriginal Affairs Community Advisory Committee.

Financial Implications and Impact Statement:

There are no financial implications associated with the recommendations in this report.

Recommendations:

It is recommended that:

- (1) City Council approve the appointment of community members to fill vacancies on the Aboriginal Affairs Community Advisory Committee as listed in Appendix A, distributed under confidential cover to Members of Council; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At its October 2000 meeting, Council approved the following recommendation from the Nominating Committee:

"That further recruitment efforts be made early in the next term of Council to seek additional members for the Committee on Lesbian, Gay, Bisexual and Transgender Issues, with a focus on areas outside the downtown core; and further recruitment take place to seek additional members for the Aboriginal Affairs Committee."

Comments:

Since the last round of appointments made to this Committee by Council in July 2001, resignations have been received or committee members have moved away from the City thereby creating vacancies. To fill these vacancies and to attract new members to the Advisory Committee a targeted process was continued to recruit community members to

the Aboriginal Affairs Advisory Committee.

Targeted Recruitment and Selection Process:

This process included consultation with senior staff and Executive Directors of Aboriginal agencies as well as direct solicitation from members of the community attending the public meetings of the Advisory Committee on Aboriginal Affairs.

All interested persons were invited to submit an application form and meet with staff and with Councillor Jane Pitfield, Chair of the Advisory Committee on Aboriginal Affairs prior to being recommended for appointment to the Aboriginal Affairs Advisory Committee.

Notwithstanding these appointments, there continues to be vacancies on this Advisory Committee. To fill these vacancies, targeted recruitment will continue in addition to the regular advertising undertaken through the Nominating Committee process.

Conclusion:

The outreach and selection process that was conducted to fill vacancies on the Community Advisory Committee on Aboriginal Affairs Committee has resulted in recommendations for the appointment of persons listed in Appendix A, distributed to Members of Council under confidential cover.

Contact:

Mae Maracle,
Access and Equity Consultant,
Strategic and Corporate Policy/
Healthy City Office
Tel: 392-5583; Fax: 696-3645;
Email: mmaracle@city.toronto.on.ca

APPENDIX A**RECOMMENDATION OF CITIZEN MEMBERS FOR APPOINTMENT TO THE
COMMUNITY ADVISORY COMMITTEE ON ABORIGINAL AFFAIRS**

Persons recommended for appointment:

- (1) Bonny Cann;
- (2) Ramsey Kane;
- (3) Monica McKay; and
- (4) Blanch White.

Persons who have resigned or who are no longer residents of the City of Toronto:

- (1) Shannon Day;
- (2) Collette Deveau;
- (3) Nancy Cooper; and
- (4) Wendy Phillips.

(This Appendix was submitted to City Council under confidential cover and, in accordance with the provisions of the Municipal Act, is now public in its entirety.)

ATTACHMENT NO. 4 [Notice of Motion J(12)]

Report dated July 23, 2002, from the Commissioner of Community and Neighbourhood Services, entitled "Toronto Community Housing Corporation ("TCHC") Sale of 0.71 Acres of Vacant Land Being Part of 4020 Dundas Street West, Toronto, ('the Property') (Ward 13 Parkdale - High Park)" (See Minute No. S6.86, Page 107):

Purpose:

To provide, in accordance with the City's Shareholder Direction, approval to TCHC for the sale of 0.71 acres of vacant land being part of the Property.

Financial Implications and Impact Statement:

There are no direct financial implications to the City of Toronto with respect to the proposed sale. TCHC will receive the sale proceeds in accordance with the purchase and sale agreement.

Recommendations:

It is recommended that:

- (1) the sale by TCHC of 0.71 acres of vacant land being part of the Property located in the northwest corner of Dundas Street West and Scarlett Road, and being an irregular shape having a frontage of approximately 266 feet on Dundas Street and depths of approximately 48 to 142 feet, be approved by the City of Toronto, in its capacity as Shareholder, pursuant to section 6.3.1 (b) of the Shareholder Direction, on condition that the net sale proceeds be deposited into TCHC's reserve account for capital repairs and a portion of the proceeds to be applied to capital repairs to the Property;
- (2) the Shelter, Housing and Support Division of the Community and Neighbourhood Services Department be authorized to approve the sale by TCHC of the vacant land described in Recommendation No. (1) on behalf of the City of Toronto, in its capacity as service manager, as required under the federal operating agreement administered by the City of Toronto pursuant to Transfer Order No. 22-4/2001 made under the Social Housing Reform Act, 2000 (the "SHRA");
- (3) the Shelter, Housing and Support Division of the Community and Neighbourhood Services Department be authorized to submit a business case to the Minister of Municipal Affairs and Housing on behalf of TCHC to seek Ministry approval pursuant to Ministry guidelines; and

- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect to Recommendations Nos. (2) and (3).

