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These Minutes were confirmed by City Council on November 26, 2002

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

**TUESDAY, OCTOBER 29, 2002,  
WEDNESDAY, OCTOBER 30, 2002, AND  
THURSDAY, OCTOBER 31, 2002**

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

**CALL TO ORDER**

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

The meeting opened with O Canada.

- 8.2 **CONFIRMATION OF MINUTES**

Councillor Altobello, seconded by Councillor Balkissoon, moved that the Minutes of the Council meeting held on the 1st, 2nd and 3rd days of October, 2002, be confirmed in the form supplied to the Members, which carried.

**PRESENTATION OF REPORTS**

- 8.3 Councillor Holyday presented the following Deferred Clauses and New Reports for consideration by Council:

Deferred Clauses:

Report No. 10 of The Planning and Transportation Committee, Clauses Nos. 3a and 5a  
Report No. 10 of The Works Committee, Clause No. 8a

Report No. 11 of The Humber York Community Council, Clause No. 59a

New Reports:

Report No. 14 of The Policy and Finance Committee  
Report No. 11 of The Planning and Transportation Committee  
Report No. 12 of The Planning and Transportation Committee  
Report No. 11 of The Works Committee  
Report No. 13 of The Administration Committee  
Report No. 9 of The Community Services Committee  
Report No. 9 of The Economic Development and Parks Committee  
Report No. 9 of The Scarborough Community Council  
Report No. 11 of The Toronto East York Community Council  
Report No. 12 of The Etobicoke Community Council  
Report No. 12 of The Humber York Community Council  
Report No. 8 of The Midtown Community Council  
Report No. 11 of The North York Community Council

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

#### 8.4 **DECLARATIONS OF INTEREST**

Councillor Shiner declared an interest in Clause No. 10 of Report No. 14 of The Policy and Finance Committee, headed “Toronto Computer Leasing Inquiry, Funding for Parties with Standing”, in that a solicitor named is representing a relative of his on a legal matter, not related to the Toronto Computer Leasing Inquiry.

Councillor Ashton declared an interest in Clause No. 24 of Report No. 13 of The Administration Committee, headed “Toronto Civic Employees’ Pension and Benefit Fund Actuarial Valuation Results as of December 31, 2001”, in that his father-in-law is a member of the Fund.

Councillor Altobello declared an interest in Clause No. 15 of Report No. 9 of The Scarborough Community Council, headed “Request for Instructions - Ontario Municipal Board Appeal and Application for Consent to Sever 35 Acheson Boulevard and 222 Centennial Road Cameron Watson – Application No. BO24/01SC (TF CON 2001 0024) Centennial Community (Ward 44 - Scarborough East)”, in that his brother owns property in the vicinity.

Councillor Disero declared an interest in Clause No. 43 of Report No. 11 of The Toronto East York Community Council, headed “Provision of ‘Daycare Pick-up/Drop-off Zone’ - fronting Premises No. 12 McMurrich Street, west side, between McAlpine Street and Davenport Road (Toronto Centre-Rosedale, Ward 27)”, in that she lives in the immediate vicinity.

Councillor Nunziata declared an interest in Notice of Motion F(1), moved by Councillor Di Giorgio, seconded by Councillor Li Preti, respecting a Proposed ‘Super Hospital’ – Keele Street and Sheppard Avenue West, in that she has a personal legal interest.

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

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

Report No. 10 of The Planning and Transportation Committee, Clauses Nos. 3a and 5a

Report No. 10 of The Works Committee, Clause No. 8a

Report No. 11 of The Humber York Community Council, Clause No. 59a

Report No. 14 of The Policy and Finance Committee, Clauses Nos. 1, 2, 4, 6, 7, 8, 10, 12, 13, 16, 18, 19 and 20

Report No. 11 of The Planning and Transportation Committee, Clause No. 1

Report No. 12 of The Planning and Transportation Committee, Clauses Nos. 2, 4 and 5

Report No. 11 of The Works Committee, Clauses Nos. 1, 2, 3, 7 and 10

Report No. 13 of The Administration Committee, Clauses Nos. 1, 2, 3, 4, 5, 6, 17, 23, 29, 30, 31 and 33

Report No. 9 of The Community Services Committee, Clauses Nos. 1, 8, 9 and 10

Report No. 9 of The Economic Development and Parks Committee, Clauses Nos. 1, 2, 3, 5, 10, 11 and 13

Report No. 9 of The Scarborough Community Council, Clauses Nos. 2 and 3

Report No. 11 of The Toronto East York Community Council, Clauses Nos. 8, 10, 23, 35, 36, 37 and 43

Report No. 12 of The Etobicoke Community Council, Clause No. 16

Report No. 12 of The Humber York Community Council, Clauses Nos. 2, 6, 8, 9 and 24

Report No. 8 of The Midtown Community Council, Clause No. 17

Report No. 11 of The North York Community Council, Clause No. 6

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

Report No. 14 of The Policy and Finance Committee, Clauses Nos. 2 and 7

Report No. 11 of The Works Committee, Clauses Nos. 2 and 10

Report No. 13 of The Administration Committee, Clauses Nos. 4, 29 and 33

Report No. 9 of The Community Services Committee, Clauses Nos. 1 and 8

Report No. 9 of The Economic Development and Parks Committee, Clauses Nos. 3 and 10

Report No. 9 of The Scarborough Community Council, Clause No. 3

Report No. 11 of The Toronto East York Community Council, Clauses Nos. 36 and 37

Report No. 12 of The Humber York Community Council, Clause No. 6

Report No. 11 of The North York Community Council, Clause No. 6

**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.**

- 8.6 **Clause No. 59a of Report No. 11 of The Humber York Community Council, headed “Refusal and Directions Report - 1245 and 1301 Dupont Street and 213 and 215 Emerson Avenue; Application to Amend the Official Plan and Zoning By-law to Permit a Phased Mixed-Use Development at the Galleria Mall; Harzuz Holdings Ltd. and Ontario Potato Distributing Ltd. (Davenport, Ward 18)”.**

*Motion:*

Councillor Miller moved that the Clause be struck out and referred back to the Humber York Community Council for further consideration, and the Director, Community Planning, West District, be requested to continue to meet with the applicant to discuss outstanding issues.

*Vote on Referral:*

The motion by Councillor Miller carried.

**8.7 Clause No. 3 of Report No. 11 of The Works Committee, headed “Steeles Avenue Sub-Committee”.**

*Motion:*

Councillor Duguid moved that the Clause be amended by:

- (1) deleting from Recommendation No. (3) of the Works Committee the name “Flint”;  
and
- (2) adding thereto the following:  
“It is further recommended that Councillor Raymond Cho be appointed to the Steeles Avenue Sub-Committee.”

*Votes:*

The motion by Councillor Duguid carried.

The Clause, as amended, carried.

**8.8 Clause No. 2 of Report No. 9 of The Scarborough Community Council, headed “Amendment to Cap on Third Party Advertising Signs”.**

*Motion:*

Councillor Berardinetti moved that the Clause be struck out and referred back to the Scarborough Community Council for further consideration.

*Vote on Referral:*

The motion by Councillor Berardinetti carried.

**8.9 Clause No. 35 of Report No. 11 of The Toronto East York Community Council, headed “Installation of On-Street Parking Spaces for Persons with Disabilities (Toronto-Danforth, Ward 30; Beaches-East York, Ward 32)”.**

*Motion:*

Councillor Layton moved that the Clause be amended by deleting from Table “A”, appended to the report dated September 30, 2002, from the Director, Transportation Services, District 1, the word “east” as it appears in the first entry, and inserting in lieu thereof the word “west”, so that such first entry under Table “A” now reads as follows:

“30 Curzon Street, west side, between a point 63.0 metres north of Queen Street East and a point 5.5 metres further north.”.

*Votes:*

The motion by Councillor Layton carried.

The Clause, as amended, carried.

8.10 **Clause No. 43 of Report No. 11 of The Toronto East York Community Council, headed “Provision of ‘Daycare Pick-up/Drop-off Zone’ - fronting Premises No. 12 McMurrich Street, west side, between McAlpine Street and Davenport Road (Toronto Centre - Rosedale, Ward 27)”.**

*Motion:*

Councillor Rae moved that the Clause be amended by adding to Recommendation No. (2) embodied in the report dated September 18, 2002, from the Director, Transportation Services, District 1, the word “north” after the word “further”, so that such recommendation now reads as follows:

“(2) parking be prohibited from 9:30 a.m. to 4:00 p.m. and from 6:00 p.m. of one day to 8:30 a.m. the next following day, Monday to Friday, on the west side of McMurrich Street, from a point approximately 45.0 metres north of Davenport Road to a point 6.0 metres further north; and”.

*Votes:*

The motion by Councillor Rae carried.

The Clause, as amended, carried.

8.11 **Clause No. 16 of Report No. 12 of The Etobicoke Community Council, headed “Application for Exemption from Part-Lot Control 51 Renown Road; File No. TA PLC 2002 0004 (Ward 5, Etobicoke - Lakeshore)”.**

*Motion:*

Councillor Milczyn moved that the Clause be amended to provide that the following parts be added to the proposed Part Lot Control Exemption By-law:

“Parts 3, 4, 5, 7, 10, 11, 12, 13, 14, 15 and 16 on the draft reference plan prepared by Rabideau & Czerwinski, Ontario Land Surveyors, being Plan No. RC4599-12, dated October 10, 2002.”

*Votes:*

The motion by Councillor Milczyn carried.

The Clause, as amended, carried.

8.12 **Clause No. 2 of Report No. 12 of The Humber York Community Council, headed “Draft By-law - Ellis Park Road - Proposed Improvements (Parkdale-High Park, Ward 13)”.**

*Motion:*

Councillor Miller moved that the Clause be amended by rescinding the following action taken by the Humber York Community Council, and referring such action back to the Humber York Community Council for further consideration:

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

- (i) requested the Director, Transportation Services, District 1, to report to its January 21, 2003 meeting on Recommendation No. (2) in the report (August 29, 2002) from the Director, Transportation Services, District 1, viz.:

‘(2) That eastbound left turns be prohibited at all times at the intersection of Ellis Park Road and The Pallisades; and’.

*Votes:*

The motion by Councillor Miller carried.

The Clause, as amended, carried.

8.13 **Clause No. 24 of Report No. 12 of The Humber York Community Council, headed “Other Items Considered by the Community Council”.**

*Motion:*

Councillor Miller moved that the Clause be received as information, subject to striking out and referring Item (b), entitled “Poll Results – No Parking Anytime Prohibition on the East Side of Gooch Avenue between Gooch Court and Skylark Road (Parkdale-High Park, Ward 13)”, embodied therein, back to the Humber York Community Council for further consideration.

*Votes:*

The motion by Councillor Miller carried.

The Clause, as amended, was received for information.

**8.14 Clause No. 6 of Report No. 14 of The Policy and Finance Committee, headed “Pre-Approval Request for 2003-2007 Capital Projects”.**

*Motion:*

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

“It is further recommended that the Chief Financial Officer and Treasurer be requested to submit a report to the next meeting of City Council scheduled to be held on November 26, 2002, through the Policy and Finance Committee, on whether there are any pre-approvals necessary for the Business Improvement Areas.”

*Votes:*

The motion by Councillor Miller carried.

The Clause, as amended, carried.

**8.15 Clause No. 5 of Report No. 9 of The Economic Development and Parks Committee, headed “ ‘Our Future Together - A Community Based Revitalization Strategy for St. Clair West’ (Ward 17 Davenport)”.**

*Motion:*

Councillor Mihevc 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 develop a Community Revitalization Plan for the section of St. Clair Avenue West, between Winona Drive and the St. Clair West subway station.”

*Votes:*

The motion by Councillor Mihevc carried.

The Clause, as amended, carried.

**8.16 Clause No. 3a of Report No. 10 of The Planning and Transportation Committee, headed “Leslie Sheppard Gateway Project”.**



*Motions:*

- (a) Councillor Jones moved that the Clause be amended by deleting Recommendations Nos. (2) and (3) of the Planning and Transportation Committee, and inserting in lieu thereof the following:
- “(2) Council authorize the removal of the Leslie Sheppard gateway structure, such structure to be relocated to New Toronto Street in Ward 6, with the cost therefor to be funded during the 2003 Budget Process.”
- (b) In the event that her motion (a) failed, Councillor Jones further moved that the Clause be amended by deleting Recommendations Nos. (2) and (3) of the Planning and Transportation Committee, and inserting in lieu thereof the following:
- “(2) Council authorize the removal of the Leslie Sheppard gateway structure, such structure to be relocated to New Toronto Street in Ward 6, with the cost therefor to be at no additional cost to the City.”
- (c) Councillor Johnston moved that the Clause be amended by deleting Recommendation No. (2) of the Planning and Transportation Committee, and inserting in lieu thereof the following:
- “(2) the Leslie Sheppard gateway structure be relocated to the Ward of Councillor Jones, together with the Sheppard Subway.”
- (d) Councillor Shiner moved that:
- (1) consideration of the Clause be deferred until 2004;
  - (2) Architect Alliance (Mr. Adrian DiCastrì, Partner) be requested to arrange for the minor alteration to the site to address the safety concerns raised by staff, at no cost to the City; and
  - (3) the Commissioner of Urban Development Services be requested to work with the architect to change the structure’s finish, in order to soften the visual impact of the rust treatment.
- (e) In the event that his motion (d) failed, Councillor Shiner further moved that the Clause be amended by deleting Recommendations Nos. (2) and (3) of the Planning and Transportation Committee, and inserting in lieu thereof the following:
- “(2) Council authorize the removal of the Leslie Sheppard gateway structure, at no cost to the City, in a manner where it is not destroyed and can be re-installed in an alternate location, and to the satisfaction of the Commissioner of Urban Development Services;

- (3) first refusal for the structure's relocation be given to sites along the Sheppard Corridor, not including sites in Ward 33. In the event that no suitable location along the Sheppard Corridor is found, the structure's relocation be offered to other sites within the City of Toronto, in consultation with the local Councillors, at no cost to the City;
- (4) the Commissioner of Urban Development Services be requested to submit a removal plan which is acceptable to affected City officials, to the Planning and Transportation Committee by Spring 2003, together with appropriate financial guarantees for removal and restoration for that site; and
- (5) ownership of the structure remain with the City of Toronto."

*Vote on Deferral:*

Adoption of motion (d) by Councillor Shiner:

Yes - 16	
Councillors:	Chow, Di Giorgio, Disero, Duguid, Ford, Hall, Holyday, Johnston, Mihevc, Moeser, Moscoe, Nunziata, Pantalone, Shiner, Soknacki, Tziretas
No - 18	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Cho, Filion, Flint, Jones, Korwin-Kuczynski, Mammoliti, Milczyn, Minnan-Wong, Ootes, Rae, Shaw, Sutherland, Walker

Lost by a majority of 2.

*Motion:*

- (f) Councillor Chow moved that the Clause be received.

*Vote on Receipt of Clause:*

Adoption of motion (f) by Councillor Chow:

Yes - 18	
Councillors:	Augimeri, Cho, Chow, Di Giorgio, Disero, Duguid, Ford, Hall, Holyday, Johnston, Layton, Mihevc, Moscoe, Pantalone, Rae, Shiner, Soknacki, Tziretas
No - 13	

Councillors: Altobello, Berardinetti, Filion, Flint, Jones, Li Preti, Milczyn, Minnan-Wong, Nunziata, Ootes, Shaw, Sutherland, Walker
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Carried by a majority of 5.

Having regard to the foregoing decision of Council, motions (a) and (b) by Councillor Jones, motion (c) by Councillor Johnston, and motion (e) by Councillor Shiner, were not put.

8.17 **Clause No. 1 of Report No. 13 of The Administration Committee, headed “Municipal Campaign Finance Reform”.**

*Motions:*

- (a) Councillor Moscoe moved that the Clause be amended by:
  - (1) amending Recommendation No. (A)(IV) 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;”;

so that such recommendation now reads as follows:

- “(IV) as part of the considerations of the Municipal Campaign Finance Reform, the Toronto Election Finance Review Task Force be requested to consider:
  - (a) that rebates only be issued for contributions of legal tender;
  - (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) adding thereto the following:

“It is further recommended that the following motion be referred to the Toronto Election Finance Review Task Force for consideration:

Moved by Councillor Moscoe:

‘That the Clause be amended 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 Soknacki moved that the Clause be amended by:

- (1) amending the Proposed Terms of Reference for the Toronto Election Finance Review Task Force, embodied in Appendix “C” to the joint report dated June 11, 2002, from the Chief Administrative Officer, the City Solicitor and the City Clerk, by adding to Part (6), headed “Chair”, the words “and the Chair shall not be a Member of Council”, so that such part now reads as follows:

“(6) Chair:

The Task Force will select a Chair from amongst its members at its first meeting, and the Chair shall not be a Member of Council.”; and

- (2) adding thereto the following:

“It is further recommended that the following motion be referred to the Toronto Election Finance Review Task Force for consideration:

Moved by Councillor Soknacki:

‘That candidates be allowed to fundraise to any limit. Any amounts greater than twice the allowable election limit will be forfeit to the municipality’s Treasurer, at the time of filing the election financial return.’ ”

- (c) Councillor Mammoliti moved that the Clause be amended by:
- (1) amending the Proposed Terms of Reference for the Toronto Election Finance Review Task Force, embodied in Appendix “C” to the joint report dated June 11, 2002, from the Chief Administrative Officer, the City Solicitor and the City Clerk, to provide that Part (4), headed “Membership”, include additional members:
    - (a) representing the Toronto Police Service; and
    - (b) representing the law community; and
  - (2) adding thereto the following:

“It is further recommended that the Toronto Election Finance Review Task Force be requested to review the process of enforcing municipal, provincial and federal laws which may be broken during the election period.”

Councillor Disero in the Chair.

- (d) Councillor Hall moved that the Clause be amended by adding thereto the following:
- “It is further recommended that 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.”

Deputy Mayor Ootes in the Chair.

- (e) Councillor Korwin-Kuczynski moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the Toronto Election Finance Review Task Force be requested to report on the appropriate distribution of remaining election funds left over from candidates or elected officials who are not running for elected office in the future.”
- (f) Councillor Berardinetti moved that the Clause be amended by adding thereto the following:
- “It is further recommended that the Striking Committee be requested to give consideration, at the appropriate time, to appointing Councillor Anne Johnston as a

member of the Toronto Election Finance Review Task Force.”

*Votes:*

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

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

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

Adoption of Part (1)(a) of motion (c) by Councillor Mammoliti:

Yes - 13 Councillors: Altobello, Berardinetti, Disero, Hall, Korwin-Kuczynski, Mammoliti, Milczyn, Moeser, Nunziata, Pitfield, Shiner, Silva, Tziretas
No - 22 Councillors: Ashton, Bussin, Cho, Di Giorgio, Duguid, Filion, Flint, Ford, Holyday, Johnston, Jones, Kelly, Layton, Li Preti, McConnell, Mihevc, Miller, Moscoe, Ootes, Rae, Soknacki, Walker

Lost by a majority of 9.

Adoption of Part (1)(b) of motion (c) by Councillor Mammoliti:

Yes - 18 Councillors: Altobello, Ashton, Disero, Duguid, Filion, Flint, Hall, Jones, Korwin-Kuczynski, Mammoliti, McConnell, Mihevc, Moeser, Moscoe, Nunziata, Ootes, Silva, Soknacki
No - 16 Councillors: Bussin, Cho, Di Giorgio, Ford, Holyday, Johnston, Kelly, Layton, Li Preti, Milczyn, Miller, Pitfield, Rae, Shiner, Tziretas, Walker

Carried by a majority of 2.

Part (2) of motion (c) by Councillor Mammoliti carried.

Part (2) of motion (b) by Councillor Soknacki carried.

Motion (d) by Councillor Hall carried.

Motion (e) by Councillor Korwin-Kuczynski carried.

Motion (f) by Councillor Berardinetti carried.

Adoption of the Clause, as amended:

Yes - 35 Councillors: Altobello, Ashton, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pitfield, Rae, Shiner, Silva, Soknacki, Tziretas, Walker
No - 0

Carried without dissent.

In summary, Council amended the Clause by:

- (1) amending Recommendation No. (A)(IV) 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;”;

so that such recommendation now reads as follows:

- “(IV) as part of the considerations of the Municipal Campaign Finance Reform, the Toronto Election Finance Review Task Force be requested to consider:
- (a) that rebates only be issued for contributions of legal tender;
  - (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;”;

- (2) amending the Proposed Terms of Reference for the Toronto Election Finance Review Task Force, embodied in Appendix “C” to the joint report dated June 11, 2002, from the Chief Administrative Officer, the City Solicitor and the City Clerk:
- (i) to provide that Part (4), headed “Membership”, include an additional member representing the law community; and
  - (ii) by adding to Part (6), headed “Chair”, the words “and the Chair shall not be a Member of Council”, so that such part now reads as follows:

“The Task Force will select a Chair from amongst its members at its first meeting, and the Chair shall not be a Member of Council.”; and

- (3) adding thereto the following:

“It is further recommended that:

- (i) the Striking Committee be requested to give consideration, at the appropriate time, to appointing Councillor Anne Johnston as a member of the Toronto Election Finance Review Task Force;
- (ii) the Toronto Election Finance Review Task Force be requested to:
  - (a) report on the appropriate distribution of remaining election funds left over from candidates or elected officials who are not running for elected office in the future;
  - (b) review the process of enforcing municipal, provincial and federal laws which may be broken during the election period; and
  - (c) 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; and
- (iii) the following motions be referred to the Toronto Election Finance Review Task Force for consideration:

Moved by Councillor Moscoe:

‘That the Clause be amended 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.'; and

Moved by Councillor Soknacki:

'That candidates be allowed to fundraise to any limit. Any amounts greater than twice the allowable election limit will be forfeit to the municipality's Treasurer, at the time of filing the election financial return.' "

**8.18 Clause No. 8a of Report No. 10 of The Works Committee, headed “Eligibility Under Voluntary Home Isolation Program for 1300/1320 Islington Avenue, Barclay Terrace Condominium Complex (Ward 5 – Etobicoke-Lakeshore)”.**

*Motion:*

Councillor Ashton moved that the Clause be amended:

- (1) to provide that the grant to Barclay Terrace Condominium Complex be conditional on the provision of a holding tank by the Condominium Corporation; and
- (2) by adding thereto the following:

“It is further recommended that in future, multi-residential buildings be ineligible for grants under the Voluntary Home Isolation Program.”

*Votes:*

The motion by Councillor Ashton carried.

The Clause, as amended, carried.

**8.19 Clause No. 5 of Report No. 12 of The Planning and Transportation Committee, headed “Other Items Considered by the Committee”.**

*Motion:*

Councillor Moscoe moved that the Clause be received as information, subject to striking out and referring Item (a), entitled “Stakeholder Satisfaction with Committee of Adjustment Hearing Times”, embodied therein, back to the Planning and Transportation Committee for further consideration.

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, was received for information.

8.20 **Clause No. 8 of Report No. 12 of The Humber York Community Council, headed “Site Plan Control Application No. 301082 to Permit a 7-Storey Apartment Building Containing 126 Residential Units at 2477 and 2505 Dundas Street West (Parkdale-High Park, Ward 14)”.**

*Motion:*

Councillor Korwin-Kuczynski moved that the Clause be amended by deleting Recommendation No. (2) of the Humber York Community Council, and inserting in lieu thereof the following:

“(2) the vehicle entrance to the residential site be located on Dundas Street West, as indicated on the applicant’s plan; and”.

*Votes:*

The motion by Councillor Korwin-Kuczynski carried.

The Clause, as amended, carried.

8.21 **Clause No. 2 of Report No. 12 of The Planning and Transportation Committee, headed “Conditional Building Permit Agreement Procedures”.**

*Motion:*

Councillor Moscoe moved that the Clause be amended by adding after the word “approve”, in Recommendation No. (1), embodied in the report dated September 19, 2002, from the Commissioner of Urban Development Services, the words “only after consultation with the Ward Councillor”, so that such recommendation now reads as follows:

“(1) authority be granted to introduce a bill in Council to amend the Municipal Code, substantially in the form of the draft by-law in Appendix 1, to authorize the Chief Building Official and Deputy Chief Building Officials to approve, only after consultation with the Ward Councillor, the entering into conditional permit agreements, consents to assignments of the agreements, and releases of registered agreements and to execute the agreements, consents and releases on behalf of the City; and”.

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.22 **Clause No. 1 of Report No. 11 of The Planning and Transportation Committee, headed “Proposed New Official Plan for the City of Toronto and Repeal of the Official Plans for the Former Municipalities of Metropolitan Toronto, East York, Etobicoke, North York, Scarborough, Toronto and York”.**

*Motion:*

- (a) Mayor Lastman moved that the Clause be amended in accordance with the following supplementary reports from the Commissioner of Urban Development Services:
- (i) (October 21, 2002) wherein it is recommended that:
- “(1) the proposed Official Plan, dated May 2002, as revised by Planning and Transportation Committee at its meeting of September 24, 2002, be further revised as shown in Appendix 1 and 2 of this report; and
- (2) the Official Plan for the City of Toronto dated May 2002, as further revised, be adopted.”; and
- (ii) (October 26, 2002) wherein it is recommended that:
- “(1) the proposed Official Plan, dated May 2002, as revised by Planning and Transportation Committee at its meeting of September 24, 2002, be further revised as proposed by the modifications detailed in Appendix 1 and 2 of the staff reports dated October 21 and 26, 2002; and
- (2) the Official Plan for the City of Toronto dated May 2002, as further revised, be adopted.”

At this point in the proceedings, Mr. Paul Bedford, Chief Planner, gave an overhead presentation with respect to the proposed new Official Plan.

*Procedural Motion:*

Deputy Mayor Ootes proposed that Council waive the provisions of §27-28, Questioning to Obtain Facts, of Chapter 27 of the City of Toronto Municipal Code, in order to allow Members of Council an opportunity to question the Chief Planner for a second time, the vote upon which was taken as follows:

Yes - 25 Councillors: Altobello, Ashton, Balkissoon, Berardinetti, Bussin, Cho, Di Giorgio, Filion, Flint, Holyday, Johnston, Jones, Kelly, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Ootes, Shaw, Silva, Sutherland, Tziretas, Walker
No - 7 Mayor: Lastman Councillors: Hall, Li Preti, Nunziata, Pantalone, Rae, Shiner

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

*Motion:*

- (b) Councillor Moscoe moved that the Clause be amended by:
- (1) amending Section 2.4, “Bringing the City Together: A Progressive Agenda of Transportation Change”, by:
    - (i) adding the following new Part (e) to Policy No. 4 (Page 31), embodied therein:

“(e) the development, retention and replacement of commuter parking spaces.”; and
    - (ii) adding the following new Policies Nos. 12 and 13 (Page 32):

“(12) All large commercial and office buildings and hotels shall make provision for taxi stands on private property.

(13) All new transportation terminals shall require facilities for inter-modal connections, including those for:

      - (a) taxis;
      - (b) buses; and
      - (c) other public transit modes,

and further, that existing transportation terminals shall be retrofitted when re-development occurs.”;
  - (2) adding to the end of Policy No. 62, “South Side of Lawrence Avenue West, West of Marlee Avenue”, as embodied in Chapter Seven - Site and Area Specific Policies (Page 42), the following:

“Area 62 shall be extended westward to Bolingbroke Road.”; and

- (3) adding thereto the following:

“It is further recommended that the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee in one year’s time, on the technical amendments that may be required to fine-tune the new Official Plan as a result of its practical application to the development process.”

*Vote Be Now Taken:*

Councillor Mammoliti 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 - 18	
Mayor:	Lastman
Councillors:	Augimeri, Berardinetti, Di Giorgio, Disero, Duguid, Hall, Johnston, Li Preti, Mammoliti, McConnell, Mihevc, Nunziata, Ootes, Pantalone, Rae, Silva, Tziretas
No - 13	
Councillors:	Altobello, Ashton, Balkissoon, Bussin, Filion, Flint, Holyday, Jones, Kelly, Miller, Moscoe, Sutherland, Walker

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

*Motion:*

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

**“NOW THEREFORE BE IT RESOLVED** that City Council refer Clause No. 1 of Report No. 11 of The Planning and Transportation Committee, back to the Planning and Transportation Committee for consideration at its meeting to be held on March 24, 2003;

**AND BE IT FURTHER RESOLVED THAT** the Commissioner of Urban Development Services and the Chief Planner be directed to prepare and present to Council in a cost-effective way (i.e. replaceable pages), a new integrated draft Official Plan, incorporating all changes made to the draft to date, as soon as possible;

**AND BE IT FURTHER RESOLVED THAT** the Chief Planner be directed to meet with those property owners who have expressed concerns about the draft Official Plan

and that he be requested to report separately on those discussions;

**AND BE IT FURTHER RESOLVED THAT** Toronto City Council request the Chief Administrative Officer to report back on the feasibility of independent Legal and Economic reviews of the draft Official Plan;

**AND BE IT FURTHER RESOLVED THAT** the Commissioner of Urban Development Services be directed to further consult with property owners whose development rights are specifically affected by the new Plan and/or where a new Land Use Designation is considered under the new Plan;

**AND BE IT FURTHER RESOLVED THAT** the Commissioner of Urban Development Services be requested to report back to City Council describing the approval process under the new Plan for properties that have been made legal non-conforming under this new Plan, using as an example, the Coronation Drive Employment District.”

*Vote on Referral:*

Adoption of motion (c) by Councillor Walker:

Yes - 4 Councillors: Balkissoon, Filion, Sutherland, Walker
No - 27 Mayor: Lastman Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Di Giorgio, Disero, Duguid, Flint, Hall, Holyday, Johnston, Jones, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Ootes, Pantalone, Rae, Silva, Tziretas

Lost by a majority of 23.

*Ruling by Deputy Mayor:*

Deputy Mayor Ootes, having regard to motion (c), ruled that Councillor Walker had spoken to this matter, and in accordance with §27-26 of Chapter 27 of the City of Toronto Municipal Code, was not permitted to speak again.

Councillor Walker challenged the ruling of the Deputy Mayor.

*Vote to Uphold Ruling of Deputy Mayor:*

Yes - 14	
Mayor:	Lastman
Councillors:	Disero, Duguid, Hall, Holyday, Johnston, Mammoliti, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Tziretas
No - 14	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Filion, Flint, Jones, McConnell, Mihevc, Miller, Silva, Sutherland, Walker

Lost, there being an equality of votes.

*Motion:*

(d) Councillor Walker moved that the Clause be amended:

- (1) by adding to Section 3.2.1, "Housing" (Pages 45-47), the following additional Policy No. 6(iv):
 

“(iv) where applicable, a rent abatement package has been secured for existing on-site tenants.”;
- (2) by adding to Section 5.1.1, "Height and/or Density Incentives" (Page 82), the following additional Policy No. 6(m):
 

“(m) Rental Abatement Packages for existing, on-site tenants.”;
- (3) by amending the Definitions embodied in Section 3.2.1, "Housing" (Page 47) to create a distinction between vacancy rates for high-end units, both condominium and rental, and further, that the City's protection policies be amended to reflect City Council's concern about the protection of affordable rental housing and not luxury units, as well as Council's concern about affordability relative to people's incomes;
- (4) by adding to the policies embodied in Section 5.1.1, "Height and/or Density Incentives" (Page 81), a provision for a 35 percent density bonus for the construction of purpose-built affordable rental housing units, and that this section, as amended, be referred to the Tenant Defence Sub-Committee for the hearing of deputations and further refinement, particularly with respect to affordability criteria, and members of the Tenant Legal Community be specifically invited to attend;



- (5) by adding the words “and maximum development densities” after each occurrence of the words “minimum development densities”, throughout the Plan;
- (6) to provide that the Secondary Plans be amended to include height and density limits.”;
- (7) amending Section 3.1.3, “Built Form – Tall Buildings” (Page 40), by:
  - (a) adding thereto the following additional Policy:

“Tall buildings are limited to parts of the Downtown, Centres and other areas where they are currently permitted.”; and
  - (b) adding thereto a specific definition of Tall Buildings, or by eliminating the Policy in Section 3.1.3. in its entirety;
- (8) adding thereto the following:

“It is further recommended that:

  - (1) with respect to Chapter 5, ‘Implementation: Making Things Happen’ (Page 81), the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee, as soon as possible, on a schedule for the drafting, consultation, introduction and debate of an implementing Zoning By-law, Avenue Studies; and
  - (2) as referred to in Section 5.4.1, ‘Monitoring and Assessment’ (Page 97), the Commissioner of Urban Development Services be directed to submit a report to the Planning and Transportation Committee, as soon as possible, recommending that ‘Appropriate targets and indicators [will] be established to serve as a basis for assessing progress toward achieving the objectives of this plan’.”; and
- (9) adding to Section 5.5, “Interpretation” (Page 98), the following additional Policy No. 11:

“(11) That where the Official Plan is silent, the Zoning By-law provisions will prevail.”