Background:

By its adoption of Clause No. 1 contained in the Joint Report No.1 of The Policy and Finance Committee and The Community Services Committee, headed "Shareholder Direction to the Toronto Community Housing Corporation (TCHC)", as amended, at its meeting held on October 2, 3 and 4, 2001, City Council issued a shareholder direction (the "Shareholder Direction") setting out TCHC's mandate and responsibilities to the City as shareholder (the "Shareholder").

Section 6.3.1 (b) of the Shareholder Direction provides that TCHC will not, without the approval of the Shareholder, sell real property assets used for the purposes of providing rent-gearred-to-income and market housing, or which are zoned or deemed suitable for housing purposes; but not including assets which are not zoned or deemed suitable for housing or that are used for commercial purposes.

The Property was originally acquired by The Metropolitan Toronto Housing Company Limited, now known as Toronto Housing Company Inc. Since January 1, 2002, TCHC has been responsible for the management and operation of the Property on behalf of Toronto Housing Company Inc. The housing project on the Property is subject to a federal operating agreement made under s. 95 of the National Housing Act. As part of the downloading of social housing responsibility to the municipalities, the Province transferred responsibility for the administration of the federal operating agreement to the City of Toronto by Transfer Order No. 22-4/2001 made under the SHRA (the "Transfer Order"). The federal operating agreement requires the consent of the City of Toronto, as service manager, for the proposed sale.

The Property is known as "Cooper Mills" and it includes a residential townhouse development containing 177 residential rental units, of which 106 are for market tenants and 71 are for rent-gearred-to-income tenants, and 17,218 square feet of commercial space in separate buildings fronting on Dundas Street West. The entire Cooper Mills site is an irregular shaped parcel of 5.69 acres.

TCHC wishes to sell 0.71 acres of vacant land on the Property located in the northwest corner of Dundas Street West and Scarlett Road, having a frontage of approximately 266 feet on Dundas Street West and varying depths of approximately 48 feet to 142 feet. The vacant land is not suitable for housing development due to topography constraints, proximity to rail tracks, and Dundas Street access restrictions. The City of Toronto Works and Emergency Services Department requires a strip of land along Dundas Street West for road

widening on the vacant parcel to be sold.

At its April 2002 meeting, the TCHC Board approved, subject to Ministerial approval, the proposed sale by the adoption of TCHC staff reports which recommended that the net sale proceeds be placed in TCHC's reserve account for capital repairs and that a portion of the funds be applied to capital improvements to the Property. In June, 2002, the Committee of Adjustment approved the severance of the vacant parcel on condition that a strip of land fronting Dundas Street West be conveyed to the City, to the satisfaction of the Commissioner of Works and Emergency Services.

The closing is scheduled for not later than October 31, 2002.

TCHC seeks the approval of the City of Toronto, in its capacity as Shareholder, in accordance with the Shareholder Direction, and in its capacity as service manager, pursuant to the federal operating agreement.

The proposed sale will also require the approval of the Minister of Municipal Affairs and Housing pursuant to restrictions in the Transfer Order. Pursuant to current Ministry guidelines, it is the role of the City of Toronto, as service manager, to submit a business case to the Minister on behalf of TCHC.

Comments:

The vacant parcel of land is separated from the residential townhouse development and the commercial space by a car wash business fronting on Dundas Street West. The vacant parcel is not suitable for housing development. TCHC has advised City staff that the proposed sale price exceeds the market value as determined by an independent appraiser. TCHC has advised City staff that prior to TCHC Board approval, staff requested tenants comments to be made available to the Board, but no comments were received.

Pursuant to Ministry guidelines contained in Release No. 20 titled "Procedures on obtaining Ministerial Consent under the Social Housing Reform Act, 2000", the service manager is required to submit a business case to the Minister on behalf of housing providers. TCHC requires the consent of the Minister pursuant to the restrictions contained in the Transfer Order. By its adoption of Clause No. 2 in Report No. 4 of The Community Services Committee, without amendment, at its meeting held on May 30, 31, and June 1, 2001, the Council of the City of Toronto approved the Transfer Plan and authorized the Commissioner of Community and Neighbourhood Services to make decisions of an administrative nature that are required under the SHRA. The Shelter, Housing and Support Division of the Community and Neighbourhood Services Department is the service delivery unit for the transferred social housing programs under the SHRA. Therefore, Shelter, Housing and

Support is the appropriate representative of the City of Toronto, as service manager, with respect to consenting to the proposed sale under the federal operating agreement and the submission of a business case to the Ministry on behalf of TCHC.

Conclusions:

The proposed sale by TCHC of 0.71 acres of vacant land on the Property requires the approval of the City of Toronto, as Shareholder, under the Shareholder Direction, and the consent of the City of Toronto, as service manager, under the federal operating agreement. The consent of the Minister of Municipal Affairs and Housing is also required under the restrictions in the Transfer Order. TCHC staff invited comments from tenants with respect to the proposed sale, but no comments were received. The vacant lands are not suitable for housing development. The sale price is based on market value as determined by an independent appraisal. The sale will meet the strategic objective of obtaining maximum use of TCHC's property portfolio. The net sale proceeds will be deposited into TCHC's reserve account for capital repairs and a portion of the funds will be applied to capital improvements on the Property.

Contact:

Phil Brown
General Manager
Shelter, Housing and Support Division
Phone: 416-392-7885
Fax: 416-392-0548
E-mail: pbrown1@city.toronto.on.ca

ATTACHMENT NO. 5 [Notice of Motion J(19)]

Joint report dated July 24, 2002, from the Commissioner of Works and Emergency Services and the City Solicitor, entitled "Default of CCS Computercable Systems Inc., Completion Agreement with The Sovereign General Insurance Company, Works Best Practices Program Process Control System, Fibre Optic Network Water Pollution Control Contract 01FS-41WP" (See Minute No. S6.93, Page 119):

Purpose:

The purpose of this report is to obtain Council authorization to enter into an agreement with The Sovereign General Insurance Company with respect to the completion of Contract 01FS-41WP.

Financial Implications and Impact Statement:

There are no direct financial implications arising from this report.

Recommendations:

It is recommended that:

- (1) authority be granted to enter into an agreement with The Sovereign General Insurance Company, the surety under the Performance Bond issued in respect of Contract 01FS-41WP, to detail arrangements concerning the completion of construction by the surety under Contract 01FS-41WP, in accordance with the terms and conditions described in this report and otherwise on terms and conditions satisfactory to the Commissioner of Works and Emergency Services and the City Solicitor;
- (2) all remaining payments properly falling due under Contract 01FS-41WP be made to The Sovereign General Insurance Company, or as it directs, in accordance with law;
- (3) staff be authorized to execute any ancillary documents required for the proper completion of Contract 01FS-41WP to the satisfaction of the Commissioner of Works and Emergency Services; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

At its meeting of January 9, 2002, the Bid Committee awarded Contract 01FS-41WP ("Contract") for the construction of Works Best Practices Program Process Control System Fibre Optic Network Water Pollution Control to CCS Computercable Systems Inc. ("CCS") for a total lump sum tender price of \$2,098,184.40 inclusive of all taxes and charges. The Contract provided for a completion date of November 22, 2002; that is, 30 weeks after the issuance of the written order to commence work on April 26, 2002.

In early June 2002, the City was advised that CCS was in receivership. At that time, CCS had only performed some preconstruction activities and planning associated with the commencement of the Contract. In accordance with the provisions of the Contract, the City notified CCS and its Receiver on June 12, 2002, that CCS was in default of the Contract. As well, the City requested The Sovereign General Insurance Company ("Sovereign"), the surety, to assume its responsibility for completing the Contract work pursuant to the Performance Bond which it had issued for that purpose.

Comments:

Staff of Works and Emergency Services and Legal have been meeting and corresponding with Sovereign, through its agent, Baker, Bertrand, Chasse and Goguen Claim Services Limited, to arrange for the completion of the Contract. Sovereign has confirmed, in writing, its intent to complete the subject Contract. Sovereign has proposed that an agreement be entered into between it and the City of Toronto in order to acknowledge the financial status of the Contract and the manner in which the work under the Contract will be paid for and completed. The agreement will provide that:

- Sovereign will perform the Contract work in accordance with the terms of the Contract and arrange for the submission of necessary Contract documentation such as insurance.
- Sovereign will bear all costs of the completion subject to the provision by the City of the Contract funds and the monetary limit of the Contract bonds.
- Sovereign will defend and indemnify the City regarding any claims made against it as a result of default of CCS and the arrangements between the City and Sovereign.
- The rights and obligations of Sovereign and the City under the Contract bonds will continue as will the rights of the City under the Contract.