Councillor Disero in the Chair.

*Motion to Extend Time to Speak:*

Having regard that Councillor Walker had spoken to this matter for a period of five minutes, Councillor Balkissoon moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived, and that Councillor Walker be granted a further period of five minutes, in order to conclude his remarks, the vote upon which was taken as follows:

Yes - 15	
Councillors:	Altobello, Balkissoon, Bussin, Disero, Filion, Flint, Ford, Holyday, Jones, McConnell, Mihevc, Miller, Moscoe, Tziretas, Walker
No - 9	
Mayor:	Lastman
Councillors:	Ashton, Duguid, Hall, Li Preti, Mammoliti, Pantalone, Rae, Shiner

Carried by a majority of 6.

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

“It is further recommended that the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on designating and undertaking the following for priority Avenue Study:

- College Street;
- a subway-related street (e.g. Danforth Avenue); and
- an arterial road (e.g. Finch Avenue, or Lake Shore Boulevard West).”

Deputy Mayor Ootes in the Chair.

*Motions:*

- (f) Councillor Miller moved that:
- (1) the Clause be amended:
    - (i) to provided that the Swansea Area (presently Section 19.4 of the former City of Toronto Official Plan) continue in force by the re-enactment of the Swansea Secondary Plan within the new Official Plan, including the appropriate modifications in the language to fit with the new Plan;

- (ii) by amending Section 3.2.2, “Community Services and Facilities” (Pages 48-49), by adding thereto the following:

“Council recognizes that schools are an integral community resource that serve not only as learning institutions but also as socio-cultural centres and a source of valuable community open space. The City will encourage and promote the shared use of schools, parks and public open space.

School lands be specifically identified and appropriately designated on the land use maps and related policy statements and noted in the text as potential additions to the City’s parklands should they no longer be need as learning institutions.”; and

- (iii) by adding to Policy No. 1, embodied in Section 5.3.1, “The Official Plan Guides City Actions” (Page 92), the words “and public undertakings”, so that such policy, as ultimately amended, reads as follows:

“1. Municipal by-laws, including zoning by-laws, public works and public undertakings will conform to this Plan.”; and

- (2) motion (a) by Mayor Lastman be amended to provide that Policy No. 1 embodied in Item No. 98 of Appendix 1 to the report (October 21, 2002) from the Commissioner of Urban Development Services, be amended to read as follows:

“1. A fair, open and accessible public process for amending, implementing and reviewing this Plan will be achieved by:

(a) encouraging participation by all segments of the population in the resolution of planning issues, recognizing the ethno-racial diversity of the community and with special consideration for the needs of individuals of all ages and abilities;

(b) promoting community awareness of planning issues and decisions by employing innovative methods to inform the public, including the use of both traditional and electronic media, by using clear and understandable language and, as a general practice, by holding statutory public meetings by the Community Councils representing the areas affected by amendments to the Official Plan or Zoning By-law;

- (c) formulating planning instruments so as to produce predictable and consistent outcomes and reduce uncertainty to the extent possible;
- (d) providing adequate opportunity for those affected by planning decisions to be informed and contribute to planning processes, including but not necessarily limited to:
  - ensuring that in the review and consideration of contemplated amendments to the Zoning By-law and Official Plan, at least one consultative meeting is held in affected communities, prior to the statutory public meeting(s) required under the Planning Act; and
  - ensuring that draft Official Plan Amendments are made available to the public for review at least 20 days before the statutory public meetings required under the Planning Act, and draft Zoning By-law Amendments at least 10 days before, and, if the draft amendments are then modified, that the modified drafts are made available to Members of Council and public meeting deputants who so request, at least five days prior to commencement of the Council meeting at which Bills are presented for enactment.”

Councillor Disero in the Chair.

- (g) Councillor Korwin-Kuczynski moved that the Clause be to provide that:
  - (1) the rights of Torontonians to be heard, are enshrined in the new Official Plan; and
  - (2) all employment districts are protected under the new Official Plan.
- (h) Councillor Moeser moved that the Clause be amended by:
  - (1) adding thereto the following:

“It is further recommended that the Commissioner of Urban Development Services be requested to convene a meeting, in consultation with the Ward Councillor, with the representative of the Coronation Drive Employment District, as soon as possible, and submit a report thereon, to the Planning and

Transportation Committee, through the Scarborough Community Council.”; and

- (2) deleting from the preamble to Policy No. 5, embodied in Section 4.1 (Page 66), the word “general”, so that such preamble now reads as follows:

“Development will respect and reinforce the physical patterns and character of established *Neighbourhoods*, with particular regard to:”.

- (i) Councillor Sutherland moved that:

- (1) Council adopt the following motion:

**“WHEREAS** numerous recommended modifications to the proposed new Official Plan, which was released on May 27 of this year, have only very recently become available for review; and

**WHEREAS** the public have neither had notice of these recommended modifications nor been afforded adequate opportunity to comment on them; and

**WHEREAS** Councillors have not been afforded adequate opportunity to evaluate the recommended modifications in the light of public comment by potentially affected parties or specific public interest assessments by staff; and

**WHEREAS** staff have neither provided objective assessments of many of the detailed comments and specific proposals contained in submissions made by deputants nor produced a detailed comparison of the provisions of the existing Official Plans versus the proposed new Official Plan respecting such key issues as infrastructure, greenspace and the environment, density and height limits, or neighbourhood protections; and

**WHEREAS** Council therefore presently lacks adequate information on which to make informed decisions in the public interest regarding the provisions that are to be contained in the new Official Plan; and

**WHEREAS** the procedural fairness of the statutory public meeting held by the Planning and Transportation Committee has been called into question; and

**WHEREAS** the jurisdiction of the City to adopt the new Official Plan under these circumstances may be challenged before a Court of Law;

**NOW THEREFORE BE IT RESOLVED THAT** adoption by Council of

the new Official Plan not occur until such time as:

- (a) a comprehensive, objective assessment of all submissions received to date has been completed and made public, following such consultations between staff and submitters as may be warranted;
  - (b) a comprehensive, detailed comparison of the provisions of the existing Official Plans versus the proposed new Official Plan respecting infrastructure, greenspace and the environment, density and height limits, and neighbourhood protections has been completed by staff and released for public review;
  - (c) the numerous modifications contained in the reports from staff and the recommendations of the Planning and Transportation Committee, together with such further proposed modifications as may be determined by the Council or recommended by staff, have been integrated into a revised draft of the new Official Plan; and
  - (d) a further statutory public meeting has been held by Council on the revised draft thus produced, as soon as possible, in a manner that clearly complies with the norms of procedural fairness.”; and
- (2) the Clause be amended by adding to Section 5.3.1, “The Official Plan Guides City Actions” (Page 92), the following additional Policy No. 3:

- “3. In considering development proposals under this Plan, Council and City staff will ensure that the intensity and scale of proposed development relates to, and is within the capacity of, the various components of the City’s infrastructure as improved from time to time, including but not limited to:
- transportation, including public transit, and the road network in relation to automobile, cyclist and pedestrian use;
  - water and wastewater treatment; and
  - parkland and recreational facilities,

and that the additional development will otherwise preserve the quality of life of the City’s residents by adherence to the provisions of this Plan.

City planners will work, in consultation with transportation stakeholders, to bring forward to Council, within a one-year period, a balanced transportation plan that addresses the needs of motorists,

transit riders, cyclists and pedestrians through recommendations to improve public transit and the road network infrastructure.”

Deputy Mayor Ootes in the Chair.

*Vote Be Now Taken:*

Councillor Nunziata moved that, in accordance with §27-45C of Chapter 27 of the City of Toronto Municipal Code, the vote on Part (1) of motion (i) by Councillor Sutherland, be now taken, the vote upon which was taken as follows:

Yes - 19	
Mayor:	Lastman
Councillors:	Bussin, Di Giorgio, Disero, Duguid, Ford, Hall, Jones, Mammoliti, McConnell, Milczyn, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Tziretas
No - 21	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Filion, Flint, Holyday, Johnston, Kelly, Korwin-Kuczynski, Layton, Mihevc, Miller, Minnan-Wong, Moscoe, Shaw, Sutherland, Walker

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

*Vote on Deferral:*

Adoption of Part (1) of motion (i) by Councillor Sutherland:

Yes - 8	
Councillors:	Balkissoon, Filion, Ford, Holyday, Korwin-Kuczynski, Minnan-Wong, Sutherland, Walker
No - 34	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Johnston, Jones, Kelly, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Tziretas

Lost by a majority of 26.

*Motion:*

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



- (1) amending Map No. 15, headed “Land Use Plan”, to designate as *Neighbourhoods*, the Scarborough Transportation Corridor lands located south of the CN Rail lines, bordering the Kingston Road overpass to the east, and designated as *Parks and Open Space Areas* to the west; and
- (2) adding thereto the following:

“It is further recommended that the Commissioner of Urban Development Services be requested, as part of the ‘Five Year Review’ to:

- (i) evaluate the availability of government funding to maintain the Toronto Transit Commission’s State-of-Good Repair and affordable transit;
- (ii) evaluate the government commitment to fund the transit infrastructure necessary to support the goals and objectives of the new Official Plan; and
- (iii) adjust the new Official Plan’s population goals to reflect transit capacity.”

*Procedural Motion:*

- (k) Councillor Holyday moved that the Commissioner of Urban Development Services be permitted to comment on the amendments moved by Members of Council prior to the vote being taken on such amendments.

*Motions:*

- (l) Councillor Bussin moved that the Clause be amended by adding the following words to Policy No. 10, embodied in Section 3.1.5, “Heritage Resources (Page 43):  
  
“All significant aboriginal cultural heritage and archaeological sites should be identified, mapped and where feasible, protected and preserved. Exhumation and re-burial of human remains for the purpose of facilitating development should be strictly prohibited.”
- (m) Councillor Tziretas moved that motion (a) by Mayor Lastman be amended to provided that Maps Nos. 10 and 14 contained in the report dated October 26, 2002, from the Commissioner of Urban Development Services, be amended with respect to the lands located on the northwest corner of Mortimer Avenue and Coxwell Avenue, to designate Memorial Gardens as *Parks and Open Space Areas*, and that Councillors Ootes, Pitfield and Tziretas be requested to inform the community of this designation.

- (n) Councillor Nunziata moved that the Clause be amended to provide that the *Mixed Uses Areas* for the south-east corner of Black Creek Drive and Eglinton Avenue West be redesignated as *Parks and Open Space Areas*, as listed in the Land Use Plan (City-wide Map) 2002, in the Official Plan Summary, to recognize the South Keelestone Park facility.

*Procedural Vote:*

Adoption of motion (k) by Councillor Holyday:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Jones, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki
No - 6	
Councillors:	Filion, Layton, Mihevc, Moeser, Shaw, Walker

Carried by a majority of 22.

*Withdrawal of Motion:*

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

*Motions:*

- (o) Councillor Shaw moved that the Clause be amended by:
- (1) deleting from the first sentence of the sidebar embodied in Section 5.3.5, "Great City Campaigns" (Page 96), the word "citizen's", so that such sentence now reads as follows:
 

"The Task Force to Bring Back the Don is a group working with the support of the City of Toronto to achieve a clean, green and accessible Don River watershed."; and
  - (2) deleting the words "citizens" or "citizenry", wherever they appear in the Plan, and inserting in lieu thereof the word "Torontonians", and making any grammatical adjustments necessary.

- (p) Councillor Jones moved that the Clause be amended by amending Map No. 2, headed “Urban Structure”, by adding as an *Employment District*, those lands identified as *Employment Areas* on Map No. 12, entitled “Land Use Plan”, located between Mimico Creek and Humber River north of Lake Shore Boulevard West and the Queensway.
- (q) Councillor Hall moved that Part (1)(ii) of motion (f) by Councillor Miller be referred to the Commissioner of Urban Development Services with a request that she consult with the four school boards in this regard, and report on the outcome of such consultations to City Council, through the Planning and Transportation Committee.
- (r) Councillor Flint moved that the Clause be amended:
- (1) by amending Map No. 13, headed “Land Use Plan”, by:
    - (i) showing the former CN spur line as parkland; and
    - (ii) showing that Lawrence Avenue East, west of Leslie Street, does not connect with Bayview Avenue;
  - (2) to provide that when land use Maps Nos. 9, 11, 12, 13, 14, 15 and 19 are refined to include additional street names (as outlined in Section (r), headed “Refining Land Use Maps 10, 11 through 16 of the Plan to Include Street Names”, embodied in the report dated October 21, 2002, from the Commissioner of Urban Development Services), the streets that border different land uses be identified;
  - (3) by adding thereto the following:

“It is further recommended that:

    - (i) Community Councils be responsible, following community consultation and statutory public meetings thereon, for making recommendations concerning:
      - (a) proposed deletion, modification or creation of Secondary Plans and related Appendices in their respective areas;
      - (b) proposed deletion, modification or creation of site or area specific policies in their respective areas;
      - (c) determination of any residential neighbourhoods in their respective areas in which and where multiple family type housing is to be allowed in addition to single family housing;

and

- (d) determination of any residential streets, or parts thereof, in their respective areas along which non-residential uses are to be permitted;
  - (ii) as part of the consideration of any new Secondary Plan or Site and Area Specific Policies or changes to an existing site plan or Site and Area Specific Policy, the affected Community Council or Planning and Transportation Committee be provided with an assessment of the infrastructure necessary to support the contemplated additional development, together with potential means of remedying any identified deficiencies;
  - (iii) all zoning by-laws shall remain in place and be adhered to until such time as they are amended by Council, after consultation with the affected community and statutory hearings at Community Council;
  - (iv) the Chief General Manager, Toronto Transit Commission, be requested to investigate ways to implement streetcar service on Don Mills Road without eliminating any current traffic lanes, as a means of fulfilling the intent of the new Official Plan to designate Don Mills Road as a major transit route, and further, that partnerships with York Region be explored in this regard;
  - (v) the Chief Administrative Officer and the Chief Financial Officer and Treasurer be requested to submit a report to the Policy and Finance Committee and the Toronto Transit Commission, on mechanisms available to the City to achieve funding from development sources for the Don Mills Road streetcar services project, outlined in Part (iv), above;
  - (vi) the Commissioner of Urban Development Services be requested to submit a report to the Midtown Community Council on a means of ensuring that the flood plain will be restored to its natural state in the year 2015, or as soon as the purchase price has been recouped, as was intended (further to Policy No. 81, "Northeast of Mill Street and Yonge Street" (Page 50), Chapter 7);
- (4) by adding to the beginning of Policy No. 90, "Northwest of Wilson Avenue and Yonge Street, and Southeast of York Mills and Yonge Street", as embodied in Chapter Seven - Site and Area Specific Policies (Page 53), the words "For the lands located at the north side of Wilson Avenue, west of

Yonge Street, shown as Parcel A, a maximum density of 2 times the lot area is permitted. For Parcels A and B”, so that such policy now reads as follows:

“For the lands located at the northwest corner of Wilson Avenue and Yonge Street, a maximum density of 2 times the lot area is permitted. For Parcels A and B, a maximum building height, inclusive of superstructures, pipes and chimneys, of 163 metres above sea level is permitted, provided the building height does not obstruct sight lines across the valley, from top of bank to top of bank.”;

- (5) by adding the following new bullet point to Section 2 of Chapter One - Making Choices, under the heading “A City of Diversity and Opportunity” (Page 3):
  - “people enjoy freedom of conscience and religion and opportunities for such enjoyment are supported.”;
- (6) by adding the following new bullet point to Section 2.2.1, “Downtown: The Heart of Toronto” (Page 13), after the bullet point “arts and cultural venues”:
  - “places of worship;”;
- (7) by adding the following Part (e) to Policy No. 3, embodied in Section 2.2.1 (Page 15):

“(e) encouraging the provision or retention (including relocation) of places of worship.”;
- (8) by adding the following Part (m) to Policy No. 2, embodied in Section 2.2.2, “Centres: Vital Mixed Use Communities” (Page 20):

“(m) encourage the provision or retention (including relocation) of places of worship.”;
- (9) by adding the following new Part (vi) to Policy No. 2(a), embodied in Section 2.2.3, “Avenues: Reurbanizing Arterial Corridors” (Page 21):

“(vi) appropriate measures for the provision or retention (including relocation) of places of worship;”
- (10) by adding the following new Part (c) to Policy No. 5, embodied in Section 2.3.1, “Healthy Neighbourhoods” (Page 27):

“(c) encouraging the provision or retention (including relocation) of places

of worship.”;

- (11) by adding the following new Part (d) to Policy No. 1, embodied in Section 3.2.2, “Community Services and Facilities” (Page 49):

“(d) encouraging the provision or retention (including relocation) of places of worship.”;

- (12) by amending the second sentence in Policy No. 3, embodied in Section 3.2.2 (Page 49) to now read as follows:

“The addition of other uses on sites for schools and places of worship, including other community services facilities, residential units or office space, is permitted, provided all uses can be adequately accommodated.”

- (13) by adding the words “and access to local institutions”, to Part (d) of Policy No. 1, embodied in Section 3.3, “Building New Neighbourhoods” (Page 52), so that such part now reads as follows:

“(d) a strategy to provide community services and access to local institutions; and”;

- (14) by adding the words “such as places of worship” to Policy No. 1, embodied in Section 4.2, “Apartment Neighbourhoods” (Page 67), so that such policy now reads as follows:

“1. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions such as places of worship, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the *Neighbourhoods* designation are also permitted in *Apartment Neighbourhoods*.”;

- (15) by adding the words “and places of worship” to Policy No. 2(g), embodied in Section 4.5, “Mixed Use Areas” (Page 72), so that such part now reads as follows:

“(g) have access to schools, parks, community centres, libraries, child care, and places of worship;”; and

- (16) by deleting the words “as new residents are introduced and to ensure they are provided when needed”, and inserting in lieu thereof the words “and

encourage the provision or retention (including relocation) of places of worship and other local institutions” in Policy No. 2(d), embodied in Section 4.7, “Regeneration Areas” (Page 76), so that such part now reads as follows:

“(d) a community services strategy to monitor the need for new community services and facilities, and encourage the provision or retention (including relocation) of places of worship and other local institutions;”.

(s) Councillor Di Giorgio moved that the Clause be amended:

(1) to provide that:

(a) Secondary Plans for Avenues that abut stable residential neighbourhoods include the following features:

(i) density and height limits that allocate existing infrastructure capacity equitably and that establish a base level of orderly development and compatible development; and

(ii) density and height bonuses subject to pre-defined limits for:

- comprehensive and full re-development of sites; and/or
- provision of infrastructure improvements in the local area;

(b) height and density limits specified in the Secondary Plans and Site and Area Specific Policies not be subject to potential breach by general bonusing provisions, or any other provisions contained in the proposed new Official Plan; and

(c) general bonusing provisions be used to address only City-wide deficiencies in housing or social infrastructure and that they be applied in a manner that respects existing inequities and concentrations and do no usurp any Secondary Plan or Site or Area Specific limit or provisions; and

(2) by adding thereto the following:

“It is further recommended that the following transition measures be considered for inclusion in the comprehensive Zoning By-law, for sites where existing development exceeds density and height limits under a Site Specific By-law:

- (a) the removal of apparent under-utilized green space be limited to 50 percent of the subject green space; and
- (b) consideration be given to increasing the minimum parking requirements applicable to additional density permitted on the site.”

Councillor Disero in the Chair.

(t) Councillor Cho moved that the Clause be amended by:

- (1) adding the following new Part (c) to Policy No. 9, embodied in Section 3.2.1, “Housing” (Page 47):

“(c) on sites greater than 4 hectares but less than 5 hectares in size, a minimum of 10 percent of the new housing units must be affordable; on sites greater than 3 hectares but less than 4 hectares in size, a minimum of 5 percent of the new housing must be affordable.”;

- (2) adding to Policy No. 2(d), embodied in Section 3.3, “Building New Neighbourhoods” (Page 52), the words “community recreation centres”, so that such policy now reads as follows:

“(d) high quality parks, community recreation centres, open space and public buildings; and”;

- (3) deleting the words “10 metres” from the preamble to Policy No. 7, embodied in Section 3.4, “The Natural Environment” (Page 55), and inserting in lieu thereof the words “30 metres”, so that such preamble now reads as follows:

“7. Development will be set back from the following locations by at least 30 metres, or more if warranted by the severity of existing or potential natural hazards:”.

(u) Councillor Milczyn moved that the Clause be amended:

- (1) by adding the following new Policy No. 6 to Section 3.1.2, “Built Form” (Page 39):

“6. New multi-residential development will provide indoor and outdoor amenity space for the residents of the new development. Each resident will have access to outdoor amenity spaces such as balconies, terraces,



courtyards, rooftop gardens and other types of outdoor spaces.”;

- (2) to provide that the Bloor Street Urban Design Guidelines for the Kingsway District, be included in the appropriate companion documents to the Official Plan, as an equivalent to an Avenue Study; and

- (3) by adding thereto the following:

“It is further recommended that the Commissioner of Urban Development Services be requested to submit a report to the January 13, 2003 meeting of the Planning and Transportation Committee on a workplan to implement zoning by-law changes in areas covered by the Bloor Street Urban Design Guidelines, and by the Queensway Incremental Growth Study.”

Deputy Mayor Ootes in the Chair.

- (v) Councillor Chow moved that the Clause be amended by amending Section 3.2.2, “Community Services and Facilities” (Pages 48-49), by:

- (1) deleting from Policy No. 4(f) the words “City’s capital budget”, and inserting in lieu thereof the words “City’s capital and operating budgets”, so that such policy now reads as follows:

“(f) identification of funding strategies including, but not limited to, funds secured through the development approval process, the City’s capital and operating budgets, and public/private partnerships.”;

- (2) by amending Policy No. 5, so that it now reads as follows:

“5. Community services strategies and implementation mechanisms will be required for residential or mixed use sites generally larger than 5 hectares and all new neighbourhoods, in order to inform the range of facilities needed to support development.”; and

- (3) by adding thereto the following new Policy No. 6:

“6. Encourage the inclusion of community services facilities in all significant private sector development across the City through development incentives and public initiatives.”

- (w) Councillor Minnan-Wong moved that the Clause be amended to provide that the Don Mills Secondary Plan of the former City of North York be included in the new Official Plan;

- (x) Councillor Layton moved that the Clause be amended:
- (1) to provide that the following statements be included in the new Official Plan:
    - (a) “Development, redevelopment and infrastructure that will assist in achieving green house gas emissions reduction consistent with international, national and municipal targets will be encouraged.”;
    - (b) “Building renovation and redevelopment to incorporate advanced energy and water efficiency practices will be encouraged.”;
    - (c) “Council will prepare a strategy to require rezoning or site plan approval applications to include energy efficiency strategies and water efficiency plans which shall be assessed by appropriate City staff, such assessment to be included in a staff report on the application.”; and
    - (d) “Redevelopment of large industrial sites, including brownfield sites, should receive special attention to achieve high standards of pollution abatement, green roof technology and/or alternative energy production, such as co-generation, hydrogen energy or renewable energy.”;
  - (2) by amending Map No. 7, headed “Natural Heritage”, to illustrate the natural heritage connection between the Leslie Street Spit and the Don River Valley based on representation found in maps associated with the Waterfront Plans;
  - (3) by adding to Policy No. 15(e), embodied in Section 3.4, “The Natural Environment” (Page 57), the words “that are consistent with high energy efficiency standards”, so that such policy now reads as follows:
    - “(e) the use of energy-efficient technologies that are consistent with high energy efficiency standards, design features and construction practices; and”;
  - (4) by inserting at the end of the final sentence of Section 3.1, “The Built Environment” (Page 34), the words “consistent with energy efficiency standards”, so that such sentence now reads as follows:

“This Plan demands that both the public and private sectors commit to high quality architecture, landscape architecture and urban design, consistent with energy efficiency standards.”;
  - (5) by adding the following sentence to Policy No. 1, embodied in Section 2.2.2, “Centres: Vital Mixed Use Communities” (Page 19):

“The height limit of 40 metres be established in each *Centre* designated on Map No. 2, except for that part of the Central Area as defined in the City of Toronto’s 1976 Official Plan, and it is Council’s intention that as-of-right zoning be implemented to permit this height throughout these areas.”;

- (6) by adding thereto the following:

“It is further recommended that:

- (a) the following motion be referred to the Commissioner of Urban Development Services for consideration during the Avenues planning process:

Moved by Councillor Layton:

‘That Section 2.2.3, “Avenues: Reurbanizing Arterial Corridors” (Page 21), of the new Official Plan be amended by:

- (1) adding the following to Policy No. 1, embodied therein:

“The height limit of 20 metres be established in each *Avenue* designated on Map No. 2, and it is Council’s intention that as-of-right zoning be implemented to permit this height throughout the Avenues.”; and

- (2) adding to the preamble to Policy No. 2(a), the words “as site specific refinements to the general height limit of 20 metres”, so that such policy now reads as follows:

“(a) contextually appropriate as-of-right zoning as site specific refinements to the general height limit of 20 metres, and other regulations designed to achieve high quality development along the Avenue which establishes:”.; and

- (b) the following motion be referred to the Commissioner of Urban Development Services for consideration:

Moved by Councillor Layton:

‘It is recommended that Section 2.3.1, “Healthy Neighbourhoods” (Page 26), of the Official Plan, be amended

by:

- (i) adding to Policy No. 1, the words “and reinforce”, after the word “respect”, so that such policy now reads as follows:

“(1) Development within *Neighbourhoods* and *Apartment Neighbourhoods* will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in the community.”; and

(ii) by adding the following sentence to the end of Policy No. 2:

“The height limit of 13 metres be established on properties abutting each arterial shown on Map No. 2 and not designated as an *Avenue* or *Centre*, and it is Council’s intention that as-of-right zoning be implemented to permit this height throughout these areas.” ’; and

(c) Council commit to establishing an implementation strategy for Modification No. 98 (respecting the Planning Process), embodied in the supplementary report dated October 21, 2002, from the Commissioner of Urban Development Services, in order to provide effective mechanisms for citizen involvement in sustainable City building and planning based upon best practices. This policy should enshrine citizen involvement beyond the limited provisions of the Planning Act.”

(y) Councillor Filion moved that the Clause be amended:

(1) to provide that the Sheppard Avenue Commercial Plan be retained in the new Official Plan until a new Secondary Plan for the area is developed after consultation with the community;

(2) to provide that *Natural Areas*, *Environmentally Significant Areas* and *Ravines* be defined, identified and distinguished on the land use maps from other *Parks and Open Space Areas* and protected in a manner equivalent to the best practices of the City’s existing Official Plans for the former area municipalities, and parkland be likewise distinguished from other *Parks and Open Space Areas* such as golf courses and cemeteries; and further, that Section 3.4, “The Natural Environment” (Pages 53-57) be amended to provide that the natural environment policies embodied therein, be reformulated accordingly, with appropriate land use provisions incorporated into the policies embodied in Section 4.3, “Parks and Open Space Areas” (Page 69);

- (3) to provide that the new Official Plan be modified to require that new Secondary Plans, or revisions to existing Secondary Plans, specifically relate any potential additional development to infrastructure and ensure that approval of such development is contingent on provision of whatever infrastructure upgrades may be warranted;
- (4) by adding the following new Policy No. 3 to Section 5.3.1, "The Official Plan Guides City Actions" (Page 92):
- “3. In considering development proposals under this Plan, Council and City staff will ensure that the intensity and scale of proposed development relates to, and is within the capacity of, the various components of the City’s infrastructure as improved from time to time, including but not limited to:
- transportation, particularly public transit;
  - water and wastewater treatment; and
  - parkland and recreational facilities;
- and the additional development will otherwise preserve the quality of life of the City’s residents by adherence to the provisions of this Plan.”;
- (5) to provide that a set of parks planning area maps be added to the Plan identifying neighbourhoods which are deficient in parkland, so that this data can be used in an effort to require, wherever possible, that new parkland be provided when development occurs in under-serviced areas;
- (6) by adding thereto the following:
- “It is further recommended that wherever enforceable through Section 37 agreements, contributions towards intensification of the urban forest be required as a condition of development approval, at a rate of one tree for each new residential unit (either off-site, in-kind or cash-in-lieu) or such other rate as may be recommended to Council by the City Forester and Chief Planner, in order to offset reduced air quality resulting from new development.”;
- (7) by amending the North York Centre Secondary Plan (No. 8), by:
- (i) adding to Section 10.5, the following statement:

“The provisions of this secondary plan pertaining to Section 37 will prevail over the policies embodied in Section 5.1.1 of the Official Plan.”; and

- (ii) deleting from Section 5.4.2, the references to North York Centre Secondary Plan “Section 1.18” and “Section 1.15”, and inserting in lieu thereof, references to “Section 1.17” and “Section 1.14”, respectively;
- (8) to provide that the appendices from the existing North York Centre Secondary Plan (of the Official Plan of the former City of North York), after modification for nomenclature as necessary, be adopted and form appendices to this new North York Centre Secondary Plan;
- (9) by adding to Section 4.1, “Neighbourhoods” (Page 64), the following new sidebar:

“Prevailing Building Types

Many zoning by-laws currently permit only single detached houses. The type of dwellings permitted varies among neighbourhoods and these detailed residential use lists are in the established zoning by-laws which will remain in place and establish the benchmark for what is to be permitted in the future. If, for example, an existing zoning by-law permits only single detached houses in a particular neighbourhood, and the prevailing building type in that neighbourhood is single detached dwellings, then the Plan’s policies are to be interpreted to approve single detached dwellings in order to respect and reinforce the established physical character of the neighbourhood, except where the infill development polices of Section 4.1.7 would be applicable.”; and

- (10) by deleting from the first sentence in Policy No. 3(b), embodied in Section 2.2, “Structuring Growth in the City: Integrating Land Use and Transportation” (Page 11), the words “improve visibility in certain locations”, and inserting in lieu thereof the words “provide for necessary improvements in visibility in certain locations”, so that such policy now reads as follows:

“(b) acquiring lands beyond the right-of-way widths shown on Map No. 3 and Schedule 1 to accommodate necessary features such as embankments, grade separations, additional pavement or sidewalk widths at intersections, transit facilitates or to provide for necessary improvements in visibility in certain locations. The conveyance of land for such widenings may be required for nominal consideration

from abutting property owners as a condition of subdivision, severance, minor variance, condominium or site plan approvals;”.

- (z) Councillor Shiner moved that the Clause be amended by:
- (1) amending Map No. 3, headed “Right-of-Way Widths Associated with Existing Major Streets”, to provide that Drewry Avenue, Cummer Avenue, Willowdale Avenue, and Senlac Road be deleted, and that their current rights-of-way be maintained, except within 150 metres of intersections, where the future rights-of-way shall be 27 metres;
  - (2) adding thereto the following:

“It is further recommended that:

    - (i) no lanes be reserved for transit on roadways with four lanes or less without appropriate technical study by Transportation Services and Toronto Transit Commission staff, detailing impacts on transit operations, traffic operations, neighbourhood protection and costs, and further that such studies be reported to Council for a decision before any action is taken with respect to the implementation of such lanes; and
    - (ii) the Chief Administrative Officer, in consultation with the Commissioner of Urban Development Services, the Commissioner of Works and Emergency Services and the Chief General Manager, Toronto Transit Commission, present to Council, before July 2003, a plan for improvements to the public transit infrastructure, including a timetable and/or triggers for implementation with the projected costs that are needed to support the intensification envisioned by the new Official Plan.”

Councillor Disero in the Chair.

- (aa) Councillor Pitfield moved that the Clause be amended to provided that the two land areas of Milliken Wells Shopping Centre and Woodside Square Mall be designated a special study area, and the existing Official Plan designation be retained until the area studies are completed.”

Deputy Mayor Ootes in the Chair.

*Procedural Vote:*



Deputy Mayor Ootes, in order to determine the wish of Council with respect to the reading of motions upon request, called for a vote upon the question “Do you want the motions read?”, the vote upon which was taken as follows:

Yes - 20 Councillors:	Altobello, Ashton, Balkissoon, Berardinetti, Cho, Chow, Disero, Feldman, Filion, Hall, Jones, Korwin-Kuczynski, Layton, McConnell, Minnan-Wong, Nunziata, Shaw, Shiner, Sutherland, Walker
No - 23 Mayor: Councillors:	Lastman Augimeri, Bussin, Di Giorgio, Duguid, Flint, Holyday, Johnston, Kelly, Li Preti, Mammoliti, Mihevc, Milczyn, Miller, Moeser, Moscoe, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Tziretas

Carried, less than two-thirds of Members present having voted to waive the provisions of Chapter 27 of the City of Toronto Municipal Code respecting the reading of motions.