The timely performance and completion of the Contract work are crucial since this work affects other contracts within the Works Best Practices Process Control System Program.

Conclusions:

It is recommended that a completion agreement be entered into with Sovereign, for the reasons set out in this report, upon terms and conditions satisfactory to the Commissioner of Works and Emergency Services and the City Solicitor.

Contacts:

Laura Chaplinsky, P.Eng.
Senior Project Engineer
Plant & Facility Construction
Technical Services Division
Tel: (416) 397-5365
Fax: (416) 392-4594
Email: lchapli@city.toronto.on.ca

Katherine Hill, Solicitor
Legal Services
Tel: (416) 392-8028
Fax: (416) 392-3848
Email: Khill@city.toronto.on.ca

W.G. Crowther, P.Eng
Executive Director
Technical Services Division
Tel: (416) 392-8256
Fax: (416) 392-4594
Email: Wcrowth@city.toronto.on.ca

ATTACHMENT NO. 6 [Notice of Motion J(20)]

Report dated July 25, 2002, from the Commissioner of Community and Neighbourhood Services, entitled "Toronto Community Housing Corporation ('TCHC') Sale of a 20-foot Strip of Land and 141 Underground Parking Spaces at 100 High Park Avenue, Toronto ('the Property') (Ward 13, Parkdale - High Park)" (See Minute No. S6.94, Page 121):

Purpose:

To provide, in accordance with the City's Shareholder Direction, approval to TCHC for the sale of a 20-foot strip of land and 141 underground parking spaces on the Property.

Financial Implications and Impact Statement:

There are no direct financial implications to the City of Toronto with respect to the proposed sale. TCHC will receive the sale proceeds in accordance with the purchase and sale agreement.

Recommendations:

It is recommended that:

- (1) the sale by TCHC of 141 underground parking spaces in the Property together with a strip of land approximately 20 feet in width comprising approximately 2,948 square feet of land on the south side of the Property, be approved by the City of Toronto, solely in its capacity as Shareholder, pursuant to clause 6.3.1 (b) of the Shareholder Direction, on condition that TCHC abide by its stated intention of depositing the net sale proceeds into TCHC's reserves maintained for the purpose of assisting with the funding of future residential property redevelopments or acquisitions;
- (2) the Shelter, Housing and Support Division of the Community and Neighbourhood Services Department be authorized to submit a business case to the Minister of Municipal Affairs and Housing on behalf of TCHC to seek Ministry approval pursuant to Ministry guidelines; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect to Recommendation No. (2).

Background:

By its adoption of Clause No. 1 contained in the Joint Report No.1 of The Policy and Finance Committee and The Community Services Committee, headed "Shareholder Direction to the Toronto Community Housing Corporation (TCHC)", as amended, at its meeting held on October 2, 3 and 4, 2001, City Council issued a shareholder direction (the "Shareholder Direction") setting out TCHC's mandate and responsibilities to the City as shareholder (the "Shareholder").

Section 6.3.1 (b) of the Shareholder Direction provides that TCHC will not, without the approval of the Shareholder, sell real property assets used for the purposes of providing rent-g geared-to-income and market housing, or which are zoned or deemed suitable for housing purposes; but not including assets which are not zoned or deemed suitable for housing or that are used for commercial purposes.

TCHC acquired the Property from the Ontario Housing Corporation pursuant to a transfer order made under the Social Housing Reform Act, 2000 (the "SHRA") effective January, 1, 2001 in connection with the downloading of social housing from the province to the municipality.

The Property contains 454 residential rental units for rent-g geared-to-income tenants. The Property has a total of 425 parking spaces comprised of 394 spaces in a two-level underground parking garage and 31 surface spaces for visitor parking.

TCHC wishes to sell 141 unused underground parking spaces located on the second level of the underground parking, together with a strip of land on the south side of the Property, to the owner of the property at 70 High Park. The purchaser's property is adjacent to the south side of the Property. At its March 2002 meeting, the TCHC Board approved, subject to Shareholder and Ministerial approval, the proposed sale by the adoption of TCHC staff reports which recommend that the net sale proceeds be deposited into TCHC's reserves for the purpose of assisting with the funding of future residential property redevelopments or acquisitions. The closing of the transaction is scheduled for not later than August 31, 2002.

TCHC seeks the approval of the City of Toronto, as Shareholder, in accordance with the Shareholder Direction.

The proposed sale will also require the approval of the Minister of Municipal Affairs and Housing pursuant to the SHRA. Current Ministry guidelines require the City of Toronto, in its role as service manager, to submit a business case to the Minister on behalf of TCHC.

Comments:

TCHC has advised City staff that the parking spaces, which it proposes to sell, have been underutilized for a number of years, and that current and historical usage of parking for the Property is approximately 100 parking spaces. There are currently only 103 resident parking permits issued out of the 394 underground parking spaces available. The Property is located a short walking distance from the High Park subway station. If the proposed sale is completed, there will still be almost three times as many parking spaces as tenants have historically used. This includes retaining all of the existing surface parking for visitors (31 spaces).

TCHC has advised City staff that the sale price is based on the appraised market value determined by two independent appraisals.

TCHC has advised City staff that a joint tenant and community meeting was held on site in February 2002 and that the views and concerns expressed were taken into consideration by the TCHC Board. The Board also received and acknowledged a written deputation from tenants. The public has had two opportunities to attend committee of adjustment hearings concerning the parking at the Property.

TCHC staff considered the alternative option of refurbishing the underground facility and converting it to a commercial parking facility. However, the TCHC appraiser concluded that this option would result in lower value to TCHC than the current sale price offered by the purchaser because there is an excess supply of commercial parking in the area. TCHC staff also considered a long-term lease of the parking spaces, but the analysis demonstrated the clear financial superiority of the sale of the parking spaces. The proposed sale will maximize TCHC's use of the Property by realizing the value currently tied up in unused parking space, provide internally-generated funds for future property portfolio changes, and enhance the future redevelopment potential of the Property.

As part of its portfolio-wide 2002 capital repair program, TCHC is carrying out capital repair work on the 100 High Park building, the garage and grounds. TCHC is, as part of the planned capital expenditures for the building, making landscape improvements which were identified by tenants of 100 High Park as priorities.

Pursuant to Ministry guidelines contained in Release No. 20 titled "Procedures on obtaining Ministerial Consent under the Social Housing Reform Act, 2000", the service manager is required to submit a business case to the Minister on behalf of the local housing corporation.

TCHC, being a local housing corporation, requires the consent of the Minister under the SHRA. By its adoption of Clause No. 2 in Report No. 4 of The Community Services Committee, without amendment, at its meeting held on May 30, 31, and June 1, 2001, the Council of the City of Toronto approved the Transfer Plan and authorized the Commissioner

of Community and Neighbourhood Services to make decisions of an administrative nature that are required under the SHRA. The Shelter, Housing and Support Division of the Community and Neighbourhood Services Department is the service delivery unit for the transferred social housing programs under the SHRA. Therefore, Shelter, Housing and Support is the appropriate representative of the City of Toronto, as service manager, with respect to the submission of a business case to the Ministry on behalf of TCHC.

Conclusions:

The proposed sale by TCHC of 141 underground parking spaces and a strip of land on the south side of the Property requires the approval of the City of Toronto, as Shareholder under the Shareholder Direction, and the consent of the Minister of Municipal Affairs and Housing under the SHRA. The TCHC Board has consulted with tenants and considered alternative uses for the parking spaces to be sold. The sale price is based on market value as determined by two independent appraisals. The sale will meet the strategic objective of obtaining maximum use TCHC's property portfolio. The parking needs of the existing tenants will be maintained. The net sale proceeds will be deposited into TCHC's reserves for the purpose of assisting with the funding of future residential property redevelopments or acquisitions.

Contact:

Phil Brown
General Manager
Shelter, Housing and Support Division
Phone: 416-392-7885
Fax: 416-392-0548
E-mail: pbrown1@city.toronto.on.ca

ATTACHMENT NO. 7 [Notice of Motion J(27)]

Report dated July 26, 2002, from the Commissioner of Corporate Services, entitled "City-owned Surplus Property - 1530 Markham Road (Ward 42 - Scarborough Rouge River)" (See Minute No. S6.101, Page 133).

Purpose:

To recommend that a previous declaration by City Council that the City-owned property at 1530 Markham Road is surplus to municipal requirements be rescinded in respect of portions of the property to be retained for municipal parking and road widening purposes.

Financial Implications and Impact Statement:

The Toronto Parking Authority (TPA) staff advise that the retention of a portion of the property for parking purposes is expected to generate positive cash flow for the TPA. Jurisdiction over Part 4 on the attached Sketch is to be transferred to TPA on a fair market value basis. There should be no material financial implications with respect to the market value/sale price of the remaining surplus property at 1530 Markham Road, formerly known as the Scarborough Public Utility Commission (SPUC) building when it is listed for sale on the open market if portions of the property are retained by the City for municipal parking and road widening purposes.