*Vote:*

Parts (1) and (2) of motion (b) by Councillor Moscoe carried.

*Ruling by Deputy Mayor:*

Deputy Mayor Ootes, having regard to the nature of Parts (1), (5) and (9) of motion (d) by Councillor Walker, ruled Parts (1) and (9) out of order and Part (5) redundant.

*Votes:*

Adoption of Parts (2), (3) and (4) of motion (d) by Councillor Walker:

Yes - 11 Councillors:	Augimeri, Balkissoon, Chow, Johnston, Korwin-Kuczynski, Layton, Miller, Moscoe, Shaw, Sutherland, Walker
No - 32 Mayor: Councillors:	Lastman Altobello, Ashton, Berardinetti, Bussin, Cho, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Hall, Holyday, Jones, Kelly, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Tziretas

Lost by a majority of 21.

Adoption of Parts (6), (7) and (8) of motion (d) by Councillor Walker:

Yes - 5 Councillors:	Filion, Flint, Layton, Sutherland, Walker
No - 38 Mayor: Councillors:	Lastman Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Tziretas

Lost by a majority of 33.

*Ruling by Deputy Mayor:*

Deputy Mayor Ootes, having regard to the nature of Part (1)(i) of motion (f) by Councillor Miller, declared such part redundant.

Councillor Miller challenged the ruling of the Deputy Mayor:

*Vote to Uphold Ruling of the Deputy Mayor:*

Yes - 24 Mayor: Councillors:	Lastman Altobello, Berardinetti, Cho, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Kelly, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shaw, Shiner, Silva, Soknacki, Tziretas
No - 19 Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Chow, Filion, Flint, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Sutherland, Walker

Carried by a majority of 5.

*Votes:*

Adoption of motion (q) by Councillor Hall:

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

Lost, there being an equality of votes.

*Ruling by Deputy Mayor:*

Deputy Mayor Ootes, having regard to the nature of Part (1)(ii) of motion (f) by Councillor Miller, declared such part redundant, save and except the final paragraph, viz.:

“(ii) by amending Section 3.2.2, “Community Services and Facilities” (Pages 48-49), by adding thereto the following:

“School lands be specifically identified and appropriately designated on the land use maps and related policy statements and noted in the text as potential additions to the City’s parklands should they no longer be need as learning institutions.”; and”:

*Votes:*

Adoption of the final paragraph embodied in Part (1)(ii) of motion (f) by Councillor Miller:

Yes - 25	
Councillors:	Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Filion, Flint, Ford, Johnston, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Soknacki, Sutherland, Walker
No - 19	
Mayor:	Lastman

Councillors:	Altobello, Berardinetti, Disero, Duguid, Feldman, Hall, Holyday, Kelly, Li Preti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Shiner, Silva, Tziretas
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Carried by a majority of 6.

Part (1)(iii) of motion (f) by Councillor Miller carried.

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

Yes - 44	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 0	

Carried without dissent.

Part (2) of motion (h) by Councillor Moeser carried.

Adoption of Part (2) of motion (i) by Councillor Sutherland:

Yes - 16	
Councillors:	Balkissoon, Di Giorgio, Filion, Flint, Ford, Holyday, Jones, Korwin-Kuczynski, Mammoliti, Milczyn, Minnan-Wong, Pitfield, Shaw, Shiner, Sutherland, Walker
No - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Disero, Duguid, Feldman, Hall, Johnston, Kelly, Layton, Li Preti, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Silva, Soknacki, Tziretas

Lost by a majority of 12.

Part (1) of motion (j) by Councillor Ashton carried.

Motion (l) by Councillor Bussin carried.

Adoption of motion (n) by Councillor Nunziata:

Yes - 19	
Mayor:	Lastman
Councillors:	Balkissoon, Di Giorgio, Disero, Feldman, Li Preti, Mammoliti, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pitfield, Shaw, Shiner, Soknacki, Sutherland, Tziretas, Walker
No - 25	
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Duguid, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Miller, Pantalone, Rae, Silva

Lost by a majority of 6.

Motion (o) by Councillor Shaw carried.

Motion (p) by Councillor Jones carried.

Part (1)(i) of motion (r) by Councillor Flint carried.

Adoption of Part (1)(ii) of motion (r) by Councillor Flint:

Yes - 40	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 4	
Councillors:	Ashton, Augimeri, Minnan-Wong, Moscoe

Carried by a majority of 36.

Part (2) of motion (r) by Councillor Flint carried.

Part (3)(iii) of motion (r) by Councillor Flint carried.

Part (4) of motion (r) by Councillor Flint carried.

Part (5) of motion (r) by Councillor Flint carried.

Adoption of Parts (6), (7), (8), (9), (10), (13) and (14) of motion (r) by Councillor Flint:

Yes - 18	
Councillors:	Balkissoon, Cho, Di Giorgio, Flint, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Pitfield, Shaw, Sutherland, Walker
No - 26	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Chow, Disero, Duguid, Feldman, Filion, Ford, Hall, Holyday, Kelly, McConnell, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki, Tziretas

Lost by a majority of 8.

Adoption of Parts (11), (12) and (15) of motion (r) by Councillor Flint:

Yes - 15	
Councillors:	Balkissoon, Cho, Di Giorgio, Flint, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Mihevc, Minnan-Wong, Pitfield, Shaw, Sutherland, Walker
No - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Chow, Disero, Duguid, Feldman, Filion, Ford, Hall, Holyday, Mammoliti, McConnell, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki, Tziretas

Lost by a majority of 13.

Adoption of Part (16) of motion (r) by Councillor Flint:

Yes - 20
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Councillors:	Balkissoon, Cho, Di Giorgio, Flint, Hall, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Pitfield, Shaw, Sutherland, Tziretas, Walker
No - 24	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Chow, Disero, Duguid, Feldman, Filion, Ford, Holyday, Kelly, Mammoliti, McConnell, Moeser, Nunziata, Ootes, Pantalone, Rae, Shiner, Silva, Soknacki

Lost by a majority of 4.

*Motion to Re-Open:*

Councillor Kelly, with the permission of Council, moved that Council waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code in order to re-open the previous vote taken with respect to the reading of the motions, the vote upon which was taken as follows:

Yes - 29	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Di Giorgio, Disero, Duguid, Feldman, Ford, Hall, Holyday, Johnston, Kelly, Li Preti, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Soknacki, Sutherland, Tziretas
No - 14	
Councillors:	Altobello, Bussin, Cho, Chow, Filion, Flint, Jones, Korwin-Kuczynski, Layton, McConnell, Moscoe, Shiner, Silva, 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 reading of the motions upon request, would have to be waived in order to dispense with the reading.

*Procedural Vote:*

The vote to waive the requirement for the motions to be read upon request, was taken as

follows:

Yes - 28	
Mayor:	Lastman
Councillors:	Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Ford, Hall, Holyday, Johnston, Kelly, Li Preti, Mammoliti, Mihevc, Miller, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas
No - 15	
Councillors:	Altobello, Ashton, Augimeri, Bussin, Filion, Flint, Jones, Korwin-Kuczynski, Layton, McConnell, Milczyn, Minnan-Wong, Moscoe, Shiner, Walker

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

*Votes:*

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

Yes - 11	
Councillors:	Balkissoon, Cho, Di Giorgio, Filion, Flint, Ford, Li Preti, Moeser, Shaw, Sutherland, Walker
No - 32	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Chow, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Tziretas

Lost by a majority of 21.

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

Yes - 10	
Councillors:	Balkissoon, Cho, Di Giorgio, Filion, Flint, Ford, Li Preti, Shaw, Sutherland, Walker
No - 33	
Mayor:	Lastman



Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Chow, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Tziretas
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Lost by a majority of 23.

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

Yes - 9	Councillors: Balkissoon, Cho, Di Giorgio, Fillion, Flint, Ford, Li Preti, Shaw, Walker
No - 34	Mayor: Lastman Councillors: Altobello, Ashton, Augimeri, Berardinetti, Bussin, Chow, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Sutherland, Tziretas

Lost by a majority of 25.

Adoption of Part (1) of motion (t) by Councillor Cho:

Yes - 8	Councillors: Cho, Layton, McConnell, Moscoe, Shaw, Shiner, Tziretas, Walker
No - 35	Mayor: Lastman Councillors: Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Fillion, Flint, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland

Lost by a majority of 27.

*Motion to Re-Open:*

Councillor Minnan-Wong, with the permission of Council, moved that Council waive the necessary provisions of Chapter 27 of the City of Toronto Municipal Code in order to re-open the previous vote taken with respect to the reading of the motions, the vote upon which was taken as follows:

Yes - 29	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Li Preti, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas
No - 14	
Councillors:	Altobello, Berardinetti, Bussin, Fillion, Flint, Ford, Jones, Korwin-Kuczynski, Layton, McConnell, Moscoe, Shaw, Shiner, 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 reading of the motions upon request, would have to be waived in order to dispense with the reading.

*Procedural Vote:*

The vote to waive the requirement for the motions to be read upon request, was taken as follows:

Yes - 30	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Sutherland, Tziretas
No - 13	
Councillors:	Altobello, Berardinetti, Bussin, Fillion, Flint, Ford, Jones, Korwin-Kuczynski, Layton, Moscoe, Shaw, Shiner, Walker

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

*Votes:*

Part (2) of motion (t) by Councillor Cho carried.

Adoption of Part (3) of motion (t) by Councillor Cho:

Yes - 17	
Councillors:	Altobello, Balkissoon, Berardinetti, Cho, Filion, Flint, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moeser, Shaw, Tziretas, Walker
No - 26	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Ford, Hall, Holyday, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki, Sutherland

Lost by a majority of 9.

Part (1) of motion (u) by Councillor Milczyn carried.

Parts (2) and (3) of motion (u) by Councillor Milczyn carried.

Motion (v) by Councillor Chow carried.

Adoption of motion (w) by Councillor Minnan-Wong:

Yes - 23	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Cho, Chow, Feldman, Filion, Flint, Ford, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Ootes, Shaw, Shiner, Silva, Sutherland, Tziretas, Walker
No - 20	
Councillors:	Altobello, Berardinetti, Bussin, Di Giorgio, Disero, Duguid, Hall, Holyday, Johnston, Jones, McConnell, Mihevc, Miller, Moeser, Moscoe, Nunziata, Pantalone, Pitfield, Rae, Soknacki

Carried by a majority of 3.

Having regard to the foregoing decision of Council, Councillor Miller, with the permission of Council, proposed that Part (1)(i) of his motion (f), previously ruled redundant, be now put. Council concurred in the proposal by Councillor Miller.

Adoption of Part (1)(i) of motion (f) by Councillor Miller:

Yes - 24 Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Filion, Flint, Ford, Johnston, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Shaw, Sutherland, Tziretas, Walker
No - 19 Mayor: Councillors:	Lastman Altobello, Bussin, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Li Preti, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Soknacki

Carried by a majority of 5.

*Ruling by Deputy Mayor:*

Deputy Mayor Ootes, having regard to the nature of Part (1)(a) of motion (x) by Councillor Layton, declared such part redundant.

Councillor Layton challenged the ruling of the Deputy Mayor.

*Vote to Uphold Ruling of Deputy Mayor:*

Yes - 19 Mayor: Councillors:	Lastman Altobello, Disero, Duguid, Feldman, Flint, Hall, Holyday, Johnston, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Soknacki, Tziretas
No - 24 Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Filion, Ford, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Pitfield, Rae, Shaw, Silva, Sutherland, Walker

Lost by a majority of 5.

*Vote:*

Part (1)(a) of motion (x) by Councillor Layton carried.

*Ruling by Deputy Mayor:*

Deputy Mayor Ootes, having regard to the nature of Part (2) of motion (x) by Councillor Layton, declared such part redundant.

Councillor Layton challenged the ruling of the Deputy Mayor.

*Vote to Uphold Ruling of Deputy Mayor:*

Yes - 21	
Mayor:	Lastman
Councillors:	Altobello, Cho, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Rae, Shiner, Soknacki, Tziretas
No - 22	
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Fillion, Flint, Ford, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Shaw, Silva, Sutherland, Walker

Lost by a majority of 1.

*Vote:*

Part (2) of motion (x) by Councillor Layton carried.

*Ruling by Deputy Mayor:*

Deputy Mayor Ootes, having regard to the nature of Parts (1)(b) and (c) of motion (x) by Councillor Layton, declared Part (1)(b) redundant and Part (1)(c) out of order.

Councillor Layton challenged the ruling of the Deputy Mayor with respect to Part (1)(b) of his motion (x).

*Vote to Uphold Ruling of Deputy Mayor:*

Yes - 19	
Mayor:	Lastman
Councillors:	Altobello, Cho, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pitfield, Soknacki, Tziretas
No - 24	

Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Chow, Filion, Flint, Ford, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Miller, Moscoe, Pantalone, Rae, Shaw, Shiner, Silva, Sutherland, Walker
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Lost by a majority of 5.

*Votes:*

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

Part (3) of motion (x) by Councillor Layton carried.

Part (4) of motion (x) by Councillor Layton carried.

Adoption of Part (1)(d) of motion (x) by Councillor Layton:

Yes - 22	
Councillors:	Augimeri, Balkissoon, Berardinetti, Cho, Chow, Filion, Johnston, Jones, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pitfield, Shaw, Silva, Soknacki, Sutherland, Tziretas, Walker
No - 21	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Bussin, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Li Preti, Mammoliti, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Rae, Shiner

Carried by a majority of 1.

*Withdrawal of Motion:*

Councillor Layton, with the permission of Council, withdrew Part (5) of his motion (x).

*Votes:*

Part (6)(a) of motion (x) by Councillor Layton carried.

Part (6)(b) of motion (x) by Councillor Layton carried.

Adoption of Part (1) of motion (y) by Councillor Filion:

Yes - 20	
Councillors:	Balkissoon, Filion, Flint, Ford, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Pitfield, Shaw, Shiner, Sutherland, Walker
No - 23	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Milczyn, Moeser, Nunziata, Ootes, Pantalone, Rae, Silva, Soknacki, Tziretas

Lost by a majority of 3.

Adoption of Part (2) of motion (y) by Councillor Filion:

Yes - 30	
Councillors:	Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Filion, Flint, Holyday, Johnston, Jones, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Pitfield, Shaw, Shiner, Soknacki, Sutherland, Tziretas, Walker
No - 13	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Duguid, Feldman, Ford, Hall, Korwin-Kuczynski, Milczyn, Ootes, Pantalone, Rae, Silva

Carried by a majority of 17.

Adoption of Parts (3) and (4) of motion (y) by Councillor Filion:

Yes - 12	
Councillors:	Balkissoon, Di Giorgio, Filion, Flint, Ford, Jones, Li Preti, McConnell, Shaw, Shiner, Sutherland, Walker
No - 31	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Korwin-Kuczynski, Layton, Mammoliti, Mihevc, Milczyn, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Silva, Soknacki, Tziretas

Lost by a majority of 19.



Adoption of Part (5) of motion (y) by Councillor Filion:

Yes - 26	
Councillors:	Ashton, Augimeri, Balkissoon, Chow, Di Giorgio, Filion, Flint, Ford, Johnston, Jones, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Pantalone, Pitfield, Shaw, Shiner, Silva, Sutherland, Tziretas, Walker
No - 17	
Mayor:	Lastman
Councillors:	Altobello, Berardinetti, Bussin, Cho, Disero, Duguid, Feldman, Hall, Holyday, Korwin-Kuczynski, Minnan-Wong, Moeser, Nunziata, Ootes, Rae, Soknacki

Carried by a majority of 9.

Adoption of the first portion of Part (6) of motion (y) by Councillor Filion, viz.:

“It is further recommended that wherever enforceable through Section 37 agreements, contributions towards intensification of the urban forest”:

Yes - 21	
Councillors:	Ashton, Balkissoon, Bussin, Cho, Di Giorgio, Filion, Flint, Ford, Johnston, Jones, Li Preti, Milczyn, Miller, Moscoe, Pantalone, Pitfield, Rae, Shaw, Silva, Sutherland, Walker
No - 22	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Berardinetti, Chow, Disero, Duguid, Feldman, Hall, Holyday, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moeser, Nunziata, Ootes, Shiner, Soknacki, Tziretas

Lost by a majority of 1.

Adoption of the balance of Part (6) of motion (y) by Councillor Filion, viz.:

“be required as a condition of development approval, at a rate of one tree for each new residential unit (either off-site, in-kind or cash-in-lieu) or such other rate as may be

recommended to Council by the City Forester and Chief Planner, in order to offset reduced air quality resulting from new development.”:

Yes - 13	
Councillors:	Balkissoon, Filion, Flint, Johnston, Jones, Li Preti, Mammoliti, Miller, Moscoe, Shaw, Silva, Sutherland, Walker
No - 30	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Ford, Hall, Holyday, Korwin-Kuczynski, Layton, McConnell, Mihevc, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Soknacki, Tziretas

Lost by a majority of 17.

Parts (7), (8), (9) and (10) of motion (y) by Councillor Filion carried.

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

Part (2)(i) of motion (z) by Councillor Shiner carried.

Adoption of motion (aa) by Councillor Pitfield:

Yes - 23	
Councillors:	Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Di Giorgio, Filion, Flint, Ford, Johnston, Jones, Li Preti, Miller, Minnan-Wong, Moscoe, Pitfield, Rae, Shaw, Shiner, Soknacki, Sutherland, Tziretas, Walker
No - 20	
Mayor:	Lastman
Councillors:	Altobello, Bussin, Chow, Disero, Duguid, Feldman, Hall, Holyday, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Moeser, Nunziata, Ootes, Pantalone, Silva

Carried by a majority of 3.

Motion (m) by Councillor Tziretas carried.

Adoption of Part (6)(c) of motion (x) by Councillor Layton:

Yes - 18 Councillors:	Augimeri, Balkissoon, Bussin, Cho, Chow, Filion, Ford, Johnston, Jones, McConnell, Mihevc, Miller, Moscoe, Pitfield, Rae, Shaw, Soknacki, Walker
No - 25 Mayor: Councillors:	Lastman Altobello, Ashton, Berardinetti, Di Giorgio, Disero, Duguid, Feldman, Flint, Hall, Holyday, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Moeser, Nunziata, Ootes, Pantalone, Shiner, Silva, Sutherland, Tziretas

Lost by a majority of 7.

*Motion to Re-Open:*

Councillor Layton, with the permission of Council, moved that, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, the vote upon Part (6)(c) of his motion (x) be re-opened, the vote upon which was taken as follows:

Yes - 34 Mayor: Councillors:	Lastman Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Filion, Ford, Hall, Johnston, Jones, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Soknacki, Tziretas, Walker
No - 9 Councillors:	Altobello, Feldman, Flint, Holyday, Korwin-Kuczynski, Minnan-Wong, Shiner, Silva, Sutherland

Carried by a majority of 25.

*Motion:*

Councillor Layton, with the permission of Council, moved that Part (6)(c) of his motion (x) be referred to the Commissioner of Urban Development Services for consideration, which carried.

*Votes:*

Part (3) of motion (b) by Councillor Moscoe carried.

Motion (e) by Councillor Pantalone carried.

Part (1) of motion (h) by Councillor Moeser carried.

Part (2) of motion (j) by Councillor Ashton carried.

Adoption of Part (3)(i) of motion (r) by Councillor Flint:

Yes - 11	
Councillors:	Filion, Flint, Ford, Johnston, Jones, Minnan-Wong, Pitfield, Shaw, Shiner, Sutherland, Walker
No - 32	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Rae, Silva, Soknacki, Tziretas

Lost by a majority of 21.

Adoption of Part (3)(ii) of motion (r) by Councillor Flint:

Yes - 16	
Councillors:	Balkissoon, Di Giorgio, Filion, Flint, Ford, Johnston, Jones, Mammoliti, Minnan-Wong, Moeser, Moscoe, Pitfield, Shaw, Shiner, Sutherland, Walker
No - 27	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Disero, Duguid, Feldman, Hall, Holyday, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Milczyn, Miller, Nunziata, Ootes, Pantalone, Rae, Silva, Soknacki, Tziretas

Lost by a majority of 11.

Parts (3)(iv) and (3)(v) of motion (r) by Councillor Flint carried.

Part (3)(vi) of motion (r) by Councillor Flint carried.

*Ruling by Deputy Mayor:*

Deputy Mayor Ootes, having regard to the nature of Part (2) of motion (s) by Councillor Di Giorgio, declared such part out of order.

*Votes:*

Adoption of Part (2)(ii) of motion (z) by Councillor Shiner:

Yes - 19 Councillors:	Ashton, Balkissoon, Cho, Di Giorgio, Filion, Flint, Ford, Jones, Korwin-Kuczynski, Li Preti, Mammoliti, Minnan-Wong, Moeser, Pitfield, Shaw, Shiner, Sutherland, Tziretas, Walker
No - 24 Mayor: Councillors:	Lastman Altobello, Augimeri, Berardinetti, Bussin, Chow, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Layton, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Rae, Silva, Soknacki

Lost by a majority of 3.

Adoption of motion (a) by Mayor Lastman, as amended:

Yes - 36 Mayor: Councillors:	Lastman Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Tziretas
No - 7 Councillors:	Filion, Flint, Ford, Minnan-Wong, Shiner, Sutherland, Walker

Carried by a majority of 29.

Adoption of the Clause, as amended:

Yes - 34 Mayor:	Lastman
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Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas
No - 7	Councillors: Filion, Flint, Ford, Minnan-Wong, Shiner, Sutherland, Walker

Carried by a majority of 27.

In summary, Council amended this Clause:

- (1) in accordance with the following supplementary reports from the Commissioner of Urban Development Services:
  - (i) (October 21, 2002) wherein it is recommended that:
    - “(1) the proposed Official Plan, dated May 2002, as revised by Planning and Transportation Committee at its meeting of September 24, 2002, be further revised as shown in Appendix 1 and 2 of this report; and
    - (2) the Official Plan for the City of Toronto dated May 2002, as further revised, be adopted.”; and
  - (ii) (October 26, 2002) wherein it is recommended that:
    - “(1) the proposed Official Plan, dated May 2002, as revised by Planning and Transportation Committee at its meeting of September 24, 2002, be further revised as proposed by the modifications detailed in Appendix 1 and 2 of the staff reports dated October 21 and 26, 2002; and
    - (2) the Official Plan for the City of Toronto dated May 2002, as further revised, be adopted.”,

subject to amending Maps Nos. 10 and 14 contained therein, with respect to the lands located on the northwest corner of Mortimer Avenue and Coxwell Avenue, to designate Memorial Gardens as *Parks and Open Space Areas*, and that Councillors Ootes, Pitfield and Tziretas be requested to inform the community of this designation;

### **Chapter One - Making Choices**

- (2) by adding the following new bullet point to Section 2, under the heading “A City of Diversity and Opportunity” (Page 3):
- “people enjoy freedom of conscience and religion and opportunities for such enjoyment are supported.”;

### **Chapter Two - Shaping the City**

- (3) by deleting from the first sentence in Policy No. 3(b), embodied in Section 2.2, “Structuring Growth in the City: Integrating Land Use and Transportation” (Page 11), the words “improve visibility in certain locations”, and inserting in lieu thereof the words “provide for necessary improvements in visibility in certain locations”, so that such policy now reads as follows:
- “(b) acquiring lands beyond the right-of-way widths shown on Map No. 3 and Schedule 1 to accommodate necessary features such as embankments, grade separations, additional pavement or sidewalk widths at intersections, transit facilitates or to provide for necessary improvements in visibility in certain locations. The conveyance of land for such widenings may be required for nominal consideration from abutting property owners as a condition of subdivision, severance, minor variance, condominium or site plan approvals;”;
- (4) by amending Section 2.4, “Bringing the City Together: A Progressive Agenda of Transportation Change”, by:
- (i) adding the following new Part (e) to Policy No. 4 (Page 31), embodied therein:
- “(e) the development, retention and replacement of commuter parking spaces.”; and
- (ii) adding the following new Policies Nos. 12 and 13 (Page 32):
- “(12) All large commercial and office buildings and hotels shall make provision for taxi stands on private property.
- (13) All new transportation terminals shall require facilities for inter-modal connections, including those for:
- (a) taxis;
  - (b) buses; and
  - (c) other public transit modes,

and further that existing transportation terminals shall be retrofitted when re-development occurs.”;

- (5) by amending Map No. 2, headed “Urban Structure”, by adding as an *Employment District*, those lands identified as *Employment Areas* on Map No. 12, entitled “Land Use Plan”, located between Mimico Creek and Humber River north of Lake Shore Boulevard West and the Queensway;



- (6) by amending Map No. 3, headed “Right-of-Way Widths Associated with Existing Major Streets”, to provide that Drewry Avenue, Cummer Avenue, Willowdale Avenue, and Senlac Road be deleted, and that their current rights-of-way be maintained, except within 150 metres of intersections, where the future rights-of-way shall be 27 metres;

### **Chapter Three - Building a Successful City**

- (7) by inserting at the end of the final sentence of Section 3.1, “The Built Environment” (Page 34), the words “consistent with energy efficiency standards”, so that such sentence now reads as follows:

“This Plan demands that both the public and private sectors commit to high quality architecture, landscape architecture and urban design, consistent with energy efficiency standards.”;

- (8) by adding the following new Policy No. 6 to Section 3.1.2, “Built Form” (Page 39):

“6. New multi-residential development will provide indoor and outdoor amenity space for the residents of the new development. Each resident will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.”;

- (9) by adding the following words to Policy No. 10, embodied in Section 3.1.5, “Heritage Resources (Page 43):

“All significant aboriginal cultural heritage and archaeological sites should be identified, mapped and where feasible, protected and preserved. Exhumation and re-burial of human remains for the purpose of facilitating development should be strictly prohibited.”;

- (10) by amending Section 3.2.2, “Community Services and Facilities” (Pages 48-49), by:

- (i) adding thereto the following:

“School lands be specifically identified and appropriately designated on the land use maps and related policy statements and noted in the text as potential additions to the City’s parklands should they no longer be need as learning institutions.”;

- (ii) deleting from Policy No. 4(f) the words “City’s capital budget”, and inserting in lieu thereof the words “City’s capital and operating budgets”, so that such

policy now reads as follows:

“(f) identification of funding strategies including, but not limited to, funds secured through the development approval process, the City’s capital and operating budgets, and public/private partnerships.”;

(iii) by amending Policy No. 5, so that it now reads as follows:

“5. Community services strategies and implementation mechanisms will be required for residential or mixed use sites generally larger than 5 hectares and all new neighbourhoods, in order to inform the range of facilities needed to support development.”; and

(iv) by adding thereto the following new Policy No. 6:

“6. Encourage the inclusion of community services facilities in all significant private sector development across the City through development incentives and public initiatives.”;

(11) by adding to Policy No. 2(d), embodied in Section 3.3, “Building New Neighbourhoods” (Page 52), the words “community recreation centres”, so that such policy now reads as follows:

“(d) high quality parks, community recreation centres, open space and public buildings; and”;

(12) by amending Section 3.4, “The Natural Environment” (Pages 53-57):

(i) to provide that the natural environment policies, embodied therein, be reformulated in accordance with Amendment No. (28)(vi) [as contained in this Summary]; and

(ii) by adding to Policy No. 15(e), the words “that are consistent with high energy efficiency standards”, so that such policy now reads as follows:

“(e) the use of energy-efficient technologies that are consistent with high energy efficiency standards, design features and construction practices; and”;

(13) by amending Map No. 7, headed “Natural Heritage”, to illustrate the natural heritage connection between the Leslie Street Spit and the Don River Valley based on representation found in maps associated with the Waterfront Plans;

#### **Chapter Four - Land Use Designations**

- (14) by adding to Section 4.1, “Neighbourhoods” (Page 64), the following new sidebar:

“Prevailing Building Types

Many zoning by-laws currently permit only single detached houses. The type of dwellings permitted varies among neighbourhoods and these detailed residential use lists are in the established zoning by-laws which will remain in place and establish the benchmark for what is to be permitted in the future. If, for example, an existing zoning by-law permits only single detached houses in a particular neighbourhood, and the prevailing building type in that neighbourhood is single detached dwellings, then the Plan’s policies are to be interpreted to approve single detached dwellings in order to respect and reinforce the established physical character of the neighbourhood, except where the infill development polices of Section 4.1.7 would be applicable.”;

- (15) by deleting from the preamble to Policy No. 5, embodied in Section 4.1 (Page 66), the word “general”, so that such preamble now reads as follows:

“Development will respect and reinforce the physical patterns and character of established *Neighbourhoods*, with particular regard to:”;

- (16) to provide that the policies embodied in Section 4.3, “Parks and Open Space Areas” (Page 69), be amended to incorporate appropriate land use provisions, in accordance with Amendment No. (28)(vi) [as contained in this Summary];

- (17) by amending Map 13, headed “Land Use Plan”, by:

- (i) showing the former CN spur line as parkland; and
- (ii) showing that Lawrence Avenue East, west of Leslie Street, does not connect with Bayview Avenue;

- (18) by amending Map No. 15, headed “Land Use Plan”, to designate as “*Neighbourhoods*”, the Scarborough Transportation Corridor lands located south of the CN Rail lines, bordering the Kingston Road overpass to the east, and designated as “*Parks and Open Space Areas*” to the west;

#### **Chapter Five - Implementation: Making Things Happen**

- (19) by adding to Policy No. 1, embodied in Section 5.3.1, “The Official Plan Guides City Actions” (Page 92), the words “and public undertakings”, so that such policy, as ultimately amended, reads as follows:

- “1. Municipal by-laws, including zoning by-laws, public works and public undertakings will conform to this Plan.”;
- (20) by deleting from the first sentence of the sidebar embodied in Section 5.3.5, “Great City Campaigns” (Page 96), the word “citizen’s”, so that such sentence now reads as follows:
- “The Task Force to Bring Back the Don is a group working with the support of the City of Toronto to achieve a clean, green and accessible Don River watershed.”;

### **Chapter Six - Secondary Plans**

- (21) by amending the North York Centre Secondary Plan (No. 8), by:
- (i) deleting from Section 5.4.2, the references to North York Centre Secondary Plan “Section 1.18” and “Section 1.15”, and inserting in lieu thereof, references to “Section 1.17” and “Section 1.14”, respectively; and
- (ii) adding to Section 10.5, the following statement:
- “The provisions of this secondary plan pertaining to Section 37 will prevail over the policies embodied in Section 5.1.1 of the Official Plan.”;
- (22) to provide that the appendices from the existing North York Centre Secondary Plan (of the Official Plan of the former City of North York), after modification for nomenclature as necessary, be adopted and form appendices to this new North York Centre Secondary Plan;
- (23) to provided that the Swansea Area (presently Section 19.4 of the former City of Toronto Official Plan) continue in force by the re-enactment of the Swansea Secondary Plan within the new Official Plan, including the appropriate modifications in the language to fit with the new Plan;
- (24) to provide that the Don Mills Secondary Plan of the former City of North York be included in the new Official Plan;

### **Chapter Seven - Site and Area Specific Policies**

- (25) by adding to the end of Policy No. 62, “South Side of Lawrence Avenue West, West of Marlee Avenue” (Page 42), the following:
- “Area 62 shall be extended westward to Bolingbroke Road.”;
- (26) by adding to the beginning of Policy No. 90, “Northwest of Wilson Avenue and Yonge

Street, and Southeast of York Mills and Yonge Street” (Page 53), the words “For the lands located at the north side of Wilson Avenue, west of Yonge Street, shown as Parcel A, a maximum density of 2 times the lot area is permitted. For Parcels A and B”, so that such policy now reads as follows:

“For the lands located at the northwest corner of Wilson Avenue and Yonge Street, a maximum density of 2 times the lot area is permitted. For Parcels A and B, a maximum building height, inclusive of superstructures, pipes and chimneys, of 163 metres above sea level is permitted, provided the building height does not obstruct sight lines across the valley, from top of bank to top of bank.”;

### **General**

(27) by deleting the words “citizens” or “citizenry”, wherever they appear in the Plan, and inserting in lieu thereof the word “Torontonians”, and making any grammatical adjustments necessary;

(28) to provide that:

- (i) all employment districts are protected under the new Official Plan;
- (ii) the rights of Torontonians to be heard, are enshrined in the new Official Plan;
- (iii) the following statements be included in the new Official Plan:

“Development, redevelopment and infrastructure that will assist in achieving green house gas emissions reduction consistent with international, national and municipal targets will be encouraged.”;

“Building renovation and redevelopment to incorporate advanced energy and water efficiency practices will be encouraged.”;

“Redevelopment of large industrial sites, including brownfield sites, should receive special attention to achieve high standards of pollution abatement, green roof technology and/or alternative energy production, such as co-generation, hydrogen energy or renewable energy.”;

- (iv) a set of parks planning area maps be added to the Plan identifying neighbourhoods which are deficient in parkland, so that this data can be used in an effort to require, wherever possible, that new parkland be provided when development occurs in under-serviced areas;

- (v) when land use Maps Nos. 9, 11, 12, 13, 14, 15 and 19 are refined to include additional street names (as outlined in Section (r), headed “Refining Land Use Maps 10, 11 through 16 of the Plan to Include Street Names”, embodied in the report dated October 21, 2002, from the Commissioner of Urban Development Services), the streets that border different land uses be identified;
  - (vi) *Natural Areas, Environmentally Significant Areas* and *Ravines* be defined, identified and distinguished on the land use maps from other *Parks and Open Space Areas* and protected in a manner equivalent to the best practices of the City’s existing Official Plans for the former area municipalities, and parkland be likewise distinguished from other *Parks and Open Space Areas* such as golf courses and cemeteries;
  - (vii) the two land areas of Milliken Wells Shopping Centre and Woodside Square Mall be designated a special study area, and the existing Official Plan designation be retained until the area studies are completed; and
  - (viii) the Bloor Street Urban Design Guidelines for the Kingsway District, be included in the appropriate companion documents to the Official Plan, as an equivalent to an Avenue Study; and
- (29) by adding thereto the following:
- “It is further recommended that:
- (i) all zoning by-laws shall remain in place and be adhered to until such time as they are amended by Council, after consultation with the affected community and statutory hearings at Community Council;
  - (ii) no lanes be reserved for transit on roadways with four lanes or less without appropriate technical study by Transportation Services and Toronto Transit Commission staff, detailing impacts on transit operations, traffic operations, neighbourhood protection and costs, and further that such studies be reported to Council for a decision before any action is taken with respect to the implementation of such lanes;
  - (iii) the Commissioner of Urban Development Services be requested to:
    - (a) convene a meeting, in consultation with the Ward Councillor, with the representative of the Coronation Drive Employment District, as soon as possible, and submit a report thereon, to the Planning and Transportation Committee, through the Scarborough Community Council;

- (b) submit a report to the Planning and Transportation Committee on designating and undertaking the following for priority Avenue Study:
  - College Street;
  - a subway-related street (e.g. Danforth Avenue); and
  - an arterial road (e.g. Finch Avenue, or Lake Shore Boulevard West);
- (c) submit a report to the Midtown Community Council on a means of ensuring that the flood plain will be restored to its natural state in the year 2015, or as soon as the purchase price has been recouped, as was intended (further to Policy No. 81, “Northeast of Mill Street and Yonge Street” (Page 50), Chapter 7);
- (d) submit a report to the January 13, 2003 meeting of the Planning and Transportation Committee on a workplan to implement zoning by-law changes in areas covered by the Bloor Street Urban Design Guidelines, and by the Queensway Incremental Growth Study;
- (e) submit a report to the Planning and Transportation Committee in one year’s time, on the technical amendments that may be required to fine-tune the new Official Plan as a result of its practical application to the development process; and
- (f) as part of the ‘Five Year Review’:
  - (1) evaluate the availability of government funding to maintain the Toronto Transit Commission’s State-of-Good Repair and affordable transit;
  - (2) evaluate the government commitment to fund the transit infrastructure necessary to support the goals and objectives of the new Official Plan; and
  - (3) adjust the new Official Plan’s population goals to reflect transit capacity;
- (iv) the Chief General Manager, Toronto Transit Commission, be requested to investigate ways to implement streetcar service on Don Mills Road without eliminating any current traffic lanes, as a means of fulfilling the intent of the new Official Plan to designate Don Mills Road as a major transit route, and further, that partnerships with York Region be explored in this regard;

- (v) the Chief Administrative Officer and the Chief Financial Officer and Treasurer be requested to submit a report to the Policy and Finance Committee and the Toronto Transit Commission, on mechanisms available to the City to achieve funding from development sources for the Don Mills Road streetcar services project, outlined in Amendment No. (29)(iv), above;
- (vi) the following motion be referred to the Commissioner of Urban Development Services for consideration during the Avenues planning process:

Moved by Councillor Layton:

‘That Section 2.2.3, “Avenues: Reurbanizing Arterial Corridors” (Page 21), of the new Official Plan be amended by:

- (1) adding the following to Policy No. 1, embodied therein:

“The height limit of 20 metres be established in each *Avenue* designated on Map No. 2, and it is Council’s intention that as-of-right zoning be implemented to permit this height throughout the Avenues.”; and

- (2) adding to the preamble to Policy No. 2(a), the words “as site specific refinements to the general height limit of 20 metres”, so that such policy now reads as follows:

“(a) contextually appropriate as-of-right zoning as site specific refinements to the general height limit of 20 metres, and other regulations designed to achieve high quality development along the Avenue which establishes:”.; and

- (vii) the following motions be referred to the Commissioner of Urban Development Services for consideration:

Moved by Councillor Layton:

- (a) ‘It is recommended that Section 2.3.1, “Healthy Neighbourhoods” (Page 26), of the Official Plan, be amended by:

- (1) adding to Policy No. 1, the words “and reinforce”, after the word “respect”, so that such policy now reads as follows:

“(1) Development within *Neighbourhoods* and *Apartment Neighbourhoods* will respect and reinforce the existing



physical character of buildings, streetscapes and open space patterns in the community.”; and

- (2) by adding the following sentence to the end of Policy No. 2:

“The height limit of 13 metres be established on properties abutting each arterial shown on Map No. 2 and not designated as an *Avenue* or *Centre*, and it is Council’s intention that as-of-right zoning be implemented to permit this height throughout these areas.”; and

- (b) ‘It is recommended that Council commit to establishing an implementation strategy for Modification No. 98 (respecting the Planning Process), embodied in the supplementary report dated October 21, 2002, from the Commissioner of Urban Development Services, in order to provide effective mechanisms for citizen involvement in sustainable City building and planning based upon best practices. This policy should enshrine citizen involvement beyond the limited provisions of the Planning Act.’ ”

8.23 **Clause No. 8 of Report No. 11 of The Toronto East York Community Council, headed “Draft Zoning By-law Amendment - Eldebron Holdings Limited - 201 Carlaw Avenue (Toronto-Danforth, Ward 30)”.**

*Motion:*

Councillor Layton moved that the Clause be amended in accordance with the following recommendations embodied in the supplementary report dated October 25, 2002, from the Commissioner of Urban Development Services:

“It is recommended that:

- (1) the draft by-law be revised to provide for the two changes indicated in the body of this report; and
- (2) no further notice be given pursuant to Section 34 (17) of the Planning Act as the matters referred to in Recommendation No. (1) above are technical in nature.”

*Votes:*

The motion by Councillor Layton carried.

The Clause, as amended, carried.

8.24 **Clause No. 2 of Report No. 13 of The Administration Committee, headed “Use of Corporate Resources for Election Purposes Especially during a Municipal Election Year”.**

*Motion:*

Councillor Balkissoon 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 a process for allowing Members of Council to communicate with their constituents in the event emergency situations arise between August 1, 2002 and Election Day.”

*Votes:*

The motion by Councillor Balkissoon carried.

The Clause, as amended, carried.

8.25 **Clause No. 17 of Report No. 8 of The Midtown Community Council, headed “2195 Yonge Street - Removal of Seven Private Trees (St. Paul’s - Ward 22)”.**

*Vote:*

The Clause was adopted, without amendment.

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

8.26 **Clause No. 7 of Report No. 11 of The Works Committee, headed “Street Lighting Maintenance - 2003 and 2004”.**

*Motion:*

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

“**WHEREAS** the Commissioner of Works and Emergency Services is recommending that Toronto Hydro Streetlighting Company Inc. be retained to continue to provide services related to street lighting maintenance for the City of Toronto excluding District 4 (Scarborough) for 2003 and 2004 commencing January 1, 2003; and

**WHEREAS** at its meeting to be held on November 6, 2002, the Works Committee will be considering a report from the Commissioner of Works and Emergency Services recommending the award of a contract to a private sector contractor to maintain street lighting in District 4 (Scarborough) for a period of three years, as a pilot project commencing February 1, 2003; and

**WHEREAS** the Commissioner of Works and Emergency Services will be reporting to the Works Committee at the end of the second year of the District 4 pilot project on the project results; and

**WHEREAS** the pilot project results will determine the recommended course of action for future delivery of street lighting maintenance services;

**NOW THEREFORE BE IT RESOLVED THAT** the Commissioner of Works and Emergency Services be requested to submit an interim status report to the Works Committee after the first year of the pilot project, outlining the preliminary benefits and disadvantages of the District 4 (Scarborough) Street Lighting contract.”

*Votes:*

The motion by Councillor Soknacki carried.

The Clause, as amended, carried.

8.27 **Clause No. 1 of Report No. 11 of The Works Committee, headed “Development of Sustainable Transportation Event and Continuation of the Better Transportation Partnership”.**

*Motion:*

Councillor Shiner moved that the Clause be amended:

- (1) to provide that the City shall reserve and retain the benefit and ownership of all intellectual property rights in the commercial exploitation of any inventions, innovations, software applications, and all other matters and things resulting from the demonstration project, and any agreements that the City enters into for the demonstration project shall include the explicit agreement and consent of other parties involved in the demonstration project, that the City shall own the intellectual property derived from the demonstration; and
- (2) by adding thereto the following:

“It is further recommended that the Commissioner of Works and Emergency Services

and the Commissioner of Corporate Services be requested to work, in consultation with the Commissioner of Economic Development, Culture and Tourism, to promote the Sustainable Transportation Event.”

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

**8.28 Clause No. 10 of Report No. 14 of The Policy and Finance Committee, headed “Toronto Computer Leasing Inquiry, Funding for Parties with Standing”.**

*Motion:*

Councillor Miller moved that Council adopt the following recommendations embodied in the confidential report dated September 20, 2002, from the City Solicitor, such report now public in its entirety:

“It is recommended that:

- (1) Council approve funding to the two individuals who were granted standing at the Inquiry, based on the terms set out in this report; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

*Votes:*

The motion by Councillor Miller carried.

The Clause, as amended, carried.

**8.29 Clause No. 3 of Report No. 13 of The Administration Committee, headed “Recovery of Election Costs from the School Boards”.**

*Motion:*

Councillor Moscoe moved that the Clause be received.

*Vote:*

The motion by Councillor Moscoe carried.

**8.30 Clause No. 5 of Report No. 13 of The Administration Committee, headed “2003 Contribution Rebate Program”.**

*Motions:*

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

- (1) by adding thereto the following:

“It is further recommended that all rebate cheques issued by the City Clerk identify the candidate(s) for whom the contribution was made.”;

- (2) by amending Appendix “A”, entitled “Proposed Contribution Rebate Program”, embodied in the report dated August 7, 2002, from the City Clerk to provide that the words “Corporations and Trade Unions” be added thereto, mutatis mutandis;
  - (3) to provide that the \$50.00 contribution level be reduced to \$25.00; and
  - (4) by increasing the total rebate that can be received by an individual, corporation or trade union to \$3,000.00 in total.
- (b) Councillor Mammoliti moved that the Clause be amended by amending Recommendation No. (2) of the Administration Committee to now read as follows:
- “(2) the Contribution Rebate Program pay for monetary donations and goods and services in-kind; and”.
- (c) Councillor Walker moved that Part (4) of motion (a) by Councillor Moscoe be referred to the City Clerk for a report thereon to the Administration Committee.
- (d) Councillor Mihevc moved that the Clause be amended to provide that in the event a contributor fails to file his or her contribution rebate application by the deadline of July 31, 2004, the contributor will have one additional year to file a rebate application with the City Clerk.
- (e) Councillor Cho moved that motion (d) by Councillor Mihevc be amended by deleting the date “July 31, 2004”, and inserting in lieu thereof the dated “December 31, 2004”.
- (f) Councillor Pitfield moved that the Clause be amended to provide that only individuals paying taxes in Toronto (both residents and businesses) be eligible for rebates.

*Votes:*

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

Yes - 27 Mayor:                      Lastman
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Councillors:	Altobello, Ashton, Balkissoon, Bussin, Cho, Chow, Disero, Duguid, Feldman, Filion, Hall, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Ootes, Rae, Shaw, Shiner, Silva, Tziretas
No - 9	
Councillors:	Augimeri, Flint, Ford, Holyday, Li Preti, Milczyn, Nunziata, Pitfield, Walker

Carried by a majority of 18.

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

Yes - 23	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Chow, Duguid, Filion, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Ootes, Rae, Shaw, Silva, Sutherland, Tziretas, Walker
No - 14	
Mayor:	Lastman
Councillors:	Cho, Disero, Feldman, Flint, Ford, Hall, Holyday, Li Preti, Milczyn, Minnan-Wong, Nunziata, Pitfield, Shiner

Carried by a majority of 9.

Adoption of motion (c) by Councillor Walker:

Yes - 12	
Councillors:	Altobello, Ashton, Balkissoon, Chow, Disero, Flint, Ford, Hall, Holyday, Nunziata, Tziretas, Walker
No - 25	
Mayor:	Lastman
Councillors:	Augimeri, Bussin, Cho, Duguid, Feldman, Filion, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Ootes, Pitfield, Rae, Shaw, Shiner, Silva, Sutherland

Lost by a majority of 13.

Adoption of Part (4) of motion (a) by Councillor Moscoe, without amendment:

Yes - 11	
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Councillors:	Balkissoon, Bussin, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Moscoe, Rae, Shaw, Silva
No - 26	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Cho, Chow, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Holyday, Li Preti, Mihevc, Milczyn, Miller, Minnan-Wong, Nunziata, Ootes, Pitfield, Shiner, Sutherland, Tziretas, Walker

Lost by a majority of 15.

Adoption of motion (b) by Councillor Mammoliti:

Yes - 22	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Disero, Holyday, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, Milczyn, Minnan-Wong, Nunziata, Ootes, Rae, Shaw, Shiner, Silva, Sutherland, Tziretas
No - 15	
Councillors:	Cho, Chow, Duguid, Feldman, Filion, Flint, Ford, Hall, Jones, McConnell, Mihevc, Miller, Moscoe, Pitfield, Walker

Carried by a majority of 7.

Adoption of motion (e) by Councillor Cho:

Yes - 17	
Councillors:	Augimeri, Bussin, Cho, Chow, Duguid, Filion, Ford, Jones, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Shaw
No - 20	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Balkissoon, Disero, Feldman, Flint, Hall, Holyday, Korwin-Kuczynski, Li Preti, Nunziata, Ootes, Pitfield, Rae, Shiner, Silva, Sutherland, Tziretas, Walker

Lost by a majority of 3.

Adoption of motion (d) by Councillor Mihevc, without amendment:



Yes - 17 Councillors:	Augimeri, Bussin, Cho, Chow, Duguid, Feldman, Filion, Ford, Jones, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Shaw
No - 20 Mayor: Councillors:	Lastman Altobello, Ashton, Balkissoon, Disero, Flint, Hall, Holyday, Korwin-Kuczynski, Li Preti, Minnan-Wong, Nunziata, Ootes, Pitfield, Rae, Shiner, Silva, Sutherland, Tziretas, Walker

Lost by a majority of 3.

Adoption of motion (f) by Councillor Pitfield:

Yes - 7 Councillors:	Flint, Ford, Holyday, Milczyn, Nunziata, Pitfield, Sutherland
No - 30 Mayor: Councillors:	Lastman Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Disero, Duguid, Feldman, Filion, Hall, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Ootes, Rae, Shaw, Shiner, Silva, Tziretas, Walker

Lost by a majority of 23.

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

Adoption of the Clause, as amended:

Yes - 33 Mayor: Councillors:	Lastman Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Disero, Duguid, Feldman, Filion, Flint, Ford, Hall, Jones, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Ootes, Rae, Shaw, Shiner, Silva, Sutherland, Tziretas
No - 4 Councillors:	Holyday, Nunziata, Pitfield, Walker

Carried by a majority of 29.

*Motion to Re-Open:*

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

*Motion:*

- (g) Councillor Moscoe moved that the Clause be further amended by deleting from Appendix “A”, entitled “Proposed Contribution Rebate Program”, embodied in the report dated August 7, 2002, from the City Clerk, the following Part 13:

“13. In accordance with subsection 82(5) of the Act, any campaign surplus paid by a candidate to the Clerk under section 79 of the Act will become the property of the City of Toronto.”

*Votes:*

Motion (g) by Councillor Moscoe carried.

The Clause, as further amended, carried.

*Motion to Re-Open:*

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

Yes - 8	
Councillors:	Cho, Feldman, Holyday, Milczyn, Moeser, Nunziata, Shiner, Walker
No - 19	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Di Giorgio, Disero, Duguid, Filion, Flint, Hall, Layton, Mihevc, Moscoe, Ootes, Pantalone, Pitfield, Soknacki, Tziretas

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

In summary, Council amended this Clause by:

- (1) by amending Recommendation No. (2) of the Administration Committee to now read as follows:

“(2) the Contribution Rebate Program pay for monetary donations and goods and services in-kind; and”;

- (2) to provide that the \$50.00 contribution level be reduced to \$25.00;

- (3) by amending Appendix “A”, entitled “Proposed Contribution Rebate Program”, embodied in the report dated August 7, 2002, from the City Clerk:

- (i) to provide that the words “Corporations and Trade Unions” be added thereto, mutatis mutandis; and

- (ii) by deleting therefrom, the following Part 13:

“13. In accordance with subsection 82(5) of the Act, any campaign surplus paid by a candidate to the Clerk under section 79 of the Act will become the property of the City of Toronto.”; and

- (4) by adding thereto the following:

“It is further recommended that all rebate cheques issued by the City Clerk identify the candidate(s) for whom the contribution was made.”

**8.31 Clause No. 17 of Report No. 13 of The Administration Committee, headed “Declaration as Surplus - Parcel of Vacant Land South Side of Raneer Avenue, East of 255 Raneer Avenue (Ward 15 - Eglinton -Lawrence)”.**

*Motion:*

Councillor Moscoe moved that the Clause be struck out and referred back to the Administration Committee for further consideration at its meeting scheduled to be held on January 10, 2003.

*Vote on Referral:*

The motion by Councillor Moscoe carried.

- 8.32 **Clause No. 9 of Report No. 12 of The Humber York Community Council, headed “1807 Eglinton Avenue West - Sign By-law Variance Application; Owner: Alxor Investments Inc. (Zoran Cocov) Applicant: Axiis Architects Inc. (Rob Podreciko) (Eglinton-Lawrence, Ward 15)”.**

*Motion:*

Councillor Moscoe moved that consideration of the Clause be deferred to the next regular meeting of City Council scheduled to be held on November 26, 2002.

*Vote on Deferral:*

The motion by Councillor Moscoe carried.

*Motion to Re-Open:*

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

*Motion:*

Councillor Moscoe moved that this Clause be adopted, without amendment.

*Vote:*

The motion by Councillor Moscoe carried.

- 8.33 **Clause No. 18 of Report No. 14 of The Policy and Finance Committee, headed “Development Charges By-law Review”.**

*Motion:*

Councillor Chow moved that the Clause be amended by adding to the end of Recommendation No. (2) of the Policy and Finance Committee, the words “such new updated development charges by-law to include provisions for the inclusion of child care centres and affordable housing”, so that such recommendation now reads as follows:

- “(2) that the Chief Financial Officer and Treasurer be requested to meet with the General Manager of the Toronto Transit Commission and the Commissioner of Works and Emergency Services to better define the infrastructure requirements arising from the

new Official Plan with the intent of providing a financing tool to fund these improvements and this be reported with the introduction of the new Development Charges by-law, such new updated Development Charges by-law to include provisions for the inclusion of child care centres and affordable housing.”

*Votes:*

The motion by Councillor Chow carried.

The Clause, as amended, carried.

8.34 **Clause No. 10 of Report No. 11 of The Toronto East York Community Council, headed “Draft Zoning By-law Amendments - 381-411 Richmond Street East, 366 Adelaide Street East, 424-460 Adelaide Street East and 69-75 Sherbourne Street (Toronto Centre-Rosedale, Ward 28)”.**

*Motion:*

Councillor McConnell moved that the Clause be amended in accordance with the following recommendations embodied in the report dated October 30, 2002, from the Commissioner of Urban Development Services:

“It is recommended that City Council amend the June 21, 2002 report from the Director, Community Planning, South District, by deleting conditions (h), (i) and (j) of Attachment 9, entitled ‘Collateral Matters to be Secured in the Section 37 Agreement’ and adding the following new conditions:

- ‘(q) that the owner submit, prior to the issuance of a building permit, a Statement from an environmental consultant based on supporting documents, that it is unlikely that there is any offsite contamination on the adjacent right-of-ways that would exceed applicable MOE Guideline Objectives or regulation resulting from past land uses. The supporting documents will be confirmed by the City’s peer review consultant at the owner’s cost; and
- (r) that the owner enter into an agreement with the City, should it be determined that remediation of the adjacent right-of-ways be required, in which the owner, or the party responsible for the off-site contamination, commit to carrying out a remedial work plan acceptable to the City.’ ”

*Votes:*

The motion by Councillor McConnell carried.

The Clause, as amended, carried.

8.35 **Clause No. 13 of Report No. 9 of The Economic Development and Parks Committee, headed “An Interim Strategy to Retain Aquatic and Community Programming at Toronto District School Board Pools (All Wards)”.**

*Motion:*

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

“It is further recommended that Council adopt the following recommendation of the Policy and Finance Committee, as embodied in the communication dated October 17, 2002, from the City Clerk:

“The Policy and Finance Committee recommends the adoption of the following Recommendations Nos. (2) and (3) embodied in the report (October 10, 2002) from the Commissioner of Economic Development, Culture and Tourism respecting an Interim Strategy to Retain Aquatic and Community Programming at Toronto District School Board Pools:

- “(2) the City of Toronto conduct a state of good repair audit of the 47 selected pool facilities in a cost sharing arrangement with the Toronto District School Board (TDSB) for a total of \$470,000.00 to be shared equally with the TDSB; and
- (3) every effort be made to absorb the City’s share of \$235,000.00 within the Economic Development, Culture and Tourism departmental budget through under-expenditures; if this approach is not possible, the Chief Financial Officer and Treasurer will recommend a reallocation of funding in the year end variance report;”.’.”

*Votes:*

The motion by Councillor Shiner carried.

The Clause, as amended, carried.

8.36 **Clause No. 1 of Report No. 14 of The Policy and Finance Committee, headed “Governance Structure and Board Appointments In Lieu of Lease - Board of Directors of the Hummingbird Centre for the Performing Arts”.**

*Motions:*

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

- (1) deleting the name “Connie Sugiyama” from Recommendation No. (1) embodied in the report dated October 11, 2002, from the Chief Administrative Officer, and inserting in lieu thereof the name “Michael Pittana”; and
- (2) adding thereto the following:

“It is further recommended that Council adopt the report dated October 25, 2002, from the City Solicitor, subject to inserting in Recommendation No. (2), the words “as well as Section 106 of Chapter 27 of the City of Toronto Municipal Code, respecting appointment of Members of Council to committees, agencies, boards and commissions”, so that the recommendations embodied therein, as amended, now read as follows:

‘It is recommended that:

- (1) By-law No. 133-96 be amended to give effect to such appointments and authority be granted to introduce any Bill necessary for this purpose;
- (2) the City’s Nominating Procedure for appointing citizens to the City’s agencies, boards and commissions, as well as Section 106 of Chapter 27 of the City of Toronto Municipal Code, respecting appointment of Members of Council to committees, agencies, boards and commissions, be waived; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

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

“It is further recommended that a Liaison Committee be established, comprising a representative of the National Ballet Company, a representative of the Canadian Opera Company and the members of a Sub-Committee of the Hummingbird Board of Directors, to deal with transition issues, such as bookings.”

*Votes:*

Motion (a) by Councillor Johnston carried.

Motion (b) by Councillor Moscoe carried.

The Clause, as amended, carried.

8.37 **Clause No. 6 of Report No. 13 of The Administration Committee, headed “Card Access for Councillors’ Staff at Toronto City Hall”.**

*Motion:*

Councillor Moscoe moved that the Clause be amended by deleting from Recommendation No. (2) embodied in the report dated September 17, 2002, from the Commissioner of Corporate Services, as amended by the Administration Committee, the word “three” and inserting in lieu thereof the word “four”, so that such recommendation now reads as follows:

“(2) that a maximum of four Councillor’s staff members per office be provided with elevator access only for all floors, except mechanical levels, from 7:00 a.m. to 7:00 p.m., Monday to Friday; and”.

*Votes:*

The motion by Councillor Moscoe carried.

The Clause, as amended, carried.

8.38 **Clause No. 4 of Report No. 12 of The Planning and Transportation Committee, headed “Progress Report - Streamlining the Application Review (STAR) Process - All Wards”.**

*Ruling by Deputy Mayor:*

Councillor Disero requested the Deputy Mayor to rule on whether Item (b), entitled “Progress Report - Streamlining the Application Review (STAR) Process - All Wards”, as embodied in Clause No. 4 of Report No. 12 of The Planning and Transportation Committee, headed “Other Items Considered by the Committee”, should have been reported to Council as a Clause.

Deputy Mayor Ootes ruled that this matter had been properly reported to Council, and, in order for Council to debate this matter, the provisions of §27-130, Reports by Committee to Council, of Chapter 27 of the City of Toronto Municipal Code, would need to be waived.

Councillor Disero challenged the ruling of the Deputy Mayor.

*Vote to Uphold Ruling of Deputy Mayor:*

Yes - 10
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Councillors:	Ashton, Filion, Flint, Ford, Holyday, Milczyn, Miller, Moscoe, Ootes, Sutherland
No - 20	
Mayor:	Lastman
Councillors:	Altobello, Augimeri, Balkissoon, Bussin, Cho, Chow, Disero, Hall, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Moeser, Nunziata, Rae, Silva, Walker

Lost by a majority of 10.

Deputy Mayor Ootes moved that this matter be resubmitted to Council as a Clause, the vote upon which was taken as follows:

Yes - 22	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Disero, Hall, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Moeser, Nunziata, Ootes, Rae, Silva, Walker
No - 6	
Councillors:	Filion, Flint, Ford, Holyday, Moscoe, Sutherland

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

*Motions:*

- (a) Councillor Moscoe moved that the Clause be amended by striking out and referring Recommendation No. (4) embodied in the report dated September 23, 2002, from the Development Review Task Force, as amended by the Planning and Transportation Committee, back to the Planning and Transportation Committee for further consideration.
- (b) Councillor Disero moved that the Clause be amended by adding thereto the following:  

“It is further recommended that the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee on the option of an applicant having an Official Plan Amendment, Zoning By-law and a Site Plan Control application considered at the same statutory hearing.”
- (c) Councillor Silva moved that the Clause be amended by deleting from Recommendation No. (1) of the Planning and Transportation Committee, the words

“4 weeks”, and inserting in lieu thereof the words “6 weeks”, so that Recommendation No. (1), embodied in the report dated September 23, 2002, from the Development Review Task Force, as further amended, now reads as follows:

“(1) Council endorse the process of continued reform to the existing service model for the review of development applications and the issuance of building permits, in keeping with the approach outlined in this report subject to amending Attachment No. 1 by deleting the words ‘8 weeks’ under the category ‘Complex – Revisions and Resubmissions by Applicant’, and inserting the words ‘6 weeks’, and deleting the words ‘8 weeks’ under the category ‘Complex – Recirculation and Finalised Comments’, and inserting the words ‘6 weeks’;”.

*Votes:*

Motion (a) by Councillor Moscoe carried.

Motion (b) by Councillor Disero carried.

Motion (c) by Councillor Silva carried.

The Clause, as amended, carried.

**8.39 Clause No. 13 of Report No. 14 of The Policy and Finance Committee, headed “Water Metering and Meter Reading Technology Options for the City of Toronto”.**

*Motion:*

Councillor Li Preti 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 immediately initiate discussions with the appropriate officials from Toronto Hydro and Enbridge Gas to explore partnerships in sharing meter reading technology.”

*Votes:*

The motion by Councillor Li Preti carried.

The Clause, as amended, carried.

**8.40 Clause No. 31 of Report No. 13 of The Administration Committee, headed “Tax Adjustment - Municipal Act Section 442 and 443”.**

*Motions:*

- (a) Councillor Holyday moved that the Clause be amended in accordance with the following motion:

**“WHEREAS** the Administration Committee at its meeting held on October 8, 2002, considered 212 appeal applications for the reduction and/or cancellation of property taxes pursuant to the provisions of section 442 and 443 of the Municipal Act; and

**WHEREAS** 90 of these 212 appeal applications relate to section 442(1)(c) of the Municipal Act; and

**WHEREAS** the Administration Committee approved tax reductions for 89 of the 90 applications before it, based on staff’s recommendations, calculated on an assessment value pertaining to the damaged area of the building (as determined by the Municipal Property Assessment Corporation) and the appropriate tax rates as levied by City Council, being the methodology applied to all similar section 442 applications since 1998 (and consistently applied by the six former municipalities for many years prior to amalgamation), and being the method employed by municipalities across the Province of Ontario; and

**WHEREAS** the Administration Committee approved a reduction for the property located at 206 Shaughnessy Boulevard (regarding Application No. 20020104) based on a different formula that grants a full cancellation in taxes (for both the building and the land value) for the period of time that the property was not being lived in; and

**WHEREAS** the use of the term ‘building’ in section 442(1)(c) of the Municipal Act suggests that only the ‘building’ portion of the taxes should be considered for a tax reduction; and

**WHEREAS** the motion adopted by Administration Committee at its meeting held on October 8, 2002, with respect to 206 Shaughnessy Boulevard, is unfair to the 3,000 taxpayers that have applied for and been granted tax reductions under section 442(1)(c) of the Municipal Act since 1998 based on the methodology consistently employed by City staff and other municipalities across the province; and

**WHEREAS** granting a tax reduction for 206 Shaughnessy Boulevard based on a different formula sets a precedent for the calculation of future tax reductions on a go forward basis, and if Council continued to use this alternate methodology, it is estimated that an additional \$2.5 million per year would be required to cover the City’s portion of annual tax reductions resulting from

section 442(1)(c) tax appeals;

**NOW THEREFORE BE IT RESOLVED THAT** a tax reduction of \$300.75, as recommended by the Chief Financial Officer and Treasurer in his report dated September 23, 2002, be approved for the property located at 206 Shaughnessy Boulevard (regarding Application No. 20020104), and that Recommendation No. (2) of the Administration Committee be deleted; and

**AND BE IT FURTHER RESOLVED THAT** the Chief Financial Officer and Treasurer be requested to submit a report to the Administration Committee, on the methodology used by staff since 1998 (and by the six former area municipalities prior to 1998) to calculate tax reductions as a result of a section 442(1)(c) tax appeal.”

- (b) Councillor Ashton moved that the Clause be amended by striking out and referring Recommendation No. (2) of the Administration Committee, together with motion (a) by Councillor Holyday, back to the Administration Committee for further consideration.

*Votes:*

Adoption of motion (a) by Councillor Ashton:

Yes - 21	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Di Giorgio, Disero, Filion, Flint, Hall, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Shiner, Tziretas, Walker
No - 4	
Councillors:	Cho, Duguid, Holyday, Sutherland

Carried by a majority of 17.

The Clause, as amended, carried.

**8.41 Clause No. 19 of Report No. 14 of The Policy and Finance Committee, headed “Short-Term Credit Requirements of Toronto Hydro-Electric System Limited”.**

*Motion:*

Councillor Miller 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 convene a meeting with representatives of the Toronto Association of Business Improvement Areas (TABIA), the Better Building Partnership, the Financial Services Cluster, and the Biotech Cluster, in order to begin to develop a strategy to deal with the current significant increase in Hydro rates, such strategy to be undertaken in consultation with Toronto Hydro.”

*Votes:*

The motion by Councillor Miller carried.

The Clause, as amended, carried.