Recommendations:

It is recommended that:

- (1) Clause No. 1 of Report No. 4 of The Administration Committee, adopted as amended by City Council on April 16, 17 and 18, 2002, declaring the property municipally known as 1530 Markham Road surplus to municipal requirements be rescinded, as it relates to Parts 2, 3 and 4 on Sketch No. PS-2002-050 (a copy of which is attached) ("the Sketch"), and that Part 4 on the Sketch (the "Parking Area") be retained for municipal parking purposes;
- (2) jurisdiction over Parts 2 and 3 on the Sketch be transferred to Works and Emergency Services and dedicated for public highway purposes;
- (3) all steps necessary to comply with Chapter 213 of the City of Toronto Municipal Code be taken; and

- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any bills necessary to give effect thereto.

Background:

By its adoption of Clause No. 1 of Report No. 4 of The Administration Committee, entitled "Further Direction for Master Accommodation Plan (MAP) for 2002 and Beyond" on April 16, 17 and 18, 2002, City Council, among other matters, declared the City-owned property at 1530 Markham Road, formerly known as the SPUC building, surplus to municipal requirements and authorized the sale of the property on the open market, subject to an appropriate leaseback, as identified in the aforementioned report.

By adoption of Clause No. 1 of Report No. 4 of The Policy and Finance Committee, entitled "City of Toronto 2002 Recommended Operating Budget" on March 4, 5, 6, 7 and 8, 2002, City Council authorized the Commissioner of Corporate Services, in consultation with the Director of Court Services, to contact the TPA to consider the viability of locating pay parking lots operated by the TPA adjacent to Court Services facilities and to report back to the Budget Advisory Committee through the Administration Committee. TPA, in consultation with staff of the Court Services, has conducted a preliminary feasibility study of the potential use of the Parking Area for a parking facility. The study concludes that the Parking Area, currently used for surface parking, is suitable for operation by the TPA as a municipal parking lot and that the operation should generate positive cash flow to the TPA.

Comments:

Consultation with MAP staff indicated that the City's intended leaseback of about one third of the floor area of the SPUC building by Court Services and the Taxi Training Unit will generate significant client parking requirements. TPA staff have concluded that these parking requirements appear to be sufficient to justify the operation of the Parking Area as a parking lot and such operation is expected to generate a positive cash flow to the TPA.

The retention of the Parking Area for use by the TPA should not have material impact on the sale of the remaining City-owned surplus property at 1530 Markham Road. Jurisdiction over the Parking Area is proposed to be transferred to the TPA on a fair market value basis in accordance with Council's Policy Governing Land Transactions Among City Agencies, Boards, Commission and Departments and Proceeds from Sale of Surplus City-Owned Real Property (Clause No. 1 of Report No. 9 of The Policy and Finance Committee adopted, with amendments, by City Council on June 18, 19 and 20, 2002).

A narrow portion of the Parking Area (Part 3 on the Sketch) and a narrow portion of the

lands on which the SPUC building is located (Part 2 on the Sketch) along Milner Avenue are to be dedicated for road widening in accordance with the Scarborough Official Plan, Schedule C – Roads Plan. Staff from Works and Emergency Services have requested that jurisdiction over Parts 2 & 3 on the Sketch be transferred for dedication for road widening purposes.

Due to the consolidation of the Scarborough Employment Districts Zoning By-law No. 24982 in 1996, which resulted in a change of the method in calculating development density, and due to the retention of the Parking Area for municipal purposes and the dedication of Parts 2 & 3 on the Sketch for road widening purposes, a minor variance is required from the Committee of Adjustment to permit the SPUC building to be in compliance with the current, consolidated, zoning by-law relative to development density. A variance application has been submitted to the Committee of Adjustment and a hearing date is scheduled on July 31, 2002. Planning staff have indicated their support for the variance application.

Conclusions:

The retention of the Parking Area by the City for the operation of a municipal parking lot by TPA is an appropriate use in context of the Council directive and the dedication of Parts 2 and 3 on the Sketch for road widening purposes is in conformity with the Scarborough Official Plan, Schedule C – Roads Plan. City Council should rescind the original declaration as surplus authority as it relates to Parts 2, 3 and 4 on the Sketch.

Contact:

Name: Neubert Li
Position: Senior Real Estate Administrator
Telephone: (416) 392-1243
Fax: (416) 392-1880
E-Mail: li@city.toronto.on.ca
Report No.: cc02-124

(A copy of the Attachment referred to in the foregoing report is on file in the Office of the City Clerk.)

ATTACHMENT NO. 8 [Notice of Motion J(30)]

Report dated July 29, 2002, from the Commissioner of Urban Development Services, entitled "Toronto Rehabilitation Institute – University Centre, 550 University Avenue, 002039, Trinity-Spadina, Ward 20" (See Minute No. S6.104, Page 138):

Purpose:

To recommend approval for a 58 sq. m. addition to the front entry pavilion of the Toronto Rehabilitation Institute – University Centre at 550 University Avenue in accordance with By-law No. 13409, a by-law to impose certain regulations on the use of land fronting or abutting University Avenue.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) approve the proposed addition to the front entry pavilion as identified on the plans and drawings submitted to Urban Development Services on June 20, 2002, namely Plan A0.02 - Site Plan, Front Entry & South Ramp and Plan A2.01 – Building Elevations & Section, as prepared by Urbana Architects Corporation; and
- (2) advise the owner:
 - (a) that the issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with all relevant provisions of the Ontario Building Code; and
 - (b) of the need to receive the approval of the Commissioner of Works and Emergency Services and obtain a construction permit for any work to be carried out within the public right-of-way.

Background:

By-law No. 13409 requires that every addition or alteration made to any building erected on land fronting or abutting University Avenue between Queen Street and College Street conform to the following regulations:

- (1) external front and flank walls of any building shall be constructed of durable material of light grey, buff or similar colour compatible with the character of existing buildings on University Avenue, and such materials shall have first been approved by the Council upon advice of the Commissioner of Urban Development Services; and
- (2) the general scale of the architectural treatment of all buildings shall be such that the buildings shall conform to each other, to the satisfaction of the Council upon the advice of the Commissioner of Urban Development Services.

These provisions seek to ensure a consistency in built form and types of building material along University Avenue, the city's main promenade boulevard.

Comments:

The Toronto Rehabilitation Institute ("Toronto Rehab") is a hospital consisting of 5 separate campuses. Its University Centre is located at the northwest corner of the intersection of University Avenue and Elm Street. This site is occupied by a 12-storey building formerly known as The Queen Elizabeth Hospital (see Attachment 1).

Toronto Rehab is undertaking a major renewal initiative at its University Centre site, pending funding approval from the Province's Ministry of Health. This renewal initiative will involve a combination of new construction and renovation and will most likely proceed in phases.

The current proposal involves renovation and addition to the Centre's front entry pavilion on University Avenue, which has received separate funding from the Ministry of Health. The proposal's objectives are to improve the pavilion's internal layout and to increase the Centre's profile as a distinct health care facility within the University Avenue hospital cluster.

The 58 sq. m addition modernizes the Centre's face on University Avenue through the use of a glazed lobby and a barrier-free entry vestibule. An existing ramp and stairs along the University Avenue frontage is replaced with a new ramp and stairs constructed with architectural concrete. The ramp's handrails and guards are made from stainless steel and tempered glass respectively. A stylish slotted wood screen made of cedar boards and an illuminated sign clearly identify the Centre's front entry (see Attachment 2).

The proposal also involves the cleaning and restoration of the limestone cladding on the retained portion of the front entry pavilion and the replacement of existing glass block with new glass windows.

Conclusions:

The proposed front addition provides a “face lift” to this important health care facility. It is the opinion of City Planning staff that the proposal is in keeping with the provisions of By-Law No. 13409. I am therefore recommending that City Council approve this addition to the front entry pavilion of the Toronto Rehabilitation Institute – University Centre at 550 University Avenue.

Contact:

Corwin L. Cambray, West Section
Phone: 416-392-0459
Fax: 416-392-1330
E-Mail: ccambra@city.toronto.on.ca

(A copy of the Attachments referred to in the foregoing report is on file in the Office of the City Clerk.)

ATTACHMENT NO. 9 [Notice of Motion J(34)]

Report dated July 30, 2002, from the Commissioner of Community and Neighbourhood Services, entitled "Tender for Child Care Centre at 5176 Yonge Street" (See Minute No. S6.108, Page 143):

Purpose:

This report provides information regarding the results of the second tender of the child care centre to be located at 5176 Yonge Street and the status of the project budget.