8.42 **Clause No. 5a of Report No. 10 of The Planning and Transportation Committee, headed “Further Report Development Approval Process - File: UDOZ-DRA - All Wards”.**

*Motion:*

Councillor Filion moved that the Clause be amended by deleting Recommendations Nos. (4) and (5) of the Planning and Transportation Committee, and inserting in lieu thereof the following new Recommendation No. (4):

“(4) if an Official Plan or Zoning Bill is amended in the time between the Community Council meeting and the enactment of the By-law, the Ward Councillor be provided with an opportunity to review the Bill prior to its enactment by City Council.”

*Votes:*

The motion by Councillor Filion carried.

The Clause, as amended, carried.

8.43 **Clause No. 20 of Report No. 14 of The Policy and Finance Committee, headed “Public Briefing Sessions with Members of Council (All Wards)”.**

*Motion:*

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

“It is further recommended that a copy of this Clause be forwarded to the Chief Administrative Officer for consideration as part of the Council-Committee review process.”

*Votes:*

The motion by Councillor Jones carried.

The Clause, as amended, carried.

8.44 **Clause No. 1 of Report No. 9 of The Economic Development and Parks Committee, headed “Toronto Tourism Sector 2002 Performance Update (Various Wards)”.**

*Motion:*

Councillor Pantalone moved that the Clause be amended to provide that the following Members of Council be appointed to the Tourism Sector Advisory Committee:

- Councillor Brian Ashton;
- Councillor David Miller;
- Councillor Denzil Minnan-Wong;
- Councillor Joe Pantalone; and
- Councillor Kyle Rae.

*Votes:*

The motion by Councillor Pantalone carried.

The Clause, as amended, carried.

8.45 **Clause No. 30 of Report No. 13 of The Administration Committee, headed “Process for the Evaluation of Proposals for The Provision of Telecommunications Infrastructure for the City of Toronto (Request for Proposals No. 9155-02-07293)”.**

*Motion:*

Councillor Miller moved that the Clause be struck out and referred back to the Administration Committee for further consideration at its meeting scheduled to be held on November 5, 2002.

*Vote on Referral:*

The motion by Councillor Miller carried.

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

8.46 **Proposed ‘Super Hospital’ – Keele Street and Sheppard Avenue**

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

**Moved by: Councillor Di Giorgio**

**Seconded by: Councillor Li Preti**

**“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 Avenue 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 Avenue 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(1) prior to the end of this meeting, consideration of Motion F(1) was deferred to the next regular meeting of City Council scheduled to be held on November 26, 2002.

**8.47 Support to Defend Against the Appeal With Respect to the Sale of Hydro One**

Deputy Mayor Ootes called upon Notice of Motion F(2) 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 defence 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 defence 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.”

City Council also had before it, during consideration of Motion F(2), a report dated September 27, 2002, from the City Solicitor, entitled “Potential Sale of Hydro One - Status of Legal Proceedings” (See Attachment No. 1, Page 171).

*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 November 26, 2002.

8.48 **Addressing Rent Hikes Due to Unfair Rent Increases**

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

**Moved by:**                    **Councillor Minnan-Wong**

**Seconded by:**            **Councillor Korwin-Kuczynski**

“**WHEREAS** City Council established the Tenant Defence Sub-Committee to monitor tenant issues and to recommend to the Community Services Committee actions, in defence of tenants, in the City of Toronto; and

**WHEREAS** the vast majority of above-guideline applications filed in the last two years involved utility costs; and

**WHEREAS** a one-time spike in the cost of natural gas has resulted in a permanent increase to tenants, creating a windfall for landlords at the expense of tenants, many of which are seniors, the disabled, low-income earners or those on fixed incomes; and

**WHEREAS** the protection afforded to tenants under the Tenant Protection Act statutes are in conflict with the regulations, leaving the defence available to tenants lacking under the current legislation; and

**WHEREAS** removing obstacles which inhibit tenants disputing landlords' applications can assist in the preservation and maintenance of the affordable housing supply and is therefore in the interests of the City; and

**WHEREAS** it is within the purview of the Provincial Government to introduce a Bill in the Ontario legislature to correct this situation;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council demand that the Provincial Government introduce legislation to correct the imbalance that has been created by the deficiency in the Tenant Protection Act, which permits landlords to increase rents unfairly."

*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 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(1) to the Community Services 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(1), a petition signed by 812 concerned citizens in opposition to unfair rent increases, submitted by Councillor Minnan-Wong, such petition on file in the Office of the City Clerk.

*Vote:*

Adoption of Motion J(1), without amendment:

Yes - 34	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Mammoliti, McConnell, Mihevc, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 0	

Carried, without dissent.

8.49 **Liquor Licence - Pakaraima Restaurant and Bar, 2938 Eglinton Avenue East**

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

**Moved by: Councillor Duguid**

**Seconded by: Councillor Ashton**

**“WHEREAS** the Liquor Licence Board of Ontario (LLBO) will be considering the licence of Pakaraima Restaurant and Bar at 2938 Eglinton Avenue East, in an upcoming disciplinary hearing; and

**WHEREAS** local residents, businesses, police and the Ward Councillor’s office have significant concerns with respect to instances of drunkenness and disorderly conduct being permitted, failure to report crimes and interference with the criminal justice system, minors attending the premises and failure to request and/or verify the identification of minors, sexual assault, supply of liquor not in accordance with conditions of the licence, and lack of supervision by an experienced employee or owner; and

**WHEREAS** a total of no less than 14 charges have been laid against the premises, with both the licence holder and company being charged, in at least five separate instances between June 1, 2002 and September 14, 2002; and

**WHEREAS** the Liquor Licence Act provides that a member of the LLBO may direct that a Notice of Proposal be issued to revoke or suspend the liquor licence on any grounds under Subsection 6(2) of the Act that would disentitle an applicant to a licence; and

**WHEREAS** Subsection 6(2)(h) of the Act provides that an applicant is entitled to be issued a licence to sell liquor, except if the licence is not in the public interest, having regard to the needs and wishes of the residents of the municipality in which the premises are located; and

**WHEREAS** Section 7.1 of Regulation 719 under the Liquor Licence Act states that, in the absence of receiving submissions to the contrary, the Board shall consider a resolution of the Council of the municipality, in which is located the premises for which a person makes an application to sell liquor or holds a licence to sell liquor, as proof of the need and wishes of the residents of the municipality for the purposes of Clause 6(2)(h) of the Act;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council advise the Liquor Licence Board of Ontario that the liquor licence, currently issued with respect to Pakaraima Restaurant and Bar at 2938 Eglinton Avenue East, is not in the public interest, having regard to the needs and wishes of the residents of the municipality, and request the issuance of a Notice of Proposal by the LLBO to revoke the Licence;

**AND BE IT FURTHER RESOLVED THAT** the City Solicitor, in the event a hearing is scheduled, be authorized to attend on behalf of the City.”

*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 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(2) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(2) was adopted, without amendment.

#### 8.50 **Technical Amendments to and New Authority for the Harmonized Noise By-law**

Councillor Pantalone 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(3), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:** Councillor Pantalone

**Seconded by:** Councillor Mihevc

“**WHEREAS** on May 21, 22 and 23, 2002, City of Toronto Council adopted, as amended, Planning and Transportation Committee Report No. 5, Clause No.1, headed ‘Harmonization of the Noise By-law’, and on June 20, 2002, Council passed a By-law (No. 476-2002) to replace the existing noise by-laws with Chapter 591, Noise, of the City of Toronto Municipal Code; and

**WHEREAS**, by statute, the By-law requires the approval of the Minister of the Environment before it comes into force; and

**WHEREAS** upon submission of the By-law to the Minister for approval, Ministry staff indicated that two amendments to Chapter 591, Noise, were required before they would recommend approval of the by-law to the Minister; and

**WHEREAS** these amendments are technical in nature and correct unintended inconsistencies in Chapter 591, Noise; and

**WHEREAS** the first amendment is required to ensure that devices or vehicles that are used to transport persons or goods within the premises of a person are included when determining sound levels from stationary sources under §591-5 of Chapter 591, Noise; and

**WHEREAS** the second amendment is required to ensure that the general limitations on sound levels from stationary sources contained in §591-5 do not override the specific limitations on sound levels for residential air conditioners contained in §591-6; and

**WHEREAS**, as of January 1, 2003, the current statutory authority for the By-law will be repealed and replaced by section 129 of the Municipal Act, 2001, and the Minister's approval will no longer be required;

**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. 5 of The Planning and Transportation Committee be re-opened for further consideration, only insofar as it pertains to the definition of 'conveyance' in §591-1 of the Municipal Code, §591-5, and the statutory authority for the by-law and the need for the Minister's approval;

**AND BE IT FURTHER RESOLVED THAT:**

- (1) the definition of 'conveyance' in §591-1 of the Municipal Code be amended by adding the words 'but does not include any such device or vehicle if operated within the premises of a person' to the end of the definition, so that it will now read:

'CONVEYANCE - includes a vehicle and any other device employed to transport a person or persons or goods from place to place, but does not include any such device or vehicle if operated within the premises of a person;';

- (2) §591-5 (general limitations on sound levels due to stationary sources) be amended so as not to override §591-6 (limitation on sound levels for residential air conditioners); and

- (3) By-law No. 476-2002 be repealed and re-enacted under the authority of the Municipal Act, 2001, thereby removing the need for the Minister's approval;

**AND BE IT FURTHER RESOLVED THAT** the City Solicitor be authorized to introduce the necessary bill(s) to give effect to the foregoing at the first meeting of Council in 2003."

*Votes:*

The first Operative Paragraph embodied in Motion J(3) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(3) was adopted, without amendment.

**8.51 Hybrid Vehicles - Fleet Services Target**

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

**Moved by: Councillor Sutherland**

**Seconded by: Councillor Soknacki**

**“WHEREAS** the City of Toronto currently has four gasoline electric hybrid vehicles in its fleet; and

**WHEREAS** there are approximately 200 light vehicle sedans in the City's Fleet; and

**WHEREAS** New York City currently has 231 gasoline electric hybrid vehicles in its fleet; and

**WHEREAS** gasoline electric hybrid vehicles are approximately twice as fuel efficient, compared to standard gasoline powered vehicles; and

**WHEREAS** hybrid vehicles, therefore, emit approximately half the emissions compared to standard gasoline powered vehicles; and

**WHEREAS** light fleet service vehicles, are primarily driven in the City and are involved with a high amount of stop and go traffic; and

**WHEREAS** hybrid vehicles contain a special feature which automatically turns off

the engine when the vehicle comes to a complete stop, eliminating idling emissions;  
and

**WHEREAS** the automotive manufacturers have automobile hybrids currently available for purchase and have indicated progress on the development of hybrid technology for vans, pickups and SUVs;

**NOW THEREFORE BE IT RESOLVED** that City Council request the Commissioner of Corporate Services to submit a report to the Administration Committee, no later than March 2003, outlining the feasibility of converting the City of Toronto's entire light vehicle fleet into hybrid vehicles by 2006."

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(4) to the Administration Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

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

*Motion:*

Councillor Ashton moved that Motion J(4) be adopted, subject to adding thereto the following new Operative Paragraph:

**"AND BE IT FURTHER RESOLVED THAT** the Commissioner of Corporate Services be requested to submit a report to the Administration Committee on:

- (1) current initiatives and discussions at the staff level with respect to alternative fuel options;
- (2) hybrid technology achieved through retrofits; and
- (3) existing or new Provincial or Federal programs with respect to alternative fuels."

*Votes:*

The motion by Councillor Ashton carried.

Motion J(4), as amended, carried.

**8.52 Request for the Federal Government to Extend the Renewable Energy Grant to Hybrid and Fuel Cell vehicles**

Councillor Sutherland 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 Sutherland**

**Seconded by: Councillor Berardinetti**

**“WHEREAS** the Federal Government currently provides a \$2,000.00 grant to purchasers of Natural Gas vehicles through the Natural Gas for Vehicles Program administered by Natural Resources Canada; and

**WHEREAS** the \$2,000.00 grant excludes other alternative fuel vehicles such as gasoline electric hybrids vehicles; and

**WHEREAS** the Provincial Government will soon extend its \$1,000.00 Retail Sales Tax rebate program to include purchasers of hybrid vehicles retroactive to May 9, 2001; and

**WHEREAS** the Federal Government plans to ratify the Kyoto Protocol; and

**WHEREAS** hybrid technology will assist Canada in meeting the environmental goals set out in the Kyoto Protocol; and

**WHEREAS** the emission levels of a hybrid vehicle are approximately half compared to a standard gasoline-powered vehicle, resulting in a substantial reduction in overall pollution levels; and

**WHEREAS** hybrid vehicles allow motorists to maintain the convenience of driving a vehicle, along with the environmental significance of lowered emissions and significant fuel conservation; and

**WHEREAS** the capital cost to purchase a hybrid vehicle is approximately \$4,000.00 more, compared to a gasoline-powered vehicle of the same make and model; and

**WHEREAS** the Federal Government must promote and provide incentives to



motorists to purchase environmentally-friendly vehicles, in order to meet the Kyoto Protocol objectives;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council request the Federal Government to provide a \$2,000.00 grant for purchasers of hybrid vehicles matching the grant available to purchasers of Natural Gas vehicles.”

*Advice by Deputy Mayor:*

Deputy Mayor Ootes advised the Council that the provisions of Chapter 27 of the City of Toronto Municipal Code requiring the referral of Motion J(5) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

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

*Vote:*

Motion J(5) was adopted, without amendment.

**8.53 Toronto Computer Leasing Inquiry and Toronto External Contracts Inquiry - Clarification**

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

**Moved by: Councillor Miller**

**Seconded by: Councillor Johnston**

“**WHEREAS** at its meeting of October 1, 2 and 3, 2002, City Council approved the terms of reference for an Inquiry (subsequent or concurrent to the Toronto Computer Leasing Inquiry) concerning the Beacon and Remarkable Contracts and the external contracts being Ball HSU-Associates Inc. and the contracts for the purchase of the computer hardware and software that subsequently formed the basis for the computer leasing Request For Quotations (RFQ) that is the subject of the Toronto Computer Leasing Inquiry; and

**WHEREAS** Madame Justice Bellamy has been designated as the Commissioner for the Inquiry, known as the Toronto External Contracts Inquiry or 'TECI'; and

**WHEREAS** Standing Hearings will be held on November 5, 2002, in respect of the TECI; and

**WHEREAS** Commission Counsel have written to our outside solicitors clarifying one aspect of the terms of reference of the TECI. They have identified that it is the Commission's intention to investigate and inquire into the supply of Dell desktops and servers which were referred to in the leasing RFQ, but not the other hardware and software listed in the RFQ; and

**WHEREAS** Commission Counsel seek the clarification so that all parties are clear as to the scope of the terms of reference for the TECI;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the attached report dated October 28, 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(6) to the Audit 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 Audit 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(6), a report dated October 28, 2002, from the City Solicitor, entitled "Toronto Computer Leasing Inquiry and Toronto External Contracts Inquiry". (See Attachment No. 2, Page 173).

*Motion:*

Councillor Miller moved that Motion J(6) be adopted, subject to adding thereto the following new Operative Paragraph:

**"AND BE IT FURTHER RESOLVED THAT** the City Solicitor be authorized to apply for standing at the Toronto External Contracts Inquiry on behalf of the City of Toronto."

*Votes:*

Adoption of motion by Councillor Miller:

Yes - 24 Councillors: Altobello, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Duguid, Filion, Hall, Holyday, Johnston, Jones, Layton, Li Preti, McConnell, Miller, Moeser, Moscoe, Nunziata, Ootes, Shiner, Tziretas, Walker
No - 0

Carried, without dissent.

Motion J(6), as amended, carried.

City Council, by its adoption of Motion J(6), as amended, adopted, without amendment, the report dated October 28, 2002, from the City Solicitor, embodying the following recommendation:

“It is recommended that City Council approve the clarification sought by Commission Counsel with respect to the scope of the Toronto External Contracts Inquiry, namely, that they will investigate and inquire into the supply of Dell desktops and servers which were referred to in the leasing RFQ, but not the other hardware and software listed in the RFQ.”

#### 8.54 **Removal of Private Tree - 50 Portland Street**

Councillor Chow 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(7), 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 at its meeting held on October 1, 2 and 3, 2002, gave consideration to Clause No. 40 of Report No. 10 of The Toronto East York Community Council, headed ‘Removal of Private Tree – 50 Portland Street’; and

**WHEREAS** Council amended and adopted the Clause, and, in so doing, denied the request for a permit for tree removal at 50 Portland Street;

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 40 of Report No. 10 of The Toronto East York Community Council, headed ‘Removal of Private Tree – 50 Portland Street’, be re-opened for further consideration;

**AND BE IT FURTHER RESOLVED THAT** the Clause be struck out and referred back to the Toronto East York Community Council, for further consideration.”

*Votes:*

The first Operative Paragraph embodied in Motion J(7) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(7) was adopted, without amendment.

**8.55 Liquor Licence - Lion on the Beach, 1958 Queen Street East**

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

**Moved by:**                   **Councillor Bussin**

**Seconded by:**           **Councillor Jones**

“**WHEREAS** the City Solicitor was authorized by Toronto City Council to attend at the hearing of the Alcohol and Gaming Commission of Ontario (‘the Commission’) on May 4, 1999, to consider imposing an early closing requirement condition on the liquor licence held by the Lion on the Beach, 1958 Queen Street East (‘the Lion’), on service of liquor on the westerly patio area; and

**WHEREAS** the Commission, in a decision dated March 1, 2000, imposed conditions ('the Conditions') on the Lion's liquor licence that the sale and service of all alcoholic beverages on the Lion's outdoor premises shall cease at 11:00 p.m., Sunday through Thursday, and at 2:00 a.m. on the following morning on Friday and Saturday; and

**WHEREAS** the Lion appealed the decision to the Superior Court of Ontario (Divisional Court), requesting that the decision of the Commission be set aside; and

**WHEREAS** the Appeal was dismissed without a hearing on November 6, 2001, because of delay by the Lion; and

**WHEREAS** the Lion has since submitted an Application to remove the Conditions from their liquor licence; and

**WHEREAS** on September 9, 2002, a member of the Commission directed that a Notice of Proposal be issued to refuse the removal of the Conditions, and a hearing in that regard has been scheduled for November 28, 2002; and

**WHEREAS** it is vital to retain the Conditions in the public interest;

**NOW THEREFORE BE IT RESOLVED THAT** the City Solicitor be instructed to attend before the Alcohol and Gaming Commission on November 28, 2002, to support the Commission's Notice of Proposal to refuse to remove the Conditions on the liquor licence held by Lion on the Beach, 1958 Queen Street East."

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

*Vote:*

Motion J(8) was adopted, without amendment.

#### 8.56 **Principle of Zero Tolerance of Racial Profiling for Policing in the City of Toronto**

Councillor Shaw 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 Shaw**

**Seconded by:**            **Councillor Balkissoon**

**“WHEREAS** the City of Toronto has in place policies on non-discrimination, human rights and access and equity to ensure the equal treatment and full participation of all residents regardless of their ethno-racial, social and economic backgrounds; and

**WHEREAS** the Ontario Police Services Act (1990) requires that policing be provided in accordance with ‘safeguarding the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code’; and

**WHEREAS** the Ontario Police Services Act (1990) requires that policing services ‘be sensitive to the pluralistic, multiracial and multicultural character of Ontario’; and

**WHEREAS** in 1992, the Metro Toronto Review of Race Relations Practices of the Metropolitan Toronto Police Force by (then) Metro Toronto Auditor Allan Andrews recommended strategic directions for systemic changes in policing policies and practices; and

**WHEREAS** in 1995, the Report of the Commission on Systemic Racism in the Ontario Criminal Justice System provided conclusions that members of the Black community are more at risk in Toronto of experiencing systemic discrimination in their dealings with the police and the criminal courts and made extensive recommendations for systemic changes in policing; and

**WHEREAS** reports from the Toronto Star investigative articles on October 19, 20 and 21, 2002, state that ‘police have indeed been targeting black drivers in Toronto’ and ‘shows a disproportionate number of blacks ticketed for violations that routinely surface only after a stop has been made’ (October 20, 2002, Page D1); and

**WHEREAS** this is only one of the growing bodies of evidence in Toronto that shows that members of the black community, as compared to whites, are at a higher risk in experiencing discretionary police traffic stops and searches; this evidence includes previous reports such as that of the Commission on Systemic Racism in the Ontario Criminal Justice System, the Metro Toronto Police audit, and recent research by University of Toronto criminologist Scot Wortley, regarding treatment by police officers; and

**WHEREAS** there have been many concerns and complaints that the current responses

of denial and defensiveness to the Toronto Star articles, and the criticism of the messenger, the Toronto Star, is unwarranted and undermines the opportunity to truly address the agonizing concerns experienced by many Black families in our City;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the City of Toronto recognizes the community crisis created by the findings of Toronto Star investigative articles regarding fairness, impartiality and credibility of policing activity in Toronto, and that there is an urgent need for all involved (Minister of Public Safety and Security, City of Toronto Council, Toronto Police Services Board, Canadian Race Relations Foundation, and other interested stakeholders) to come together to review this current situation and pursue positive, measurable, and corrective action in an open, sensitive and non-judgmental manner;

**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto adopt a principle of zero tolerance of racial profiling for policing within the boundaries of Toronto;

**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto strongly request the Toronto Police Services Board immediately review its operational practices and guidelines; recruitment policies; promotional practices; and diversity training programs to ensure police officers have the appropriate skills and training for policing within our diverse communities in light of the changing demographics of our City; and

**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto express its strong support for, and request the establishment of the Toronto Police Services Board Race Relations Policy Advisory Committee, reporting directly to the Toronto Police Services Board on policing issues within the Toronto Community, and that this Race Relations Policy Advisory Committee comprise members of the diverse communities, members of the Toronto Police Services Board, and members of Toronto City Council;

**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto direct the City Auditor to undertake an updated audit of Police policies, procedures, programs and practices that impact on racial minorities similar to that undertaken by the former Metro Auditor, Allan Andrews, in 1992, including an audit of the implementation of recommendations made at that time, and to report back to the Council of the City of Toronto, through the Policy and Finance Committee, on its findings;

**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto express its concerns to the Ontario Public Safety Minister, The Honourable Bob Runciman, regarding the implementation of the recommendations of the Report of the

Commission on Systemic Racism in the Ontario Criminal Justice System (1995) which reported the evidence that members of the black community are more at risk in Toronto of experiencing systemic discrimination in their dealings with the police and criminal courts;

**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto request that the Ontario Minister of Public Safety and Security, The Honourable Bob Runciman, review and amend existing legislation governing civilian complaints regarding police conduct, in light of the current audit conducted by the City of Toronto Auditor which was presented to the Toronto Police Services Board on October 24, 2002, noting that members of the public ‘did not, for the most part, view the complaints process to be impartial or fair’ and also noting that ‘the lack of an investigative process independent of the Police is regarded as a significant impediment in regard to public confidence in the system’ (Page 29).”

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

*Motion:*

- (a) Councillor Holyday moved that Motion J(9) be referred to the following:
- (1) the Toronto Police Services Board for comment back to City Council, through the Policy and Finance Committee;
  - (2) the Dubin Inquiry; and
  - (3) the summit meeting being held with the former Lieutenant Governor Lincoln Alexander.

*Vote on Referral:*

Adoption of motion (a) by Councillor Holyday:

Yes - 2
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Councillors:	Holyday, Minnan-Wong
No - 31	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Disero, Duguid, Feldman, Fillion, Flint, Hall, Johnston, Jones, Layton, Li Preti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Soknacki, Walker

Lost by a majority of 29.

*Motions:*

- (b) Councillor Moscoe moved that Motion J(9) be amended by adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the Chairman of the Toronto Police Services Board be requested to submit a report to Council, through the Policy and Finance Committee, on:

- (1) the extent to which the Board has complied with the recommendations of the 1992 report of the Metro Auditor which documented systemic racism within the Toronto Police Force;
- (2) the extent to which the Board has complied with the 1975 report of the late Authur Maloney to the Metropolitan Toronto Police;
- (3) the extent to which the Board has complied with the 1976 Morand Commission report on Metropolitan Toronto Police Practices;
- (4) the extent to which the Board has complied with the 1997 Walter Pitman report on incidents of conflict between Blacks and the Police;
- (5) the extent to which the Board has complied with the 1980 Report of the Task Force on the Racial and Ethnic Implications of Police Hiring, Training, Promotion and Career Development by Dr. Reva Gerstein;
- (6) the extent to which the Board has complied with the 1989 Report of the Race Relations and Policing Task Force, chaired by Clare Lewis;
- (7) the extent to which the Board has complied with the 1992 Stephen Lewis Report to the Premier on Race Relations;

- (8) the extent to which the Board has complied with the 1995 Studies for the Commission on Systemic Racism in the Ontario Criminal Justice System which found that Black men were particularly vulnerable to being stopped by the Police;
  - (9) the extent to which the Board has heeded the 1999 research undertaken by Professor Scott Wortley; and
  - (10) the extent to which the Board has taken into the account the 1999 Goldfarb Survey which indicated that only 38 percent of respondents in the Black community felt that their community had been treated fairly by the Police;”.
- (c) Councillor Shaw moved that Motion J(9) be amended by:
- (1) adding to the second Operative Paragraph, the words “and the Toronto Police Services Board be requested to also adopt this principle”, so that such Operative Paragraph shall now read as follows:

**“AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto adopt a principle of zero tolerance of racial profiling for policing within the boundaries of Toronto and the Toronto Police Services Board be requested to also adopt this principle;”

; and
  - (2) amending the fifth Operative Paragraph by inserting, after the word “Auditor”, the words “within his mandate to the Toronto Police Services Board”, and adding at the end thereof the words “and request the Board’s co-operation in this audit”, so that such Operative Paragraph shall now read as follows:

**“AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto direct the City Auditor, within his mandate to the Toronto Police Services Board, to undertake an updated audit of Police policies, procedures, programs and practices that impact on racial minorities similar to that undertaken by the former Metro Auditor, Allan Andrews, in 1992, including an audit of the implementation of recommendations made at that time, and to report back to the Council of the City of Toronto, through the Policy and Finance Committee, on its findings and request the Board’s co-operation in this audit;”

.
- (d) Councillor Mihevc moved that Motion J(9) be amended by adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the Chief Administrative Officer be

requested to submit a report to the Policy and Finance Committee, no later than January 2003, on the progress in implementing the Council-approved recommendations of the January 2000 Report of the Task Force on Access and Equity;”.

- (e) Councillor Ashton moved that Motion J(9) be amended by adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee on:

- (1) current youth initiatives, projects and programs, particularly with respect to effectiveness, equitable distribution and funding sustainability; and
- (2) current partnerships of the Federal and Provincial Governments in the area of youth programs;”.

- (f) Councillor Rae moved that Motion J(9) be amended by adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** City Council request the Dubin Inquiry, the Toronto Police Services Board and the former Lieutenant Governor Lincoln Alexander’s Task Force to include, in their analysis, the education and training of officers in relation to the exercise of discretion;”.

- (g) Councillor Hall moved that motion (b) by Councillor Moscoe be amended by inserting in the lead-in phrase, after the word “requested”, the words “with the co-operation of the Toronto Police Services Board”, so that such phrase shall now read as follows:

**“AND BE IT FURTHER RESOLVED THAT** the Chairman of the Toronto Police Services Board be requested, with the co-operation of the Toronto Police Services Board, to submit a report to Council, through the Policy and Finance Committee, on:”.

- (h) Councillor Johnston moved that Motion J(9) be amended by adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** City Council, when making its appointments to the Toronto Police Services Board, give consideration to including representation of the entire community on the Toronto Police Services Board;”.

- (i) Councillor Chow moved that Motion J(9) be amended by adding thereto the following

new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT:**

- (1) the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee, in January 2003, summarizing the outstanding recommendations from the following studies and reports, as listed in the Backgrounder document prepared by staff of the Strategic and Corporate Policy Division, Healthy City Office, Chief Administrator's Office, and distributed to all Members of Council by Councillor Shaw, and the steps which can be taken to implement such recommendations:
  - (a) 1975 - The Ontario Human Rights Commission report, "The Black Presence in the Canadian Mosaic: A Study of Perception and the Practice of Discrimination Against Blacks in Metropolitan Toronto", (reported on discriminatory treatment by the police);
  - (b) 1975 - The report of the late Arthur Maloney to the Metropolitan Toronto Police;
  - (c) 1976 - The report to the "Royal Commission into Metropolitan Toronto Police Practices", conducted by Justice Donald R. Morand;
  - (d) 1977 - A number of incidents of conflict between Blacks and the police were documented and confirmed by Walter Pitman in his report, "Now Is Not Too Late", to the former Municipality of Metropolitan Toronto;
  - (e) 1979 - The "Report to the Civic Authorities of Metropolitan Toronto", on race and policing, was submitted by Cardinal G. Emmett Carter;
  - (f) 1980 - The "Report of the Task Force on the Racial and Ethnic Implications of Police Hiring, Training, Promotion and Career Development", by Dr. Reva Gerstein, for the Ontario Ministry of the Solicitor General addressed the issues of the credibility of the police to effectively provide fair and just services in their contacts with members of the Black community;
  - (g) 1989 - The "Report of the Race Relations and Policing Task Force", chaired by Clare Lewis, was submitted to the Ontario Solicitor General;
  - (h) 1992 - Allan Andrews, Metro Auditor, submitted his "Review of Race Relations Practices of the Metropolitan Toronto Police Force", to Metro Council;
  - (i) 1992 - Clare Lewis submitted a further "Report of the Task Force on

Race Relations and Policing”, to the Government of Ontario;

- (j) 1992 - Stephen Lewis submitted his “Report to the Premier on Race Relations”;
  - (k) 1995 - Studies for the “Commission on Systemic Racism in the Ontario Criminal Justice System”, found that Black men were particularly vulnerable to being stopped by the police. About 43 percent of Black male residents, but only 25 percent of White and 19 percent of Chinese male residents reported being stopped by the police in the previous two years;
  - (l) 1999 - These results are also consistent with further research undertaken by Professor Scott Wortley, Centre for Criminology, University of Toronto who also found that when they are stopped, Black people are more likely to be subject to rude or hostile police treatment;
  - (m) 1999 - In a Goldfarb Survey undertaken for the Toronto Star, 83 percent of all Torontonians felt that they had been treated fairly by the police. However, only 38 percent of respondents in the Black community felt their community had been treated fairly by the police. The above evidence is an indication of why there exists solid grounds for this disturbingly low level of regard and trust for the police by members of the Black community; and
  - (n) 2002 - The present City Auditor (Audit of the Toronto Police Service’s Public Complaints Process, September 10, 2002) notes that “discipline imposed against police officers is not being monitored. In two out of the ten files we reviewed where complaints were substantiated, discipline as adjudicated was not imposed”. In addition, the impartiality of the Public Complaints Process is generally seen as being severely compromised (it entails the police investigating the police). The present City Auditor notes “that civilian oversight provides a more thorough and objective investigation of complaints than those conducted by the police”.’;
- (2) City Council request the Chairman of the Toronto Police Services Board to ensure that, at such time as this matter is debated by the Toronto Police Services Board, the meeting is held in public; and

- (3) City Council instruct the representatives of the City of Toronto on the Toronto Police Services Board to identify what methods are currently in place respecting employment equity, given that the numbers of visible minority in the Toronto Police Service is 11 percent, and how the Toronto Police Services Board proposes to accomplish hiring the required number of Police officers to reflect the ethnic compilation of the City of Toronto;”.

(j) Councillor Nunziata moved that:

- (1) motion (c) by Councillor Shaw be referred to the Toronto Police Services Board; and
- (2) motion (b) by Councillor Moscoe be referred to the Toronto Police Services Board.

*Votes:*

Adoption of Part (2) of motion (j) by Councillor Nunziata:

Yes - 3 Councillors: Duguid, Minnan-Wong, Nunziata
No - 27 Councillors: Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Feldman, Filion, Hall, Johnston, Jones, Layton, Li Preti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Ootes, Pantalone, Rae, Shaw, Shiner, Walker

Lost by a majority of 24.

Motion (g) by Councillor Hall carried.

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

Adoption of Part (1) of motion (j) by Councillor Nunziata:

Yes - 2 Councillors: Li Preti, Nunziata
No - 28

Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Hall, Johnston, Jones, Layton, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Shaw, Shiner, Walker
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Lost by a majority of 26.

Motion (c) by Councillor Shaw carried, without amendment.

Adoption of motion (d) by Councillor Mihevc:

Yes - 31	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Hall, Johnston, Jones, Layton, Li Preti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Walker
No - 0	

Carried, without dissent.

Motion (e) by Councillor Ashton carried.

Motion (f) by Councillor Rae carried.

Adoption of motion (h) by Councillor Johnston:

Yes - 29	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Hall, Johnston, Jones, Layton, Li Preti, McConnell, Mihevc, Milczyn, Miller, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Walker
No - 2	
Mayor:	Lastman
Councillors:	Minnan-Wong

Carried by a majority of 27.

Motion (i) by Councillor Chow carried.



Adoption of Motion J(9), as amended:

Yes - 31	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Filion, Hall, Johnston, Jones, Layton, Li Preti, McConnell, Mihevc, Milczyn, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Walker
No - 0	

Carried, without dissent.

In summary, Council adopted Motion J(9), subject to:

- (1) adding to the second Operative Paragraph, the words “and the Toronto Police Services Board be requested to also adopt this principle”, so that such Operative Paragraph shall now read as follows:

“**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto adopt a principle of zero tolerance of racial profiling for policing within the boundaries of Toronto and the Toronto Police Services Board be requested to also adopt this principle;”;

- (2) amending the fifth Operative Paragraph by inserting, after the word “Auditor”, the words “within his mandate to the Toronto Police Services Board”, and adding at the end thereof the words “and request the Board’s co-operation in this audit”, so that such Operative Paragraph shall now read as follows:

“**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto direct the City Auditor, within his mandate to the Toronto Police Services Board, to undertake an updated audit of Police policies, procedures, programs and practices that impact on racial minorities similar to that undertaken by the former Metro Auditor, Allan Andrews, in 1992, including an audit of the implementation of recommendations made at that time, and to report back to the Council of the City of Toronto, through the Policy and Finance Committee, on its findings and request the Board’s co-operation in this audit;”;

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

“**AND BE IT FURTHER RESOLVED THAT** City Council request the Dubin Inquiry, the Toronto Police Services Board and the former Lieutenant Governor

Lincoln Alexander's Task Force to include, in their analysis, the education and training of officers in relation to the exercise of discretion;

**AND BE IT FURTHER RESOLVED THAT** the Chairman of the Toronto Police Services Board be requested, with the co-operation of the Toronto Police Services Board, to submit a report to Council, through the Policy and Finance Committee, on:

- (1) the extent to which the Board has complied with the recommendations of the 1992 report of the Metro Auditor which documented systemic racism within the Toronto Police Force;
- (2) the extent to which the Board has complied with the 1975 report of the late Authur Maloney to the Metropolitan Toronto Police;
- (3) the extent to which the Board has complied with the 1976 Morand Commission report on Metropolitan Toronto Police Practices;
- (4) the extent to which the Board has complied with the 1997 Walter Pitman report on incidents of conflict between Blacks and the Police;
- (5) the extent to which the Board has complied with the 1980 Report of the Task Force on the Racial and Ethnic Implications of Police Hiring, Training, Promotion and Career Development by Dr. Reva Gerstein;
- (6) the extent to which the Board has complied with the 1989 Report of the Race Relations and Policing Task Force, chaired by Clare Lewis;
- (7) the extent to which the Board has complied with the 1992 Stephen Lewis Report to the Premier on Race Relations;
- (8) the extent to which the Board has complied with the 1995 Studies for the Commission on Systemic Racism in the Ontario Criminal Justice System which found that Black men were particularly vulnerable to being stopped by the Police;
- (9) the extent to which the Board has heeded the 1999 research undertaken by Professor Scott Wortley; and
- (10) the extent to which the Board has taken into the account the 1999 Goldfarb Survey which indicated that only 38 percent of respondents in the Black community felt that their community had been treated fairly by the Police;

**AND BE IT FURTHER RESOLVED THAT:**

- (1) the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee, in January 2003, summarizing the outstanding recommendations from the following studies and reports, as listed in the Backgrounder document prepared by staff of the Strategic and Corporate Policy Division, Healthy City Office, Chief Administrator's Office, and distributed to all Members of Council by Councillor Shaw, and the steps which can be taken to implement such recommendations:
  - (a) 1975 - The Ontario Human Rights Commission report, "The Black Presence in the Canadian Mosaic: A Study of Perception and the Practice of Discrimination Against Blacks in Metropolitan Toronto", (reported on discriminatory treatment by the police);
  - (b) 1975 - The report of the late Arthur Maloney to the Metropolitan Toronto Police;
  - (c) 1976 - The report to the "Royal Commission into Metropolitan Toronto Police Practices", conducted by Justice Donald R. Morand;
  - (d) 1977 - A number of incidents of conflict between Blacks and the police were documented and confirmed by Walter Pitman in his report, "Now Is Not Too Late", to the former Municipality of Metropolitan Toronto;
  - (e) 1979 - The "Report to the Civic Authorities of Metropolitan Toronto", on race and policing, was submitted by Cardinal G. Emmett Carter;
  - (f) 1980 - The "Report of the Task Force on the Racial and Ethnic Implications of Police Hiring, Training, Promotion and Career Development", by Dr. Reva Gerstein, for the Ontario Ministry of the Solicitor General addressed the issues of the credibility of the police to effectively provide fair and just services in their contacts with members of the Black community;
  - (g) 1989 - The "Report of the Race Relations and Policing Task Force", chaired by Clare Lewis, was submitted to the Ontario Solicitor General;
  - (h) 1992 - Allan Andrews, Metro Auditor, submitted his "Review of Race Relations Practices of the Metropolitan Toronto Police Force", to Metro Council;
  - (i) 1992 - Clare Lewis submitted a further "Report of the Task Force on

Race Relations and Policing”, to the Government of Ontario;

- (j) 1992 - Stephen Lewis submitted his “Report to the Premier on Race Relations”;
  - (k) 1995 - Studies for the “Commission on Systemic Racism in the Ontario Criminal Justice System”, found that Black men were particularly vulnerable to being stopped by the police. About 43 percent of Black male residents, but only 25 percent of White and 19 percent of Chinese male residents reported being stopped by the police in the previous two years;
  - (l) 1999 - These results are also consistent with further research undertaken by Professor Scott Wortley, Centre for Criminology, University of Toronto who also found that when they are stopped, Black people are more likely to be subject to rude or hostile police treatment;
  - (m) 1999 - In a Goldfarb Survey undertaken for the Toronto Star, 83 percent of all Torontonians felt that they had been treated fairly by the police. However, only 38 percent of respondents in the Black community felt their community had been treated fairly by the police. The above evidence is an indication of why there exists solid grounds for this disturbingly low level of regard and trust for the police by members of the Black community; and
  - (n) 2002 - The present City Auditor (Audit of the Toronto Police Service’s Public Complaints Process, September 10, 2002) notes that “discipline imposed against police officers is not being monitored. In two out of the ten files we reviewed where complaints were substantiated, discipline as adjudicated was not imposed”. In addition, the impartiality of the Public Complaints Process is generally seen as being severely compromised (it entails the police investigating the police). The present City Auditor notes “that civilian oversight provides a more thorough and objective investigation of complaints than those conducted by the police”.’;
- (2) City Council request the Chairman of the Toronto Police Services Board to ensure that, at such time as this matter is debated by the Toronto Police Services Board, the meeting is held in public; and
  - (3) City Council instruct the representatives of the City of Toronto on the Toronto Police Services Board to identify what methods are currently in place

respecting employment equity, given that the numbers of visible minority in the Toronto Police Service is 11 percent, and how the Toronto Police Services Board proposes to accomplish hiring the required number of Police officers to reflect the ethnic compilation of the City of Toronto;

**AND BE IT FURTHER RESOLVED THAT** the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee on:

- (1) current youth initiatives, projects and programs, particularly with respect to effectiveness, equitable distribution and funding sustainability; and
- (2) current partnerships of the Federal and Provincial Governments in the area of youth programs;

**AND BE IT FURTHER RESOLVED THAT** the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee, no later than January 2003, on the progress in implementing the Council-approved recommendations of the January 2000 Report of the Task Force on Access and Equity;

**AND BE IT FURTHER RESOLVED THAT** City Council, when making its appointments to the Toronto Police Services Board, give consideration to including representation of the entire community on the Toronto Police Services Board.”

**8.57 Sign Variance Application - 329 and 333 Yonge 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(10), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Rae**

**Seconded by: Councillor McConnell**

“**WHEREAS** the applicant is proposing to erect one non-illuminated vinyl sign to identify the ‘HMV’ store at 329 and 333 Yonge Street; and

**WHEREAS** the store is under renovation and will be completed during the month of November 2002; and

**WHEREAS** the proposed sign does not comply with Chapter 297, Signs, of the former City of Toronto Municipal Code, and is the subject of a minor variance application;

**NOW THEREFORE BE IT RESOLVED THAT** City Council give consideration to the attached report dated October 24, 2002, from the Commissioner of Urban Development Services, and that Recommendations Nos. (1) and (2) embodied in 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(10) 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(10) to the Toronto East York Community Council carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(10), a report dated October 24, 2002, from the Commissioner of Urban Development Services, entitled “Request for Approval of Variances from Chapter 297, Signs, of the Former City of Toronto Municipal Code, for One Flush-Mounted First-Party Vinyl Sign at 329-333 Yonge Street (HMV Store), Application No. 902073”. (See Attachment No. 3, Page 175).

*Vote:*

Motion J(10) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated October 24, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

“It is recommended that:

- (1) the request for variances be approved to permit one vinyl sign at 329-333 Yonge Street; and
- (2) the applicant be advised, upon approval of variances, of the requirement to obtain the necessary sign permits from the Commissioner of Urban Development Services.”

**8.58 Partnership Initiatives Between City Agencies, Boards and Commissions and Performing Arts Organizations Funded by City of Toronto Grants**

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(11), moved by Councillor Mammoliti, seconded by Councillor Korwin-Kuczynski, and, in the absence of Councillor Mammoliti, moved by Councillor Korwin-Kuczynski, seconded by Councillor Chow, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:**                    **Councillor Korwin-Kuczynski**

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

“**WHEREAS** Toronto City Council provides cultural grants to performing arts organizations, the Art Gallery of Ontario, the National Ballet of Canada, the Royal Ontario Museum, the Toronto Symphony Orchestra, and many smaller cultural institutions; and

**WHEREAS** Toronto City Council provides these grants to enhance the lives of the citizens of Toronto and to encourage excellence in the cultural field; and

**WHEREAS** the cultural institutions being funded are dedicated to serve the citizens of Toronto; and

**WHEREAS** Toronto City Council’s Agencies, Boards and Commissions also serve the same citizens; and

**WHEREAS** the Board of Management of the Toronto Zoo on October 22, 2002, requested the Chair of the Board to forward this motion to Toronto City Council for consideration;

**NOW THEREFORE BE IT RESOLVED THAT**, as part of the City’s grants programs, performing arts organizations, such as the Art Gallery of Ontario, the National Ballet of Canada, the Royal Ontario Museum, the Toronto Symphony Orchestra, etc., be encouraged to enter into partnerships with various City-run programs, such as the Toronto Zoo and Parks and Recreation facilities, etc., to exchange various initiatives.”

*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 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(11) to the Economic Development and Parks Committee was taken as follows:

Yes - 34	
Mayor:	Lastman



Councillors:	Altobello, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Hall, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Miller, Minnan-Wong, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
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No - 2 Councillors:	Ashton, Holyday
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Carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(11) was adopted, without amendment.

#### 8.59 **Federal Residential Rehabilitation Assistance Program (RRAP)**

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 Soknacki

“**WHEREAS** the Federal Residential Rehabilitation Assistance Program (RRAP) has financially supported the rehabilitation of housing for low-income Canadians since 1974; and

**WHEREAS** RRAP is set to expire in the Spring of 2003; and

**WHEREAS** the Federal Government is in the final stages of completing a review of RRAP and making a decision on the future of the program; and

**WHEREAS** over 2,900 units of affordable housing has been rehabilitated or created in the City of Toronto, since January 1998, under the RRAP initiative; and

**WHEREAS** the need for RRAP funding for repairs and rehabilitation of rooming houses, rental housing, and conversions to rental housing exceeds available Federal funding;

**NOW THEREFORE BE IT RESOLVED THAT** Toronto City Council urge the Government of Canada to establish the Residential Rehabilitation Assistance Program

(RRAP) as a permanent Federal housing initiative;

**AND BE IT FURTHER RESOLVED THAT** Toronto City Council urge the Government of Canada to provide increased annual funding under the RRAP to address the growing housing rehabilitation needs of Toronto;

**AND BE IT FURTHER RESOLVED THAT** the Chair of the Community Services Committee be requested to write to the Minister Responsible for Canada Mortgage and Housing Corporation and Toronto area MP's to express the interest of the City of Toronto in these matters."

*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 was taken as follows:

Yes - 35	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Chow, Di Giorgio, Disero, Duguid, Feldman, Hall, Holyday, Johnston, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, McConnell, Mihevc, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Silva, Soknacki, Sutherland, Walker
No - 1	
Councillor:	Moeser

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

*Motion:*

Councillor Layton moved that Motion J(12) be adopted, subject to adding thereto the following new Operative Paragraph:

**“AND BE IT FURTHER RESOLVED THAT** a copy of this Motion be referred to the Federation of Canadian Municipalities, with a request that they indicate their

support of such Motion.”

*Votes:*

The motion by Councillor Layton carried.

Motion J(12), as amended, carried.

**8.60 Appointment of Deputy Chief Building Officials**

Councillor Altobello 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 Altobello**

**Seconded by: Councillor Ootes**

**“WHEREAS** the Building Division of the Urban Development Services Department has been organized, since 1998, with four operational districts with a Director/Deputy Chief Building Official appointed to lead each district operation; and

**WHEREAS** the Building Division, since amalgamation in 1998, continues to work to integrate staff across the division City wide, to assist in the harmonization of its operations, and wishes to re-assign three of the Deputy Chief Building Officials to new districts;

**NOW THEREFORE BE IT RESOLVED THAT:**

(1) subsection 3(2) of By-law No. 226-1998 be deleted and the following substituted in its place:

‘3. (2) Each Deputy Chief Building Official named in Column 1 has all of the powers and duties of the Chief Building Official within the assigned area of the City set out in Column 2 opposite the Deputy’s name:

Column 1 – Deputy	Column 2 – Assigned Area
Bruce Ashton	East District comprising the former Borough of East York and the former City of Scarborough

Steve Franklin	North District comprising the former City of North York
James K. Laughlin	South District comprising the former City of Toronto
Ted Tipping	West District comprising the former Cities of Etobicoke and York'; and

- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction in Council of any necessary bills.”

*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 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(13) to the Planning and Transportation Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(13) was adopted, without amendment.

#### 8.61 **Appointment to Task Force on Gardiner-Lake Shore Corridor**

Councillor Layton moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of the following Notice of Motion J(14), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by:**                    **Councillor Layton**

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

“**WHEREAS** City Council at its meeting held on July 30, 31 and August 1, 2002, re-established the Task Force on the Gardiner-Lake Shore Corridor with a composition of up to eight (8) Members of Council, to include the Chair of the Works Committee and Members from Wards adjacent to the waterfront and Lake Shore

Boulevard corridor; and

**WHEREAS** City Council at its meeting held on October 1, 2 and 3, 2002, in adopting Clause No. 1 of Report No. 6 of The Striking Committee, headed ‘Appointments of Members of Council to Advisory Committees, Special Committees and Task Forces’, appointed to the Task Force on the Gardiner-Lake Shore Corridor the Chair of the Works Committee and the four Members of Council who had indicated their interest in being appointed; and

**WHEREAS** Councillor Jack Layton has been a member and Co-Chair of the Task Force for many years and his name was inadvertently omitted from the list of Members interested in being appointed;

**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. 6 of The Striking Committee, headed ‘Appointments of Members of Council to Advisory Committees, Special Committees and Task Forces’, be re-opened for further consideration, only insofar as it pertains to the membership of the Task Force on the Gardiner-Lake Shore Corridor;

**AND BE IT FURTHER RESOLVED THAT** Councillor Jack Layton be appointed to the Task Force for a term of office expiring November 30, 2003, in addition to the Chair of the Works Committee and four other Members already appointed;

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

*Votes:*

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

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

8.62 **Ambassador and Accessible Taxicab Training Courses – Amendments to Service and Licence Agreements**

Councillor Minnan-Wong 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 Minnan-Wong**

**Seconded by: Councillor Milczyn**

“**WHEREAS** City Council at its meeting held on June 18, 19, 20, 2002, approved Clause No. 4 of Report 7 of The Planning and Transportation Committee with respect to the Non-exclusive, Non-transferable Service and Licence Agreements for the Use of Customised Ambassador and Accessible Taxicab Training Courses by Municipalities in Canada and Elsewhere (‘Approved Report’); and

**WHEREAS** subsequent negotiations with the City of Ottawa with respect to the specific terms of the Service and Licence Agreement for such Courses resulted in a number of issues being addressed that require amendments, clarifications or additions to the original terms outlined in the Approved Report; and

**WHEREAS** particular terms and conditions of the Service and Licence Agreement between the City and Ottawa require exemption from some of the approved terms and conditions set out in the Approved Report; and

**WHEREAS** the Commissioner of Urban Development Services has submitted the attached report dated October 25, 2002, outlining recommendations pertaining to the Ottawa Agreement and Agreements with other Client Municipalities;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the attached report dated October 25, 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(15) 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(15) to the Planning and Transportation 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(15), a report dated October 25, 2002, from the Commissioner of Urban Development Services, entitled “Amendments, Clarifications, Additions and Exceptions to the Council-approved Recommendations for the Non-exclusive, Non-transferable Service and Licence Agreements for the Use of Customized Ambassador and Accessible Taxicab Training Courses by Municipalities in Canada and Elsewhere”. (See Attachment No. 4, Page 177).

*Vote:*

Motion J(15) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated October 25, 2002, from the Commissioner of Urban Development Services, embodying the following recommendations:

“It is recommended that:

- (1) Schedule 1, Section 2(1) of the Approved Report be amended to provide that for all future Service and Licence Agreements, 50 percent of the customization and licensing fee be paid upon full execution of the Agreement and that the payment schedule for the remaining 50 percent be negotiated with the Client Municipality based on the project’s deliverables, as identified in the Approved Report, and that for this purpose, staff be delegated the necessary authority;
- (2) Schedule 1, Section 2(2) of the Approved Report be further amended to provide that, for all future Service and Licence Agreements, the annual renewal fee of \$1,000.00 be subject to applicable taxes, and that it be further amended to provide for such renewal fee to be payable on the anniversary of the Effective Date of the Agreement (as defined in the Comments);
- (3) Schedule 1, Section 2(2) of the Approved Report be further amended to provide that, for all future Service and Licence Agreements, the City supply updates, where and when available, for the generic training modules of a Customized Course, at no additional cost to the Client Municipality, and that this be in addition to the deliverables already established in the Approved Report (i.e., a review of such Course, a proposal recommending changes to client-specific modules, a project schedule to effect the recommended modifications, and a proposed corresponding fee);
- (4) Schedule 1, Section 6(12) of the Approved Report be deleted and replaced with a provision that, for all future Service and Licence Agreements, the Client Municipality and its Sublicensee be required not to provide to Customized Course participants examinations, quizzes, tests and exercises once taken, or otherwise completed, by participants of the Course;
- (5) the following provision be added to Schedule 1, Section 3 of the Approved Report: for all future Service and Licence Agreements, the City, upon submission of the final Customized Course report and subject to approval from the Client Municipality, make such modifications (to be limited to omissions and errors of fact) at no additional cost to the Client Municipality and as identified and deemed necessary by the City;

- (6) where the Client Municipality seeks to transfer, assign, or sublicense to a person (other than a Sublicensee as defined in the Approved Report), the City not unreasonably or arbitrarily withhold approval of such transfer, assignment or sublicense, provided that the City may make such approval subject to such terms and conditions as the City in its discretion may impose;
- (7) despite Schedule 1, Section 6(4) of the Approved Report, the City permit Ottawa to have the Customized Courses translated into the French language, on the condition that the final draft of such translation be subject to approval by the Commissioner of Urban Development Services or the Executive Director of Municipal Licensing and Standards or their authorized designate, and that such translation be returned to the City of Ottawa upon such final approval;
- (8) despite Schedule 1, Sections 1(5), 7(1) and 7(6) of the Approved Report, the City permit Ottawa or Ottawa's Sublicensee to use a subcontractor, if it so chooses, under the condition that such person or persons be approved by the Commissioner of Urban Development Services or Executive Director of Municipal Licensing and Standards or their authorized designate, whose approval may not be unreasonably or arbitrarily withheld, and that such subcontractor or subcontractors enter into a written contract with Ottawa or its Sublicensee, that such contract include the same terms, conditions and limitations as required for a sublicensing agreement with a Sublicensee and otherwise contain terms and conditions satisfactory to the Commissioner of Urban Development Services and the Executive Director of Municipal Licensing and Standards, and that such contract be in a form satisfactory to the City Solicitor, and that any such persons be considered agents of Ottawa and that Ottawa be fully responsible and liable for their acts and omissions in the performance of the delivery of the Customized Courses;
- (9) despite Schedule 1, Section 2(1) of the Approved Report, and consistent with Recommendation No. (1), Ottawa be required to pay 50 percent of the fee upon full execution of the Agreement, 15 percent upon submission of the Accessible Course train-the-trainer evaluation report, 15 percent upon the submission of the Ambassador Course train-the-trainer evaluation report, 10 percent upon submission of the Accessible Course final report and the final 10 percent upon submission of the Ambassador Course final report; and
- (10) the appropriate City officials be authorized and directed to take necessary action to give effect thereto and to take any action required to be taken thereunder."



### **Interest in Surplus City-Owned Property**

Councillor McConnell moved that the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction of the following Notice of Motion J(16), which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor McConnell**

**Seconded by: Councillor Chow**

**“WHEREAS** the Social Housing Reform Act, 2000 deems the Toronto Community Housing Corporation (TCHC) not to be a board of the City; and

**WHEREAS** the terms of the Shareholder Direction governing TCHC, approved, as amended, by City Council at its meeting held on October 2, 3 and 4, 2001, set out TCHC’s mandate and responsibilities to the City as its sole shareholder, recognizing Council’s decision that TCHC shall operate at arms length from the City; and

**WHEREAS** TCHC is circulated on potentially surplus City-owned properties; and

**WHEREAS** the Commissioner of Community and Neighbourhood Services represents housing issues when reviewing a potentially surplus City-owned property; and

**WHEREAS**, should TCHC be interested in a potentially surplus City-owned property, the process for TCHC to express such interest has not yet been established;

**NOW THEREFORE BE IT RESOLVED THAT** the Commissioner of Community and Neighbourhood Services, in consultation with the Chief Executive Officer of TCHC and the Commissioner of Corporate Services, be requested to submit a report to the Administration Committee on the appropriate process to be followed should TCHC be interested in a potentially surplus City-owned 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(16) 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(16) to the Administration Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Motion:*

Councillor Shiner moved that Motion J(16) be adopted, subject to amending the Operative Paragraph to read as follows:

**“NOW THEREFORE BE IT RESOLVED THAT** the Chief Administrative Officer, in consultation with the Commissioner of Community and Neighbourhood Services, the Chief Executive Officer of TCHC and the Commissioner of Corporate Services, be requested to submit a report to the Administration Committee on the appropriate process to be followed, should TCHC be interested in a potentially surplus City-owned property.”

*Votes:*

The motion by Councillor Shiner carried.

Motion J(16), as amended, carried.

**8.64 Request for Direction, Zoning By-law Appeal, Trivest Development Corporation, 66 Byng Avenue**

Councillor Altobello 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 Altobello**

**Seconded by: Councillor Berardinetti**

**“WHEREAS** City Council at its meeting held on July 30, 31 and August 1, 2002, adopted, without amendment, Scarborough Community Council Report No. 7, Clause No. 7, headed ‘Preliminary Report - Request for Direction, Zoning By-law Amendment Application TF ZBL 2002 0005, Trivest Development Corporation, 66 Byng Avenue, Oakridge Community, (Ward 35 - Scarborough Southwest)’, and Clause No. 8, headed ‘Request for Direction - OMB Appeal, Zoning By-law Amendment Application TF ZBL 2002 0005, Trivest Development Corporation, 66 Byng Avenue, Oakridge Community, (Ward 35 - Scarborough Southwest)’, and, in so doing, required the submission of a specific development proposal in support of the zoning application; directed staff not to process the application until the

information was received and instructed the Solicitor to appear at the Ontario Municipal Board in support of Council's position; and

**WHEREAS** the owner appealed to the Ontario Municipal Board and now has submitted to the City plans for review; and

**WHEREAS** staff have reviewed the plans and conclude they represent good planning and are consistent with the purpose and intent of the Official Plan; and

**WHEREAS** a second pre-hearing is scheduled for November 20, 2002, and it is desirable for the Solicitor to have further instruction in this regard;

**NOW THEREFORE BE IT RESOLVED THAT** City Council consider the report dated October 17, 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(17) 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(17) to the Scarborough Community Council carried, more than two-thirds of Members present having voted in the affirmative.

City Council also had before it, during consideration of Motion J(17), a report dated October 17, 2002, from the Commissioner of Urban Development Services, entitled "Request for Direction, Ontario Municipal Board Appeal, Application to Amend Oakridge Community Zoning By-law, Trivest Development Corporation, 66 Byng Avenue, Lots 93 and 94 and Part of Lot 92, Registered Plan 1952, TF ZBL 2002 0005, Ward 35". (See Attachment No. 5, Page 197).

*Vote:*

Motion J(17) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated October 17, 2002, from the Commissioner of Urban Development Services, embodying the following recommendation:

"It is recommended that the City Solicitor be authorized to attend the Ontario Municipal Board in support of the proposed settlement as outlined in this report."

**8.65 Ontario Regulation 244/02**

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

**Moved by: Councillor Moscoe**

**Seconded by: Councillor Kelly**

“**WHEREAS** the Province of Ontario has read into law Regulation 244/02 which is scheduled to come into force on January 1, 2003; and

**WHEREAS** Regulation 244/02, in part, reads:

‘10.(1) A municipality and a local board do not have the power under Part XII of the Act to impose a fee or charge on a person who owns or operates a telecommunications business carrying on business in Ontario for services or activities, costs or the use of property with respect to wires, cables, poles, conduits, equipment, machinery or other works which,

- (a) are or will be located on a municipal highway; and
- (b) are or will be used as part of the telecommunications business.

O. Reg. 244/02,s.10(1);’ and

**WHEREAS** the Federation of Canadian Municipalities (FCM) and major Canadian municipalities have been locked in two years of litigation with the Telecom Industry. Municipalities across the country, through the FCM, have won the right to appeal an earlier CRTC decision that denies municipalities the right to charge licence fees for the use of their Rights-of-Ways by telecommunication companies and unduly limits municipalities’ ability to manage their Rights-of-Ways. The main issue in this appeal is the question of whether a federal agency like the CRTC can purport to exercise almost absolute control over the use of municipal (i.e. provincially-regulated) property by the Telecom Industry; and

**WHEREAS** FCM’s case goes to the Appeals Court in Ottawa October 29, 2002; Regulation 244/02, combined with recent amendments to the Municipal Act, effectively cuts the legs out from under municipalities in Ontario, regardless of the court decision; and even if we win the appeal and successfully defend municipal and provincial jurisdiction over municipal property from threatened federal incursions, we

still lose; and

**WHEREAS** this Regulation threatens existing municipal agreements with Telecom Companies and also severely limits the ability of municipalities to negotiate future agreements and to effectively manage their road allowances; and

**WHEREAS** the Telecom Industry has a powerful lobby – both at the Provincial and Federal levels - and has, to date, been highly successful in obtaining the legislative changes it wants at the expense of local taxpayers;

**NOW THEREFORE BE IT RESOLVED THAT** Council protest the enactment of this Regulation;

**AND BE IT FURTHER RESOLVED THAT** the Minister of Municipal Affairs and Housing be asked to hold this Regulation in abeyance until such time as the Courts have ruled on this matter;

**AND BE IT FURTHER RESOLVED THAT** the Association of Municipalities of Ontario be requested to take this matter up with the Minister of Municipal Affairs and Housing on an urgent basis, and the Federation of Canadian Municipalities 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(18) to the Policy and Finance Committee would have to be waived in order to now consider such Motion.

*Procedural Vote:*

The vote to waive referral of Motion J(18) to the Policy and Finance Committee carried, more than two-thirds of Members present having voted in the affirmative.

*Vote:*

Motion J(18) was adopted, without amendment.

**8.66 Interim Control By-law in the Area of Musgrave Street, Victoria Park Avenue and Gerrard Street East, Beaches-East York, Ward 32**

Councillor Bussin moved that, in accordance with the provisions of Chapter 27 of the City of Toronto Municipal Code, leave be granted to permit introduction and debate of the following Notice of Motion J(19), which carried:

**Moved by:**                    **Councillor Bussin**

**Seconded by:**                **Councillor McConnell**

“**WHEREAS** portions of the lands located north of Gerrard Street East, east of Main Street and west of Victoria Park Avenue, are zoned under By-law No. 438-86 of the former City of Toronto for Industrial or Industrial – Commercial use (the Study Area); and

**WHEREAS** currently permitted uses on the Study Area lands include a range from a lumber yard, to self storage warehousing to various automotive-related uses, which may be considered incompatible with the existing and the emerging residential neighbourhood; and

**WHEREAS** there is existing low density residential to the south of the Study Area, and new residential redevelopment, consisting of approximately 500 units on 2.4 hectares of land, generally to the north and northwest of the Study Area; and

**WHEREAS** for the foregoing reasons, it would be appropriate to direct that a review or study in respect of the Study Area be undertaken and to enact an Interim Control By-law for the Study Area;

**NOW THEREFORE BE IT RESOLVED THAT** Council give consideration to the report dated October 23, 2002, from the Commissioner of Urban Development Services, recommending the adoption of an Interim Control By-law for lands known municipally in the year 2002 as 1-29 Musgrave Street, 600 Victoria Park Avenue, 2234-2276, 2234-2276 and 2284-2316 Gerrard Street East, for a period of one year, and that such report be adopted;

**AND BE IT FURTHER RESOLVED THAT** the City Solicitor be authorized to submit the necessary Bills to Council that are required to give effect to the foregoing.”

Council also had before it, during consideration of Motion J(19), a report dated October 21, 2002, from the Commissioner of Urban Development Services, entitled “Proposed Interim Control By-law to Prohibit Industrial Redevelopment Applications in the Area of Musgrave Street, from Dengate Road to Victoria Park Avenue, 600 Victoria Park Avenue, and all parts of the North Side of Gerrard Street East Between the Ted Reeve Arena to Victoria Park Avenue that are Zoned ‘I’, Beaches-East York, Ward 32”. (See Attachment No. 6, Page 199).

*Vote:*

Motion J(19) was adopted, without amendment, and, in so doing, Council adopted, without amendment, the report dated October 21, 2002, from the Commissioner of Urban

Development Services, embodying the following recommendations:

“It is recommended that:

(1) City Council adopt the following Resolution:

‘Whereas Section 38 of the Planning Act authorizes Council to pass resolutions directing that a review or study be undertaken in respect of land use planning policies within the area of the municipality which is to be the subject of an Interim Control By-law, therefore be it resolved that Council request the Commissioner of Urban Development Services to undertake a review or study in respect of land use policies for those lands in the areas as described above and as shown on Attachment 1.’; and

(2) City Council, after adopting the Resolution in Recommendation No. (1), above, grant authority for the introduction of the necessary Bills in Council to substantially give effect to the following:

‘No person shall, in the area referred to in Recommendation No. (1), above, use any lot or erect or use any building or structure, save the buildings existing or under construction at the time of the passage of these Bills, for any industrial use that is specified in the draft Interim Control By-law for a period of one year.’ ”

City Council, on October 30, 2002, subsequently enacted By-law No. 846-2002.

**8.67 Request to Defer the Implementation of the Codified Licensing By-law to January 1, 2003**

Councillor Altobello 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(20), moved by Councillor Altobello, seconded by Councillor Balkissoon, and, in the absence of Councillor Balkissoon, seconded by Councillor Moscoe, which carried, more than two-thirds of Members present having voted in the affirmative:

**Moved by: Councillor Altobello**

**Seconded by: Councillor Moscoe**

“**WHEREAS** City Council at its meeting held on June 18, 19 and 20, 2002, passed By-law No. 514-2002, ‘A by-law to adopt a new City of Toronto Municipal Code Chapter 545, Licensing’, repealing and replacing Licensing By-law No. 574-2000, as amended; and

**WHEREAS** staff have recently become aware that the appropriate judicial officials have not yet approved set fines to be used in conjunction with the licensing provisions of the Toronto Municipal Code; and

**WHEREAS** the absence of approved set fines and short form wording will prohibit the issuance of tickets under Part I of the Provincial Offences Act to persons or corporations in violation of the licensing provisions of the Toronto Municipal Code;

**NOW THEREFORE BE IT RESOLVED THAT** in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Planning and Transportation Committee Report No. 7, Clause No. 3, headed 'Codification of the Licensing By-law', be re-opened for further consideration, only insofar as it pertains to the implementation date, in order to utilize approved set fines necessary for its enforcement;

**AND BE IT FURTHER RESOLVED THAT** the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction in Council of any necessary bills."