Financial Implications and Impact Statement:

Council approved a maximum funding amount of \$2.25 million for the project, which is being provided by Sam-Sor Enterprises, Inc. and Imperial Oil Ltd. On July 17, 2002, tenders were opened by the Bid Committee and the lowest bid was \$2.83 million, therefore, placing the project over budget by \$.78 million.

After a reduction of construction costs by \$.1 million and a further reduction of \$.1 million from the cash allowance, plus G.S.T. & energy efficiency rebates of \$.14 million, an outstanding amount of \$.36 million in costs remain. This amount could be covered from the Child Care Capital Reserve Fund.

Recommendations:

It is recommended that:

- (1) the City Council authorize the increase in the total budget for the capital project WBS CCS006 5128/5200 Yonge Street-Child Care Centre to \$2.83 million;
- (2) the City Council authorize that the increase of \$.58 million be funded by additional interest revenue on the Letter of Security provided by Imperial Oil Limited (\$.08 million), GST and energy efficiency rebates (\$.14 million) and Child Care Capital Reserve funding (\$.36 million);
- (3) the City Council authorize the contract for the construction of the centre be awarded, subject to successful negotiation with respect to cost reduction to the lowest bidder, Pegah Construction Ltd. at the cost not to exceed \$2.63 million; and
- (4) the appropriate City officials take the necessary action to give effect thereto.

Background:

The City of Toronto Capital Budget for 2000 contains an approval for a capital project to develop a childcare centre at 5176 Yonge Street. The funding for the project originated from two developers, Sam-Sor Enterprises Inc. and Imperial Oil Limited, as a result of negotiations originated by the former City of North York over additional density in the neighbourhood of the historic Gibson House. As part of the negotiations, the site for the child care centre has been transferred to City ownership together with approximately \$2.25 million for the construction of the facility.

The child care facility will be leased out to the originally designated operator, the City Centre Child Care (also known as "Little Hearts", a non-profit centre serving the community and employees of the City.) A long-term lease and purchase of service agreement satisfying the City's service objectives and the landlord/tenant relationship will be negotiated to the satisfaction of the Commissioner of Community and Neighbourhood Services and the City Solicitor.

The design of the child care centre has been completed in co-operation between staff of the Community and Neighbourhood Services Department, Corporate Services Department, City Centre Child Care and the firm of Robbie Sane Architects, Inc. The project was tendered in February 2002 after prequalifying three builders. There was only one legitimate builder whose price was over budget. For this reason, the architect and city staff analyzed the building and grounds and made changes in order to substantially reduce costs when re-tendered. The project was re-tendered with the final results released by the Bid Committee on July 17, 2002. Out of ten submissions, only five were legitimate. The lowest bid submitted by Pegah Construction was \$.78 million over budget.

Comments:

The proposed development of a child care centre and family resource program at 5176 Yonge Street is the result of a decade long process of negotiation concerning the density of land use for properties owned by Sam-Sor Enterprises, Inc. and Imperial Oil Limited in the former City of North York. As part of the agreement, City staff have secured funding and lands to be transferred to the City for the purpose of constructing a permanent home for the City Centre Child Care. This non-profit organization has been serving City employees and the surrounding community out of a temporary accommodation for the last ten years. The child care centre is required to vacate its current location in February 3, 2003, therefore, the importance of completing the new location for occupancy by this date.

City Legal has been consulted regarding the ability to re-negotiate the price with the lowest bidder to achieve savings. It was recommended that unless the price difference was less than 15 percent of the gross contract price, it would be better for the project to be re-designed

and re-tendered. After reviewing the lowest bid, the architect has identified minor revisions that can produce \$.2 million in cost savings. In addition, GST and energy rebates will account for \$.14 million in additional savings. The remaining \$.36 million needed to proceed with this project is available in the Child Care Capital Reserve. An immediate decision by Council is required. The project can not entertain any further delays without placing Little Hearts in jeopardy of going out of business once their lease is up in February 3, 2003.

Conclusions:

This report proposes a strategy to allow the construction of the child care centre at 5176 Yonge Street to proceed in time to provide a new home for Little Hearts Child Care Centre whose lease expires in February 2003.

Contacts:

Petr Varmuza

Director, Service Planning and Support

Children's Services Division

Tel: (416) 392-8284

Email: varmuza@oradev.csis.csd.metrotor.on.ca

Gail O'Donnell

Manager of Capital Projects

Children's Services Division

Tel: (416) 397-5086

Email: godonnel@oradev.csis.csd.metrotor.on.ca