*Votes:*

The first Operative Paragraph embodied in Motion J(20) carried, more than two-thirds of Members present having voted in the affirmative.

The balance of Motion J(20) was adopted, without amendment.

- 8.68 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 November 26, 2002:

REPORT NO. 13 OF THE ADMINISTRATION COMMITTEE

Clause No. 23 - "Toronto Fire Department Superannuation and Benefit Fund Actuarial Valuation Results as of December 31, 2001".

REPORT NO. 9 OF THE COMMUNITY SERVICES COMMITTEE

Clause No. 9 - "Update on Additional Grants of \$10,000.00 or More Under the Tenant Support Grants Program - Decisions of the Ontario Municipal Board and the Divisional Court".



- Clause No. 10 - “Other Items Considered by the Committee”  
(h) Emergency Homelessness Pilot Project - Process for Focus Group and Eligibility Criteria

REPORT NO. 9 OF THE ECONOMIC DEVELOPMENT AND PARKS COMMITTEE

- Clause No. 2 - “Meeting Place: Toronto as a Leading Financial Centre Report to the Toronto Financial Services Alliance (TFSA) Leaders’ Forum (All Wards)”.
- Clause No. 11 - “Goose Control Program (All Wards)”.

REPORT NO. 14 OF THE POLICY AND FINANCE COMMITTEE

- Clause No. 4 - “Second Quarter 2002 Operating Variance Report”.
- Clause No. 8 - “Toronto Police Service - 2001 Annual Report”.
- Clause No. 12 - “Enhancement of the City of Toronto’s Art Collection (All Wards)”.
- Clause No. 16 - “Update on Bill 151 - The Toronto Waterfront Revitalization Corporation Act, 2001”.

REPORT NO. 11 OF THE TORONTO EAST YORK COMMUNITY COUNCIL

- Clause No. 23 - “Appeal of Denial of Application for Boulevard Cafe - 119 Harbord Street Major Street Flankage (Trinity-Spadina, Ward 20)”.

NOTICES OF MOTION

- F(1) - Moved by Councillor Di Giorgio, seconded by Councillor Li Preti, respecting the Proposed ‘Super Hospital’ – Keele Street and Sheppard Avenue West.
- F(2) - Moved by Councillor Layton, seconded by Councillor Miller, respecting the Support to Defend Against the Appeal With Respect to the Sale of Hydro One.

Council concurred in the proposal by Deputy Mayor Ootes.

**BILLS AND BY-LAWS**

- 8.69 On October 29, 2002, at 7:29 p.m., Councillor Di Giorgio, seconded by Councillor Bussin, 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. 928	By-law No. 845-2002	To confirm the proceedings of the Council at its meeting held on the 29th day of October, 2002,
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the vote upon which was taken as follows:

Yes - 26	
Mayor:	Lastman
Councillors:	Altobello, Balkissoon, Berardinetti, Bussin, Di Giorgio, Disero, Duguid, Flint, Ford, Hall, Holyday, Johnston, Kelly, Mammoliti, McConnell, Mihevc, Miller, Moscoe, Nunziata, Pantalone, Rae, Shiner, Silva, Tziretas, Walker
No - 0	

Carried without dissent.

- 8.70 On October 30, 2002, at 2:35 p.m., Councillor Bussin, seconded by Councillor McConnell, 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. 885	By-law No. 846-2002	To effect interim control within lands municipally known in the year 2001 as 1 to 29 Musgrave Street, 600 Victoria Park Avenue, 2234 to 2276 Gerrard Street East, 2284 to 2316 Gerrard Street East and 2336 to 2366 Gerrard Street East.
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- 8.71 On October 30, 2002, at 7:42 p.m., Councillor Altobello, seconded by Councillor Korwin-Kuczynski, 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. 913	By-law No. 847-2002	To amend the implementation date of the new City of Toronto Municipal Code Chapter 545, Licensing.
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8.72 On October 30, 2002, at 7:43 p.m., Councillor Duguid, seconded by Councillor Holyday, 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. 929	By-law No. 848-2002	To confirm the proceedings of the Council at its meeting held on the 29th and 30th days of October, 2002,
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the vote upon which was taken as follows:

Yes - 31 Councillors:	Altobello, Ashton, Augimeri, Berardinetti, Bussin, Cho, Chow, Di Giorgio, Disero, Duguid, Holyday, Johnston, Jones, Korwin-Kuczynski, Layton, Mammoliti, McConnell, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Silva, Tziretas, Walker
No - 3 Councillors:	Flint, Ford, Shiner

Carried by a majority of 28.

8.73 On October 31, 2002, at 4:50 p.m., Councillor Moscoe, seconded by Councillor Holyday, moved that leave be granted to introduce the following Bills, and that these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws, which carried:

Bill No. 838	By-law No. 849-2002	To amend By-law No. 125-2001, being a By-law to stop up and close the portion of the public lane extending easterly from Northcliffe Boulevard, abutting premises No. 659 Northcliffe Boulevard, and to authorize the lease thereof.
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Bill No. 839	By-law No. 850-2002	To amend City of Toronto Municipal Code Chapter 27, Council Procedures, to enact procedural changes relating to debates to defer or refer entire clauses.
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Bill No. 840	By-law No. 851-2002	To amend further By-law No. 23503 of the former City of Scarborough, respecting the regulation of traffic on Toronto Roads.
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Bill No. 841	By-law No. 852-2002	To amend further By-law No. 23504 of the former City of Scarborough respecting the regulation of traffic on Toronto Roads.
Bill No. 842	By-law No. 853-2002	To amend Chapter 400 of the Toronto Municipal Code, the Traffic and Parking Code, a by-law of the former City of Toronto, respecting the designation of a private roadway at 30 Stadium Road as a fire route.
Bill No. 843	By-law No. 854-2002	To amend Municipal Code Chapter 363, Building Construction and Demolition, respecting conditional permits under section 8 of the Building Code Act, 1992. <b>(amended)</b>
Bill No. 844	By-law No. 855-2002	To make technical and other minor amendments to Municipal Code Chapter 681, Sewers, Article I, Sewage and Land Drainage.
Bill No. 845	By-law No. 856-2002	To amend further Metropolitan Toronto By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 846	By-law No. 857-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 847	By-law No. 858-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 848	By-law No. 859-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article II.
Bill No. 849	By-law No. 860-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.

Bill No. 850	By-law No. 861-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 851	By-law No. 862-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 852	By-law No. 863-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 853	By-law No. 864-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 854	By-law No. 865-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 855	By-law No. 866-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 856	By-law No. 867-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 857	By-law No. 868-2002	To amend the Municipal Code of the former City of Etobicoke with respect to Traffic - Chapter 240, Article I.
Bill No. 858	By-law No. 869-2002	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to reflect the name change of Downtown Yonge Street Business Improvement Area to Downtown Yonge Business Improvement Area.
Bill No. 859	By-law No. 870-2002	To amend further Metropolitan By-law No. 109-86, respecting maximum rates of speed on certain former

		Metropolitan Roads.
Bill No. 860	By-law No. 871-2002	To amend further Metropolitan Toronto By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 861	By-law No. 872-2002	To amend further Metropolitan By-law No. 109-86, respecting maximum rates of speed on certain former Metropolitan Roads.
Bill No. 862	By-law No. 873-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands known as 200 Lonsdale Road (Upper Canada College).
Bill No. 863	By-law No. 874-2002	To amend By-law No. 255-69 of the former City of Toronto, respecting lands known as 85 Harbour Street.
Bill No. 864	By-law No. 875-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 865	By-law No. 876-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Armadale Avenue.
Bill No. 866	By-law No. 877-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Garden Avenue, St. Clarens Avenue and St. John's Road.
Bill No. 867	By-law No. 878-2002	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. 868	By-law No. 879-2002	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. 869	By-law No. 880-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Wiltshire Avenue.
Bill No. 870	By-law No. 881-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Harbord Street.
Bill No. 871	By-law No. 882-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Douro Street.
Bill No. 872	By-law No. 883-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Madison Avenue.
Bill No. 873	By-law No. 884-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Canniff Street.
Bill No. 874	By-law No. 885-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Sackville Street.
Bill No. 875	By-law No. 886-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Annette Street.
Bill No. 876	By-law No. 887-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Carlton Street.
Bill No. 877	By-law No. 888-2002	To establish a Kids @ Computers Scholarship Project Reserve Fund and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add this reserve fund.

Bill No. 879	By-law No. 889-2002	To amend City of Toronto Municipal Code Chapter 636, Public Squares, to modify the powers and duties of the Board of Management for Yonge-Dundas Square.
Bill No. 880	By-law No. 890-2002	To exempt lands municipally known as 278 Estelle Avenue and 265-269 Finch Avenue East from Part Lot Control.
Bill No. 881	By-law No. 891-2002	To amend new City of Toronto Municipal Code Chapter 545, Licensing.
Bill No. 882	By-law No. 892-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Gerrard Street East.
Bill No. 883	By-law No. 893-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting College Street.
Bill No. 884	By-law No. 894-2002	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. 886	By-law No. 895-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Cavell Avenue, Grenville Street, Howland Avenue and St. David Street.
Bill No. 887	By-law No. 896-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Beatrice Street and Huron Street.
Bill No. 888	By-law No. 897-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.



Bill No. 889	By-law No. 898-2002	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. 890	By-law No. 899-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Curzon Street, Heyworth Crescent, Norwood Road and Rhodes Avenue.
Bill No. 891	By-law No. 900-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting McMurrich Street.
Bill No. 892	By-law No. 901-2002	To layout and dedicate certain land for public lane purposes to form part of the public lane west of Bathurst Street extending northerly from Alcina Street.
Bill No. 893	By-law No. 902-2002	To amend the General Zoning By-law No. 438-86, as amended for the former City of Toronto with respect to lands known tentatively as 6 Wellesley Place.
Bill No. 894	By-law No. 903-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 895	By-law No. 904-2002	To exempt certain lands at the intersection on Laughton Avenue from Part Lot Control.
Bill No. 896	By-law No. 905-2002	To exempt lands municipally known as portions of 51-55 Renown Road from Part Lot Control.
Bill No. 897	By-law No. 906-2002	To adopt an amendment to the Official Plan for the former City of Toronto respecting lands known as 68 Broadview Avenue and 677R Queen

		Street East.
Bill No. 898	By-law No. 907-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 68 Broadview Avenue and 677R Queen Street East.
Bill No. 899	By-law No. 908-2002	To amend City of Toronto By-law No. 412-2000 regarding the heritage designation of 519 Jarvis Street (Chester D. Massey House).
Bill No. 900	By-law No. 909-2002	To amend City of Toronto By-law No. 413-2000 regarding the heritage designation of 2 Wellesley Place (Rupert Simpson House and Stable).
Bill No. 901	By-law No. 910-2002	To amend City of Toronto By-law No. 409-2000 regarding the heritage designation of 4 Wellesley Place (Mary Perram House).
Bill No. 902	By-law No. 911-2002	To authorize the alteration of Earl Street between Huntley Street and Sherbourne Street by the narrowing of the pavement on the south side of Earl Street east of Huntley Street and widening of the boulevard area.
Bill No. 903	By-law No. 912-2002	To authorize the alteration of Delaware Avenue between Hallam Street and Dupont Street by the narrowing of the pavement on the east side and widening of the boulevard.
Bill No. 904	By-law No. 913-2002	To amend By-law No. 1129-87 of the former City of York, being a By-law "To prescribe a speed limit of 40 kilometres per hour on various streets in City of York".

Bill No. 905	By-law No. 914-2002	To amend By-law No. 612-2002 being a By-law 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. 906	By-law No. 915-2002	To authorize the alteration of Eglinton Avenue East and Holly Street by the redesign of the southwest corner of this intersection.
Bill No. 907	By-law No. 916-2002	To authorize the alteration of Atlas Avenue between Earlsdale Avenue and Vaughan Road by the installation of three speed humps.
Bill No. 908	By-law No. 917-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Close Avenue.
Bill No. 909	By-law No. 918-2002	To amend further Metropolitan By-law No. 32-92, respecting the regulation of traffic on former Metropolitan Roads.
Bill No. 910	By-law No. 919-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Newgate Road and Raglan Avenue.
Bill No. 911	By-law No. 920-2002	To amend the former City of Toronto Municipal Code Chapter 400, Traffic and Parking, respecting Berkeley Street, Carlton Street, Front Street East, Front Street West, Niagara Street, Parliament Street, Princess Street, The Esplanade, and Wellington Street West.
Bill No. 912	By-law No. 921-2002	To amend further Metropolitan By-law No. 109-86, respecting maximum rates of speed on certain former

## Metropolitan Roads.

Bill No. 914	By-law No. 922-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 915	By-law No. 923-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 916	By-law No. 924-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 917	By-law No. 925-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 918	By-law No. 926-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, with respect to speed control zones.
Bill No. 919	By-law No. 927-2002	To amend the General Zoning By-law No. 438-86 of the former City of Toronto, as amended, respecting lands known as 381-411 Richmond Street East and 424-460 Adelaide Street East.
Bill No. 920	By-law No. 928-2002	To amend By-law No. 226-1998 to re-assign three of the Deputy Chief Building Officials to new districts.
Bill No. 921	By-law No. 929-2002	To amend the former City of Toronto Municipal Code Ch. 400, Traffic and Parking, respecting Mercer Street.
Bill No. 924	By-law No. 930-2002	To amend further By-law No. 380-74 of the former Corporation of the City of

Toronto respecting civic employees' pensions and other benefits.

Bill No. 925                      By-law No. 931-2002                      To further amend By-law No. 133-96 of the former Municipality of Metropolitan Toronto respecting the composition of the Board of Directors of the Hummingbird Centre for the Performing Arts and to further amend the Board to establish a Liaison Committee. **(amended)**

Bill No. 926                      By-law No. 932-2002                      To amend former City of Toronto By-law No. 464-75 regarding the heritage designation of 515 Jarvis Street (Hart Massey House (McMaster)).

Bill No. 927                      By-law No. 933-2002                      To authorize the alteration of the northeast/northwest corners of the intersection of Ellis Park Road and The Palisades and the extension of the sidewalk on the south side of Ellis Park Road east of Ellis Avenue. **(amended)**

8.74 On October 31, 2002, at 4:50 p.m., Councillor Duguid, seconded by Councillor Holyday, 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. 930                      By-law No. 934-2002                      To confirm the proceedings of the Council at its meeting held on the 29th, 30th and 31st days of October, 2002,

the vote upon which was taken as follows:

Yes - 28	
Mayor:	Lastman
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Filion, Hall, Holyday, Johnston, Jones, Layton, Li Preti, McConnell, Miller, Minnan-Wong, Moscoe, Nunziata, Ootes, Rae, Shaw, Shiner, Walker
No - 0	

Carried without dissent.

- 8.75 On October 31, 2002, at 5:12 p.m., Councillor Minnan-Wong, seconded by Councillor Layton, moved that leave be granted to introduce the following Bill, and that this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law:

Bill No. 931	By-law No. 935-2002	To confirm the proceedings of the Council at its meeting held on the 29th, 30th and 31st days of October, 2002,
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the vote upon which was taken as follows:

Yes - 28	
Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Bussin, Cho, Chow, Di Giorgio, Duguid, Feldman, Filion, Hall, Johnston, Jones, Layton, Li Preti, McConnell, Mihevc, Milczyn, Minnan-Wong, Moscoe, Nunziata, Ootes, Pantalone, Rae, Shaw, Shiner, Walker
No - 1	
Councillor:	Holyday

Carried by a majority of 27.

The following Bills were withdrawn:

- |              |  |
|--------------|--|
| Bill No. 878 | To establish an Art Acquisition Reserve Fund, to close the Art Acquisition Reserve Fund (Etobicoke) and the Art Acquisition Reserve Fund (North York), and to amend Municipal Code Chapter 227, Reserves and Reserve Funds, to add and delete these reserve funds. |
| Bill No. 922 | To amend further By-law No. 10649 of the former Corporation of the City of Toronto respecting firefighters' pensions and other benefits.   |
| Bill No. 923 | To amend further By-law No. 10649 of the former Corporation of the City of Toronto respecting firefighters' pensions and other benefits.   |

#### **OFFICIAL RECOGNITIONS:**

- 8.76 **Condolence Motions**

**October 29, 2002:**

Councillor Rae, seconded by Councillor Layton, moved that:

**“WHEREAS** the City of Toronto and the gay community lost an active and valued citizen with the death of Robert Trow on October 21, 2002; and

**WHEREAS** Robert was born in East York on November 23, 1948, and was a graduate of the University of Toronto; and

**WHEREAS** Robert was a respected leader and staff member at the Hassle Free Clinic, in downtown Toronto, for 26 years; and

**WHEREAS** Robert was a pioneer advocate for legal anonymous HIV testing across Ontario, and with his guidance, the Province became one of the first jurisdictions in North America to offer anonymous testing. The current protocols are based on the innovative program developed at the Hassle Free Clinic; and

**WHEREAS** Robert developed the Body Positive Support Program for men living with HIV which taught hundreds of people how to take control of their illness; and

**WHEREAS** Robert served on the Ontario Advisory Committee on HIV and AIDS since 1991, advising seven different Ministers of Health; and

**WHEREAS** Robert worked with the City’s Department of Public Health and advocated with them to ensure successful and appropriate delivery of sexual health information and clinical practices in the City of Toronto; and

**WHEREAS** Robert and the Hassle Free Clinic provided the vehicle for quickly informing the community about emergency public health issues such as meningitis and TB; and

**WHEREAS** Robert loved opera, food and fun; and

**WHEREAS** Robert Trow made a significant contribution to the public good and to public health that will always be felt and remembered in this City;

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk be directed to convey, on behalf of members of City Council, our sincere sympathy to Robert’s partner Denis Fontaine, his parents Lucie and Bill Trow and his brothers Phillip and Christopher, his close friends Gerald Hannon, Gerry Oxford, Ed Jackson and his colleagues and friends at the Hassle Free Clinic.”

Councillor Jones, seconded by Councillor Miller, moved that:

**“WHEREAS** Gordon Sykes passed away on August 7, 2002, in his 85th year; and

**WHEREAS** Gordon was a long time resident of the Village of Swansea; and

**WHEREAS** Gordon was actively involved in volunteer work and dedicated even more time to this after his nearly fifty years of service with Stelco, Swansea Works; and

**WHEREAS** Gordon was a founding member of the Swansea Historical Society in 1985, a recipient of the Jean Hibbert Award for Valuable Contributions to the Preservation of Local History, and a long time volunteer at Montgomery’s Inn, where he crafted wooden toys among his many volunteer duties since the spring of 1974; and

**WHEREAS** Gordon was a prolific writer, preserving Swansea history with anecdotes, vignettes and articles that told tales of industries, shops and rooming houses and an account of the great train wreck; and

**WHEREAS** Gordon will be remembered for his passion and knowledge of Victorian glass, postage stamps, post cards and many other historical items, his sense of humour and his love for his wife of 58 years;

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

Leave to introduce the foregoing Motions was granted and the Motions were adopted unanimously.

Council rose and observed a moment of silence in memory of the late Robert Trow and Gordon Sykes.

#### 8.77 **Presentations/Introductions/Announcements:**

##### **October 29, 2002:**

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of the following schools, present at the meeting:

- Eastern High School of Commerce; and
- St. Anselm Catholic School.



Councillor Pitfield, during the morning session of the meeting, with the permission of Council, addressed the Council, as the representative of Council on the Pedestrian Committee, to officially launch the Toronto Pedestrian Charter which was passed unanimously by City Council in May of 2002; recognized former Councillor John Adams, present at the meeting, who was the original representative of Council on the Pedestrian Committee; outlined the history and principles of the Toronto Pedestrian Charter; invited Jane Jacobs to address the Council; and requested Rhona Swarbrick and Janice Etter to join Jane Jacobs at the podium to unveil the Toronto Pedestrian Charter.

**October 30, 2002:**

Councillor Augimeri, during the morning session of the meeting, with the permission of Council, addressed the Council, as the representative of Council for the Toronto Youth Games; expressed appreciation to Deputy Mayor Ootes and the many volunteers who worked behind the scenes and gave generously of their time to again make the Games a truly wonderful opportunity for young people to experience the thrill of athletic competition; extended, on behalf of Council, the congratulations of Council to the winning teams and to all of the teams involved in the Games; advised the Council that 2002 Gold Medal Winning Team was the Glen Long Gladiators; invited the Coach of the Glen Long Gladiators, Lara Ginevra, to the podium and presented a memento to Ms. Ginevra to mark the occasion; and introduced the following members of the Glen Long Gladiators present at the meeting:

Marizio Calabretta	Maria Crimi
Paul Di Simone	Janele Estwick
Deanne Graci	Emmie Kakkas
Krista Limcumpao	David Panici
Nick Spagnolo	Chris Spadafora
Tina Dinardo-Wood	

Acting Chair Disero, during the morning session of the meeting, introduced the students of West Hill Public High School, present at the meeting.

Deputy Mayor Ootes, during the morning session of the meeting, introduced the students of the Centre for Information and Community Services, present at the meeting.

Councillor Chow, during the morning session of the meeting, with the permission of Council, advised the Council that October 30, 2002, had been declared as “Child Care Worker Appreciation Day”, in the City of Toronto, in recognition of the influence, dedication and commitment of child care workers to children, their families and the quality of life of the community.

Councillor Soknacki, during the morning session of the meeting, with the permission of Council, addressed the Council and outlined the achievements of Dennis Lee, the City of

Toronto Poet Laureate, since his appointment by City Council, and invited Mr. Lee to the podium to address Council. Mr. Lee addressed the Council and recited two of his new poems, "Percy and Pixie" and "Tell the Ones You Love That You Love Them". Deputy Mayor Ootes, on behalf of Council, expressed the appreciation of Council to Mr. Lee.

Councillor Miller, during the afternoon session of the meeting, with the permission of Council, introduced The Hon. Conrad Sayers, Minister of State in the Ministry of Foreign Affairs, Commerce and Trade, accompanied by Mr. Bernard John, Consul General, and Mr. Clem Ballah, Consul/Economic Affairs, who are visiting Canada as official representatives of the Government of St. Vincent and the Grenadines to celebrate the 23<sup>rd</sup> anniversary of the nation's independence being observed by the Vincent communities in Toronto, Ottawa and Montreal.

Mayor Lastman, during the afternoon session of the meeting, at the conclusion of the debate on the New City of Toronto Official Plan, extended appreciation and congratulations to Members of Council and staff for their dedication and hard work in producing a new Official Plan for the City of Toronto.

**October 31, 2002:**

Deputy Mayor Ootes, during the morning session of the meeting, introduced the representatives of the Consular Spouses Association of Toronto, present at the meeting.

Councillor Pantalone, during the morning session of the meeting, with the permission of Council, addressed the Council, as the Tree Advocate for the City of Toronto, regarding the success of the Tree Advocacy Program since the program was launched by the Mayor and Council in June 2000; advised the Council that, over the past three years, 174,000 items of vegetation, such as trees and bushes, have been planted in the City of Toronto; extended, on behalf of Council, the appreciation of Council to the numerous corporate sponsors and thousands of volunteers who have given their support to the Tree Advocacy Program; invited Members of Council to view a video presentation, entitled "How Many Trees?", which will be used as an educational tool for the program; and, together with Mayor Lastman, presented a scroll and small cedar tree to the following 2002 sponsors of the Program:

- Karen Zeppa, Toronto Hydro;
- Maurice Anderson and Dave Roberts, Toronto Parking Authority;
- David Stonehouse, Evergreen;
- Al Shaw, Resident;
- Kellie Cullihall, for the Franklin the Turtle Project, Kids Can Press; and
- Roger St. Louis, representative for the Franklin the Turtle Pond Project - TD Friends of the Environment Foundation.

Councillor Pantalone further advised the Council that Paulette Bourgeois and Brenda Clark,

the creators of Franklin the Turtle, were also being honoured but were, unfortunately, unable to attend this meeting of Council; and extended an invitation to the volunteers to join Mayor Lastman and himself for a photo opportunity, after which each sponsor would receive a brass leaf to place on the Tree Hall of Fame to recognize their contribution to the program.

Mayor Lastman, during the morning session of the meeting, with the permission of Council, invited Mr. Lou Gossett Jr., star of stage and screen, to the podium to address the Council. Mr. Gossett Jr. addressed the Council in regard to 'e-racism', a program which has been initiated in the United States of America to eradicate all forms of racism.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the students of Avondale Alternative School, present at the meeting.

Deputy Mayor Ootes, during the afternoon session of the meeting, introduced the representatives of Iksan City Council, South Korea, together with Deputy Chair Chung Ki Kim, present at the meeting.

#### 8.78 **MOTIONS TO VARY PROCEDURE**

*Vary the proceedings of Council:*

##### **October 31, 2002:**

Mayor Lastman, at 11:10 a.m., moved that Council vary its proceedings, in order to permit the Chairman of the Toronto Police Services Board to address Council in regard to Motion J(9), moved by Councillor Shaw, seconded by Councillor Balkissoon, entitled "Principle of Zero Tolerance of Racial Profiling for Policing in the City of Toronto", which carried, more than two-thirds of Members present having voted in the affirmative.

*Vary the order of proceedings of Council:*

##### **October 29, 2002:**

Councillor Walker, at 10:10 a.m., moved that Council vary the order of its proceedings to consider Clause No. 1 of Report No. 13 of The Administration Committee, headed "Municipal Campaign Finance Reform", as the first item of business following consideration of items deferred from the last meeting of City Council, the vote upon which was taken as follows:

Yes - 31
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Councillors:	Altobello, Ashton, Augimeri, Balkissoon, Berardinetti, Cho, Chow, Di Giorgio, Disero, Filion, Flint, Ford, Hall, Holyday, Jones, Kelly, Korwin-Kuczynski, Layton, Li Preti, Mihevc, Milczyn, Miller, Moeser, Moscoe, Nunziata, Pantalone, Rae, Shaw, Soknacki, Sutherland, Walker
No - 8	
Mayor:	Lastman
Councillors:	Duguid, Johnston, Minnan-Wong, Ootes, Shiner, Silva, Tziretas

Carried by a majority of 23.

**October 31, 2002:**

Councillor Moscoe, at 10:05 a.m., moved that Council vary the order of its proceedings to consider Motion J(9), moved by Councillor Shaw, seconded by Councillor Balkissoon, entitled “Principle of Zero Tolerance of Racial Profiling for Policing in the City of Toronto”, at 4:30 p.m. today, and that the Chairman of the Toronto Police Services Board be requested to appoint a Deputy to represent him at Council during consideration of this matter, the vote upon which was taken as follows:

Yes - 11	
Councillors:	Augimeri, Chow, Disero, Filion, Li Preti, Mammoliti, Mihevc, Moscoe, Nunziata, Ootes, Silva
No - 20	
Mayor:	Lastman
Councillors:	Altobello, Cho, Di Giorgio, Duguid, Feldman, Flint, Ford, Hall, Holyday, Jones, Korwin-Kuczynski, McConnell, Milczyn, Pitfield, Rae, Shaw, Shiner, Tziretas, Walker

Lost by a majority of 9.

Deputy Mayor Ootes, at 10:15 a.m., moved that Council vary the order of its proceedings to resume consideration of the “time critical” items remaining on the Order Paper for this meeting of Council at 2:00 p.m. today, the vote upon which was taken as follows:

Yes - 27	
Mayor:	Lastman
Councillors:	Cho, Chow, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, Li Preti, Mammoliti, Mihevc, Milczyn, Moscoe, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shiner, Silva, Tziretas
No - 6	

Councillors: Altobello, Augimeri, Fillion, McConnell, Shaw, Walker
--

Carried by a majority of 21.

Councillor Holyday, at 10:17 a.m., moved that Council vary the order of its proceedings to consider Motion J(9), moved by Councillor Shaw, seconded by Councillor Balkissoon, entitled “Principle of Zero Tolerance of Racial Profiling for Policing in the City of Toronto”, at 10:30 a.m. today, the vote upon which was taken as follows:

Yes - 27
Mayor: Lastman
Councillors: Altobello, Augimeri, Cho, Di Giorgio, Disero, Duguid, Feldman, Flint, Ford, Hall, Holyday, Johnston, Jones, Korwin-Kuczynski, McConnell, Mihevc, Milczyn, Nunziata, Ootes, Pantalone, Pitfield, Rae, Shaw, Shiner, Tziretas, Walker
No - 6
Councillors: Chow, Fillion, Li Preti, Mammoliti, Moscoe, Silva

Carried by a majority of 21.

Councillor Walker, at 4:55 p.m., moved that Council vary the proceedings to take the vote on Motion J(9), moved by Councillor Shaw, seconded by Councillor Balkissoon, entitled “Principle of Zero Tolerance of Racial Profiling for Policing in the City of Toronto”, at 4:59 p.m. today, whether Council has or has not concluded its debate on this matter, the vote upon which was taken as follows:

Yes - 23
Councillors: Altobello, Augimeri, Balkissoon, Bussin, Cho, Di Giorgio, Duguid, Feldman, Fillion, Johnston, Jones, McConnell, Milczyn, Mihevc, Miller, Minnan-Wong, Moscoe, Ootes, Pantalone, Rae, Shaw, Shiner, Walker
No - 9
Mayor: Lastman
Councillors: Ashton, Chow, Disero, Hall, Holyday, Layton, Li Preti, Nunziata

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

*Waive the provisions of Chapter 27 of the City of Toronto Municipal Code related to meeting times:*

**October 29, 2002:**

Councillor Shiner, at 10:05 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 on October 31, 2002, and that Council adjourn at 5:00 p.m. on October 31, 2002, which carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Ootes, at 10:28 a.m., having regard to a disturbance in the Council Chamber, proposed that Council now recess for approximately ten minutes. Council concurred in the proposal by Deputy Mayor Ootes.

Deputy Mayor Ootes, at 12:25 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 12:30 p.m. recess, and that Council continue in session in order to conclude the presentation by Councillor Pitfield respecting the Toronto Pedestrian Charter, which carried, more than two-thirds of Members present having voted in the affirmative.

**October 30, 2002:**

Deputy Mayor Ootes at 12:29 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 12:30 p.m. recess, and that Council continue in session, in order to permit Mr. Dennis Lee, the City of Toronto Poet Laureate, to conclude his remarks, which carried, more than two-thirds of Members present having voted in the affirmative.

Deputy Mayor Ootes at 7:20 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, and that Council continue in session, in order to conclude the vote on Clause No. 1 of Report No. 11 of The Planning and Transportation Committee, headed "Proposed New Official Plan for the City of Toronto and Repeal of the Official Plans for the Former Municipalities of Metropolitan Toronto, East York, Etobicoke, North York, Scarborough, Toronto and York", which carried, more than two-thirds of Members present having voted in the affirmative.

**October 31, 2002:**

Deputy Mayor Ootes at 12:25 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 12:30 p.m. recess, and that Council continue in session, in order to permit Mr. Lou Gossett Jr. to address the Council, which carried, more than two-thirds of Members present having voted in the affirmative.

Councillor Walker, at 4:10 p.m., moved that the previous decision of Council with respect to adjournment at 5:00 p.m. today, be re-opened for further consideration and that Council continue in session, in order to conclude consideration of Motion J(9), moved by Councillor Shaw, seconded by Councillor Balkissoon, entitled “Principle of Zero Tolerance of Racial Profiling for Policing in the City of Toronto”, the vote upon which was taken as follows:

Yes - 12	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Chow, Duguid, Layton, McConnell, Pitfield, Rae, Shaw, Walker
No - 15	
Councillors:	Bussin, Cho, Di Giorgio, Disero, Feldman, Hall, Holyday, Johnston, Li Preti, Mihevc, Moscoe, Nunziata, Ootes, Pantalone, Shiner

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

Councillor Walker, at 4:48 p.m., moved that the previous decision of Council with respect to adjournment at 5:00 p.m. today, be re-opened for further consideration and that Council continue in session until 5:15 p.m., in order to conclude consideration of Motion J(9), moved by Councillor Shaw, seconded by Councillor Balkissoon, entitled “Principle of Zero Tolerance of Racial Profiling for Policing in the City of Toronto”, the vote upon which was taken as follows:

Yes - 15	
Mayor:	Lastman
Councillors:	Ashton, Augimeri, Balkissoon, Chow, Duguid, Johnston, Layton, McConnell, Nunziata, Ootes, Pantalone, Rae, Shaw, Walker
No - 16	
Councillors:	Altobello, Bussin, Cho, Di Giorgio, Disero, Feldman, Fillion, Hall, Holyday, Jones, Li Preti, Mihevc, Miller, Minnan-Wong, Moscoe, Shiner

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

Deputy Mayor Ootes, at 4:58 p.m., moved that the previous decision of Council with respect to adjournment at 5:00 p.m. today, be re-opened for further consideration and that Council continue in session, in order to permit Mayor Lastman to conclude his remarks, which carried, more than two-thirds of Members present having voted in the affirmative.

8.79 **ATTENDANCE**

Minutes of the Council of the City of Toronto  
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October 29, 2002	9:40 a.m. to 12:35 p.m.*	Roll Call 10:30 a.m.	Roll Call 2:10 p.m.	2:10 p.m. to 7:30 p.m.*	Roll Call 4:51 p.m.	Roll Call 6:11 p.m.
Lastman	x	-	x	x	-	x
Altobello	x	x	x	x	x	x
Ashton	x	x	x	x	-	-
Augimeri	x	x	x	x	-	x
Balkissoon	x	x	x	x	x	x
Berardinetti	x	x	x	x	-	x
Bussin	x	x	x	x	x	-
Cho	x	x	x	x	x	x
Chow	x	-	x	x	x	-
Di Giorgio	x	x	x	x	x	x
Disero	x	x	x	x	x	x
Duguid	x	x	x	x	-	-
Feldman	-	-	-	-	-	-
Filion	x	x	x	x	x	x
Flint	x	x	x	x	x	x
Ford	x	x	-	-	-	-
Hall	x	x	-	x	x	x
Holyday	x	x	x	x	x	x
Johnston	x	-	-	x	x	x
Jones	x	x	-	x	x	x
Kelly	x	-	-	x	x	x
Korwin-Kuczynski	x	x	-	x	x	-
Layton	x	-	-	-	x	-
Li Preti	x	-	x	x	x	-
Lindsay Luby	-	-	-	-	-	-
Mammoliti	x	x	x	x	-	x
McConnell	x	-	-	x	x	x
Mihevc	x	x	-	x	-	x
Milczyn	x	x	-	x	-	x
Miller	x	-	-	x	x	-
Minnan-Wong	x	-	x	x	x	x
Moeser	x	-	x	x	-	-
Moscoe	x	x	x	x	x	x



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October 29, 2002	9:40 a.m. to 12:35 p.m.*	Roll Call 10:30 a.m.	Roll Call 2:10 p.m.	2:10 p.m. to 7:30 p.m.*	Roll Call 4:51 p.m.	Roll Call 6:11 p.m.
Nunziata	x	x	x	x	x	x
Ootes	x	x	x	x	-	x
Pantalone	x	x	x	x	x	x
Pitfield	x	-	-	x	-	-
Rae	x	x	-	x	x	x
Shaw	x	x	x	x	x	x
Shiner	x	x	-	x	-	-
Silva	x	x	-	x	-	x
Soknacki	x	-	x	x	-	-
Sutherland	x	-	-	x	x	x
Tziretas	x	-	-	x	-	x
Walker	x	x	x	x	x	x
Total	43	29	26	41	27	30

\* Members were present for some or all of the time period indicated.

October 30, 2002	9:40 a.m. to 12:40 p.m.*	Roll Call 11:03 a.m.	Roll Call 11:44 a.m.	Roll Call 2:10 p.m.	Roll Call 3:20 p.m.	2:10 p.m. to 7:45 p.m.*
Lastman	x	x	x	-	x	x
Altobello	x	x	x	x	x	x
Ashton	x	-	x	x	x	-
Augimeri	x	x	x	x	x	x
Balkissoon	x	x	x	-	x	-
Berardinetti	x	x	x	x	x	-
Bussin	x	x	x	x	x	-
Cho	x	-	x	-	x	x
Chow	x	x	-	-	x	-
Di Giorgio	x	x	x	x	x	x
Disero	x	x	x	x	x	x
Duguid	x	x	x	x	x	-
Feldman	-	-	x	-	x	-
Filion	x	x	x	-	x	-
Flint	x	x	x	-	x	x
Ford	x	x	x	-	x	-
Hall	x	x	x	x	x	x

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October 30, 2002	9:40 a.m. to 12:40 p.m.*	Roll Call 11:03 a.m.	Roll Call 11:44 a.m.	Roll Call 2:10 p.m.	Roll Call 3:20 p.m.	2:10 p.m. to 7:45 p.m.*
Holyday	x	x	x	x	x	x
Johnston	x	-	x	-	x	x
Jones	x	x	x	x	x	-
Kelly	x	x	x	x	x	x
Korwin-Kuczynski	x	x	x	-	x	-
Layton	x	x	x	x	x	x
Li Preti	-	-	-	x	x	x
Lindsay Luby	-	-	-	-	-	-
Mammoliti	x	x	x	-	x	x
McConnell	x	x	x	-	x	x
Mihevc	x	x	x	-	x	-
Milczyn	x	x	x	-	x	x
Miller	x	x	x	-	x	-
Minnan-Wong	x	x	x	x	x	-
Moeser	x	x	x	x	x	-
Moscoe	x	x	x	-	x	x
Nunziata	x	x	x	x	x	x
Ootes	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	-
Shaw	x	x	x	x	x	x
Shiner	x	-	-	-	x	-
Silva	x	x	x	-	x	x
Soknacki	x	-	x	x	x	-
Sutherland	x	x	x	x	x	x
Tziretas	x	x	x	-	x	-
Walker	x	x	x	x	x	-
Total	42	37	41	25	44	23

\* Members were present for some or all of the time period indicated.

October 31, 2002	Roll Call 9:40 a.m.	9:40 a.m. to 12:35 p.m.*	Roll Call 12:21 p.m.	Roll Call 2:09 p.m.	2:09 p.m. to 5:15 p.m.*	Roll Call 4:12 p.m.

Minutes of the Council of the City of Toronto  
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October 31, 2002	Roll Call 9:40 a.m.	9:40 a.m. to 12:35 p.m.*	Roll Call 12:21 p.m.	Roll Call 2:09 p.m.	2:09 p.m. to 5:15 p.m.*	Roll Call 4:12 p.m.
Lastman	x	x	-	-	x	x
Altobello	x	x	x	x	x	x
Ashton	-	x	x	-	x	x
Augimeri	x	x	x	x	x	x
Balkissoon	x	x	x	x	x	x
Berardinetti	-	-	-	-	-	-
Bussin	x	x	x	-	x	x
Cho	x	x	x	x	x	x
Chow	-	x	x	-	x	x
Di Giorgio	x	x	-	x	x	x
Disero	x	x	x	x	x	x
Duguid	x	x	x	x	x	x
Feldman	-	x	-	-	x	x
Filion	-	x	x	-	x	-
Flint	-	x	-	-	x	-
Ford	x	x	x	-	-	-
Hall	x	x	x	x	x	x
Holyday	x	x	x	x	x	x
Johnston	x	x	-	x	x	x
Jones	x	x	x	x	x	-
Kelly	-	-	-	-	-	-
Korwin-Kuczynski	x	x	-	x	x	-
Layton	-	x	-	-	x	-
Li Preti	-	x	-	x	x	x
Lindsay Luby	-	-	-	-	-	-
Mammoliti	x	x	x	x	x	-
McConnell	x	x	x	x	x	x
Mihevc	x	x	x	-	x	-
Milczyn	x	x	-	-	x	-
Miller	x	x	x	-	x	-
Minnan-Wong	-	x	x	-	x	-
Moeser	-	x	-	-	x	-
Moscoe	-	x	x	x	x	x

Minutes of the Council of the City of Toronto  
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October 31, 2002	Roll Call 9:40 a.m.	9:40 a.m. to 12:35 p.m.*	Roll Call 12:21 p.m.	Roll Call 2:09 p.m.	2:09 p.m. to 5:15 p.m.*	Roll Call 4:12 p.m.
Nunziata	x	x	x	x	x	x
Ootes	x	x	x	x	x	x
Pantalone	x	x	-	-	x	x
Pitfield	-	x	-	-	x	-
Rae	x	x	x	x	x	x
Shaw	-	x	x	-	x	x
Shiner	-	x	-	x	x	x
Silva	-	x	-	x	x	-
Soknacki	-	x	x	x	x	-
Sutherland	-	x	-	-	x	-
Tziretas	x	x	-	-	x	-
Walker	x	x	-	x	x	x
Total	26	42	25	23	41	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(2)]**

Report dated September 27, 2002, from the City Solicitor, entitled “Potential Sale of Hydro One - Status of Legal Proceedings” (See Minute No. 8.47, Page 97):

Purpose:

This report responds to City Council’s request for a report on the status of the court appeal against the successful union challenge of Ontario’s ability to sell shares in Hydro One to the public.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendation:

It is recommended that this report be received for information.

Background:

City Council, at its meeting held on July 30, 31 and August 1, 2002, had before it Motion J(3), moved by Councillor Layton, that the City support the Communications, Energy and Paperworkers Union of Canada and the Canadian Union of Public Employees (the “Unions”) in their defence against an appeal to the Ontario Court of Appeal to stop the sale of Hydro One. Council deferred consideration of the motion to the next regular meeting of City Council and requested that the Chief Administrative Officer submit a report directly to City Council, for its consideration, on the status of the legal proceedings. This report responds to that request.

Comments:

The Unions successfully claimed, before the Superior Court of Justice of Ontario, that the Province did not have the legislative authority to offer Hydro One shares for sale to the public under the Electricity Act, 1998. The decision, dated April 19, 2002, was appealed by the Province of Ontario.

The appeal was heard by the Court of Appeal on June 19, 2002. The Province of Ontario had sought and been granted an expedited hearing. The Unions argued that the appeal was or would be moot because of events subsequent to the lower court decision, including the Province of Ontario’s introduction of Bill 58, the Reliable Energy and Consumer Protection Act, 2002 which would substantially amend the Electricity Act (the subject of the original court decision) to allow the Province of

Ontario to sell shares in Hydro One to the public. An appeal is considered moot if a decision will not resolve an issue affecting the rights of the parties. The Province of Ontario argued that the appeal was not moot as of the date of oral argument, but acknowledged that it would be moot if the recently-introduced legislation became law.

The court heard full argument on both the mootness issue and the merits of the appeal and reserved its decision on both issues. It released its decision on July 4, 2002, noting that the Reliable Energy and Consumer Protection Act, 2002 was enacted in the intervening period, on June 27, 2002, and concluded that the appeal was moot. It further determined that the Province of Ontario had not satisfied the Court that the circumstances of the case warranted a departure from the general rule that the court should not hear moot appeals. It dismissed the appeal.

The Unions were awarded their costs on a partial indemnity basis and only in relation to the mootness argument.

Conclusion:

It is recommended that this report be received for information.

Contact:

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**ATTACHMENT NO. 2 [Notice of Motion J(6)]**

Report dated October 28, 2002, from the City Solicitor, entitled “Toronto Computer Leasing Inquiry and Toronto External Contracts Inquiry” (See Minute No. 8.53, Page 106):

Purpose:

This report is to advise City Council of the clarification sought by Commission Counsel with respect to the Inquiry known as the Toronto External Contracts Inquiry.

Financial Implications and Impact Statement:

Not applicable.

Recommendations:

It is recommended that City Council approve the clarification sought by Commission counsel with respect to the scope of the Toronto External Contracts Inquiry, namely, that they will investigate and inquire into the supply of Dell desktops and servers which were referred to in the leasing RFQ, but not the other hardware and software listed in the RFQ.

Background:

At its meeting of October 1, 2 and 3, 2002, City Council approved the terms of reference for an Inquiry (subsequent or concurrent to the Toronto Computer Leasing Inquiry) concerning the Beacon and Remarkable Contracts and the external contracts, being Ball HSU-Associates Inc. and the contracts for the purchase of the computer hardware and software that subsequently formed the basis for the computer leasing RFQ that is the subject of the Toronto Computer Leasing Inquiry. This latter aspect was a matter which had been raised by Commission Counsel with our outside solicitors as an area which they would like to investigate and explore further.

Comments:

Madame Justice Bellamy has been designated as the Commissioner for the inquiry, known as the Toronto External Contracts Inquiry or “TECI”. Standing Hearings will be held on November 5, 2002, in respect of the TECI. Commission Counsel have written to our outside solicitors clarifying one aspect of the terms of reference of the TECI. They have identified that it is the Commission’s intention to investigate and inquire into the supply of Dell desktops and servers which were referred to in the leasing RFQ, but not the other hardware and software listed in the RFQ. Commission Counsel have confirmed that they only raised a concern with respect to the

specification of Dell as the desktop supplier on this RFQ and not the other suppliers or manufacturers of computer hardware and software. Commission Counsel have advised that to require the Commission to consider the purchase of other hardware and software would dramatically increase the workload of the TECI, as well as the cost to the City. Commission Counsel have indicated they have no concerns about those other matters and seek the clarification so that all parties are clear as to the scope of the terms of reference for the TECI.

Conclusion:

The clarification sought by Commission Counsel is that they will investigate and inquire into the supply of Dell desktops and servers which were referred to in the leasing RFQ, but not the other hardware and software listed in the RFQ. It is recommended that City Council approve the clarification sought by Commission Counsel with respect to the scope of the TECI.

Contact:

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**ATTACHMENT NO. 3 [Notice of Motion J(10)]**

Report dated October 24, 2002, from the Commissioner of Urban Development Services, entitled “Request for Approval of Variances from Chapter 297, Signs, of the Former City of Toronto Municipal Code, for One Flush-Mounted First-Party Vinyl Sign at 329-333 Yonge Street (HMV Store), Application No. 902073” (See Minute No. 8.57, Page 125):

Purpose:

To review and make recommendations on a request by Richard Armstrong of AG on behalf of HMV Canada Ltd. for approval of variances from Chapter 297, Signs, of the former City of Toronto Municipal Code, to permit one vinyl sign at the above noted location.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) the request for variances be approved to permit one vinyl sign at 329-333 Yonge Street; and
- (2) the applicant be advised, upon approval of variances, of the requirement to obtain the necessary sign permits from the Commissioner of Urban Development Services.

Comments:

The proposed sign is to be located on the HMV building at 329-333 Yonge Street which is directly to the north of the proposed Metropolis development close to the northeast corner of Yonge and Dundas Streets.

The sign does not comply with Chapter 297, Signs, of the former City of Toronto Municipal Code in the following ways:

Sign By-law Section and Requirements	Applicant’s Proposal	Required Variance
(1) 297 10 D (5) (e)	Proposed sign is erected above the second storey.	Proposed sign is not permitted to be erected above the second storey.

(2) 297 10 D (5) (g)	Proposed sign has an area of 29.24 square metres.	Proposed sign is not permitted to have an area more than 25 square metres.
(3) 297 10 E (6)	Proposed sign covers portion of existing windows.	Proposed sign is not permitted as it interferes with windows.

The attachment to this report shows the proposal for first-party signage in one flush mounted first-party vinyl sign with dimensions of 4.3 by 6.8 metres and an area of 29.24 square metres. It should be noted that, initially, a somewhat larger sign area was contemplated.

The proposed sign has been designed in conjunction with an improved façade for the HMV store. The intention of the owner is to change the sign seasonally as new promotions arise. This proposed new façade, which is currently being erected, has been reviewed and is eligible for funding from the City's façade improvement program.

This part of Yonge Street is characterized by its large-scale first and third party signage. It is part of an area designated as a Priority Retail Street and a Reinvestment Area in the Official Plan of the former City of Toronto. The area is also subject to the Downtown Yonge Street Community Improvement Plan, which includes the façade improvement program.

I believe that the proposed sign is consistent with the redesigned façade and with other large-scale signs already in existence on this part of Yonge Street.

I am recommending that these variances be approved.

Contact:

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(A copy of the attachment referred to in the foregoing report is on file in the Office of the City Clerk.)

**ATTACHMENT NO. 4 [Notice of Motion J(15)]**

Report dated October 25, 2002, from the Commissioner of Urban Development Services, entitled “Amendments, Clarifications, Additions and Exceptions to the Council-approved Recommendations for the Non-exclusive, Non-transferable Service and Licence Agreements for the Use of Customized Ambassador and Accessible Taxicab Training Courses by Municipalities in Canada and Elsewhere”. (See Minute No. 8.62, Page 132):

Purpose:

To provide Council with an explanation of the amendments, clarifications, additions and exceptions to the Approved Report (as defined in the Background), as required to finalize the Non-exclusive, Non-transferable Service and Licence Agreement between the City of Toronto and the City of Ottawa for the Customized Ambassador and Accessible Taxicab Training Courses, and additionally, to seek Council approval for these amendments, clarifications, additions and exceptions, and where so identified, to seek approval to have these changes to apply to such Service and Licence Agreements with other Client Municipalities.

Financial Implications and Impact Statement:

There are no financial implications arising from this report. However, it should be noted that with the adoption of this report by City Council, the payment schedule for the City of Ottawa will be amended as per Recommendation No. (9).

The recommendations, however, do have an impact on the City’s ability to finalize the Non-exclusive, Non-transferable Service and Licence Agreement with the City of Ottawa for the use of the Customized Ambassador and Accessible Taxicab Training Courses (hereafter referred to in this report as the “Agreement”), and on its ability to successfully negotiate similar agreements with other prospective Client Municipalities in Canada and elsewhere.

Recommendations:

It is recommended that:

- (1) Schedule 1, Section 2(1) of the Approved Report be amended to provide that for all future Service and Licence Agreements, 50 percent of the customization and licensing fee be paid upon full execution of the Agreement and that the payment schedule for the remaining 50 percent be negotiated with the Client Municipality based on the project’s deliverables, as identified in the Approved Report, and that for this purpose, staff be delegated the necessary authority;

- (2) Schedule 1, Section 2(2) of the Approved Report be further amended to provide that, for all future Service and Licence Agreements, the annual renewal fee of \$1,000.00 be subject to applicable taxes, and that it be further amended to provide for such renewal fee to be payable on the anniversary of the Effective Date of the Agreement (as defined in the Comments);
- (3) Schedule 1, Section 2(2) of the Approved Report be further amended to provide that, for all future Service and Licence Agreements, the City supply updates, where and when available, for the generic training modules of a Customized Course, at no additional cost to the Client Municipality, and that this be in addition to the deliverables already established in the Approved Report (i.e., a review of such Course, a proposal recommending changes to client-specific modules, a project schedule to effect the recommended modifications, and a proposed corresponding fee);
- (4) Schedule 1, Section 6(12) of the Approved Report be deleted and replaced with a provision that, for all future Service and Licence Agreements, the Client Municipality and its Sublicensee be required not to provide to Customized Course participants examinations, quizzes, tests and exercises once taken, or otherwise completed, by participants of the Course;
- (5) the following provision be added to Schedule 1, Section 3 of the Approved Report: for all future Service and Licence Agreements, the City, upon submission of the final Customized Course report and subject to approval from the Client Municipality, make such modifications (to be limited to omissions and errors of fact) at no additional cost to the Client Municipality and as identified and deemed necessary by the City;
- (6) where the Client Municipality seeks to transfer, assign, or sublicense to a person (other than a Sublicensee as defined in the Approved Report), the City not unreasonably or arbitrarily withhold approval of such transfer, assignment or sublicense, provided that the City may make such approval subject to such terms and conditions as the City in its discretion may impose;
- (7) despite Schedule 1, Section 6(4) of the Approved Report, the City permit Ottawa to have the Customized Courses translated into the French language, on the condition that the final draft of such translation be subject to approval by the Commissioner of Urban Development Services or the Executive Director of Municipal Licensing and Standards or their authorized designate, and that such translation be returned to the City of Ottawa upon such final approval;

- (8) despite Schedule 1, Sections 1(5), 7(1) and 7(6) of the Approved Report, the City permit Ottawa or Ottawa's Sublicensee to use a subcontractor, if it so chooses, under the condition that such person or persons be approved by the Commissioner of Urban Development Services or Executive Director of Municipal Licensing and Standards or their authorized designate, whose approval may not be unreasonably or arbitrarily withheld, and that such subcontractor or subcontractors enter into a written contract with Ottawa or its Sublicensee, that such contract include the same terms, conditions and limitations as required for a sublicensing agreement with a Sublicensee and otherwise contain terms and conditions satisfactory to the Commissioner of Urban Development Services and the Executive Director of Municipal Licensing and Standards, and that such contract be in a form satisfactory to the City Solicitor, and that any such persons be considered agents of Ottawa and that Ottawa be fully responsible and liable for their acts and omissions in the performance of the delivery of the Customized Courses;
- (9) despite Schedule 1, Section 2(1) of the Approved Report, and consistent with Recommendation (1), Ottawa be required to pay 50 percent of the fee upon full execution of the Agreement, 15 percent upon submission of the Accessible Course train-the-trainer evaluation report, 15 percent upon the submission of the Ambassador Course train-the-trainer evaluation report, 10 percent upon submission of the Accessible Course final report and the final 10 percent upon submission of the Ambassador Course final report; and
- (10) the appropriate City officials be authorized and directed to take necessary action to give effect thereto and to take any action required to be taken thereunder.

Background:

At its meeting held on June 18, 19, 20, 2002, Council approved Clause 4 of Report 7 of the Planning and Transportation Committee with respect to the Non-exclusive, Non-transferable Service and Licence Agreements for the Use of Customized Ambassador and Accessible Taxicab Training Courses by Municipalities in Canada and Elsewhere ("Approved Report"). Subsequent negotiations with the City of Ottawa with respect to the specific terms of the Licensing Agreement of such Courses resulted in a number of issues that require amendments, clarifications or additions to the original terms outlined in the Approved Report as well as to some of the particular terms and conditions of the Agreement between the City and Ottawa that require exemption from the terms and conditions set out in the Approved Report.

Comments:

Re: Recommendation No. 1

Currently, Schedule 1, Section 2(1) of the Approved Report stipulates that 50 percent of the fee is to be payable upon full execution of the Service and Licence Agreement and that the remaining 50 percent is to be paid upon receipt by the Client Municipality of the train-the-trainer evaluation report. In the course of negotiations with the City of Ottawa, these payment terms have been determined to be somewhat demanding given the nature of this type of agreement. In the case of the Ottawa Licensing Agreement, since project deliverables are to be realized over a period of five to nine months, it is recommended that payment terms reflect the same timeline. In general, given the particular requirements of prospective clients, staff requires some flexibility in establishing payment schedules for the remaining 50 percent.

Re: Recommendation No. 2

Currently, Schedule 1, Section 2(2) of the Approved Report stipulates that the renewal fee is \$1,000.00 and that it is payable on the anniversary of the receipt by the Client Municipality of the Customized Course train-the-trainer evaluation report. In the course of negotiations with the City of Ottawa, the omission of applicable taxes on the renewal fee was identified. Additionally, it was determined that the date of the signing of the Agreement (the "Effective Date") would be a more appropriate point of reference for the renewal date because it would provide a pre-determined date of renewal as opposed to a renewal date based on a deliverable for which the finalization date is subject to change.

Re: Recommendation No. 3

Currently, Schedule 1, Section 2(2) of the Approved Report stipulates that all modifications carried out by the City on behalf of the Client Municipality are subject to a fee. In keeping with accepted industry practice, it has since been determined that periodic updates of the generic materials should be made available to the Client Municipality at no additional cost (that is to say, beyond the renewal fee). Any modifications to modules specific to the Client Municipality that may be identified in the annual review would still be subject to modification fees, based on Schedule 2 and the Addendum to Schedule 2 of the Approved Report, unless the Client Municipality opts to carry out such modifications subject to the approval of the Commissioner of Urban Development Services or the Executive Director of Municipal Licensing and Standards or their authorized designate. Any such modifications, including the copyright therein, would be owned by the City.

Re: Recommendation No. 4

Currently, Schedule 1, Section 6(12) of the Approved Report stipulates that the Client Municipality is required to maintain the confidentiality of the agreement. Given the fact that the terms of the agreement are contained in public documents, this Section is no longer relevant. The issue of confidentiality with respect to the diffusion of Customized Course examinations, quizzes, tests and exercises, however, remains a concern for the City. In particular, these concerns center around Course participants appropriating examinations and other test materials and making them available to other or future Customized Course participants. The uncontrolled distribution of these materials could severely damage the integrity of the Customized Courses.

Re: Recommendation No. 5

Currently, Schedule 1, Section 3 of the Approved Report outlines Service and Licence Agreement deliverables, including: the customization of Course materials, a Customized Course train-the-trainer workshop, and a series of progress and evaluation reports. In the course of negotiations with Ottawa, it was determined that final modifications (to be limited to omissions and errors of fact) could only be identified once the Client Municipality had delivered the Customized Courses. Such modifications of materials would be needed to ensure the highest possible quality of the Customized Course, and to assert the City's ongoing commitment to excellence.

Re: Recommendation No. 6

It is ordinarily the practice of the City for Council to retain sole and arbitrary discretion over the approval of matters such as assignment, transfer and sublicensing of agreements for the licensing of its copyright protected works or other intellectual property. Despite the clear intent of such provisions to protect the intellectual property and interests of the City, the City also recognizes the importance of flexibility for Client Municipalities in governing their own affairs.

Re: Recommendation No. 7

Currently, Schedule 1, Section 6(4) of the Approved Report stipulates that the Client Municipality may not translate, add, delete, change or in any other way modify Customized Course materials without the written consent of the City's Commissioner of Urban Development Services or the Executive Director of Municipal Licensing and Standards. The City, however, recognizes the need for Ottawa to translate the Customized Courses into the French language.

Re: Recommendation No. 8

Currently, Schedule 1, Section 7(1), Section 1(5) and Section 7(6) of the Approved Report stipulates that the Client Municipality may not hire more than one Sublicensee

to deliver a Customized Course, that such Sublicensee must be a government-accredited, not-for-profit, educational institution, and that such Sublicensee may not in turn Sublicense the delivery of a Customized Course. Despite these restrictions, the City recognizes the need for Ottawa to be able to deliver the Customized Courses in the French language and it recognizes the need for Ottawa to exercise its discretion with respect to the selection of a qualified and acceptable Sublicensee or subcontractor.

Re: Recommendation No. 9

Payment terms for the City of Ottawa would be in accordance with Recommendation No. 1 of this report. Payment dates would be tied to specific service deliverables. Ottawa has agreed to have the train-the-trainer workshops for the Customized Courses delivered within one year of the Effective Date of the Agreement, thus, placing greater certainty on the payment schedule.

Re: Other Matters

As negotiated with Ottawa, following the expiry or termination of the Service and Licence Agreement, Ottawa will remain responsible for any unauthorized use of the course or of the customized course materials by it or its employees or agents and by its Sublicensees or their employees or agents. In regard to Ottawa's employees, they are within the immediate and direct control of Ottawa. In regard to Ottawa's agents and its Sublicensees and their agents, it is open to Ottawa to protect itself contractually in the event of unauthorized use by them. Arguably, other persons would be beyond Ottawa's reasonable control, though in the case of Customized Course participants there are contractual ways for Ottawa to deal with this. Still, from a business and risk analysis perspective Municipal Licensing and Standards Section considers the risk/probability and impact of unauthorized use by such other persons as minimal. The result will be that Toronto will be solely responsible for monitoring and taking enforcement action against those unauthorized users, even though those users would likely have obtained access to the materials through taking the course from Ottawa or its Sublicensees.

This report has been prepared in consultation with the City Solicitor.



Conclusions:

In order to successfully finalize the Non-exclusive, Non-transferable Service and Licence Agreement between the City of Toronto and the City of Ottawa for the Customized Ambassador and Accessible Taxicab Training Courses in a timely and effective manner, and to be able to successfully negotiate similar agreements with other prospective Client Municipalities in Canada and elsewhere, it is recommended that Council approve the amendments, clarifications, additions and exceptions to the Approved Report, as outlined in this report.

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List of Attachments:

Appendix "A" - Schedule 1

## Appendix "A"

## SCHEDULE 1

## Ambassador and Accessible Taxicab Training Courses

## Non-Exclusive Service and Licence Agreement Terms and Conditions

## Ambassador Taxicab Training Course

## Non-Exclusive Service and Licence Agreement Terms and Conditions

An agreement shall include:

## 1. Terms of Reference

- (1) The City means the City of Toronto, represented by Council and City of Toronto Staff.
- (2) The Ambassador Course means the Ambassador Taxicab Training Course as approved to be customized for and licensed to municipalities by City of Toronto Council.
- (3) The agreement means the formal agreement between the City and the Client Municipality with regards to the customization, licensing, delivery and use of the Ambassador Course.
- (4) Client Municipality means the municipality that is to be provided with the customized Ambassador Course and is to be granted a license to use and deliver the customized Ambassador Course, as per the terms and conditions of the agreement.
- (5) Sublicence means any person other than the Client Municipality that will deliver the Ambassador Course on behalf of the Client Municipality. The Sublicensee must be a government-accredited, not-for-profit community college or other government-accredited, not-for-profit educational institution.

## 2. Payment

- (1) Upon execution of the agreement between the City and the Client Municipality, the Client Municipality shall pay 50 percent of the fee provided for in Schedule 2 (Fees for the Ambassador and Accessible Taxicab Training Courses) and the Addendum to Schedule 2 (Rationale for the Licensing Factor Used to Calculate Fees). Upon completion of the work, which shall be the date on which the City

submits the train-the-trainer evaluation report to the Client Municipality, the Client Municipality shall pay the remaining amount of the fee.

- (2) In addition to the above fee, there shall be a \$1,000 licensing renewal fee due on every anniversary of the date of the submission of the train-the-trainer evaluation report. This renewal fee will permit the Client Municipality to continue to use the customized Ambassador Course and include a review of the curriculum of the Client Municipality's Ambassador Course by the City. At the option of the Client Municipality, the City may carry out modifications to the curriculum for fees based on Schedule 2 and calculated at that time. The licensing renewal fee will be incurred automatically by the Client Municipality unless, no later than thirty days prior to expiry, the Client Municipality elects not to renew and notifies the City of the same.
- (3) The Client Municipality shall be responsible for establishing the qualifications for participation in the customized Ambassador Course and shall notify the City of the same prior to the commencement of customization of the Course by the City.

3. Service Deliverables

- (1) The City will customize the Ambassador Course by preparing a participant's manual, facilitator's manual, PowerPoint module-supporting presentations, examinations, quizzes and other additional activities and exercises including their respective answer keys that may be used by the Client Municipality but for taxicab driver training purposes only.
- (2) The City will provide train-the-trainer workshop for designated instructors of the Client Municipality.
- (3) The City will provide the following progress and evaluation reports with regards to the customisation of the Ambassador Course and the train-the-trainer workshop:
  - (a) a project plan and overview report, including project schedule;
  - (b) an update report to be submitted upon completion of the draft modules;
  - (c) a train-the-trainer evaluation report; and

(d) a final report.

4. Scope of Licence

The Client Municipality will have the following rights:

- (1) the right to deliver the customized Ambassador Course to taxicab drivers within its territorial jurisdiction and, for this purpose alone, to reproduce Course materials in such quantities as are reasonably necessary to deliver the Course and distribute the same to persons enrolled in the Course who may keep the materials but whose use shall be subject to all restrictions imposed by all applicable laws;
- (2) the right to sublicense the delivery of the customized Ambassador Course to a government-accredited, not-for-profit community college or other government-accredited, not-for-profit educational institution, provided that the terms and conditions set out in Section 7 of this Schedule are strictly adhered to;
- (3) subject to Schedule 2, the right to use the Ambassador Taxicab Training Course name and representations, i.e. logos, but only in association with the customized Ambassador Course and subject to the terms and conditions set out in Section 6 of this Schedule; and
- (4) the right to renew, on an annual basis, such licence to deliver the customized Ambassador Course, subject to the terms and conditions of the agreement (Section 6 of this Schedule).

5. Representations and Warranties

- (1) There are no representations or warranties, expressed or implied, made by the City as to the effectiveness of the customized Ambassador Course or any materials produced or supplied for use with it or otherwise in connection with the design, development, licensing, delivery or use of the Course or its materials.

6. Obligations of Client Municipalities

The Client Municipality, by entering into the agreement with the City, with regards to the Ambassador Course, agrees:

- (1) not to sell, export, license, assign, transfer or otherwise provide the customized Ambassador Course, its materials or representations to any third party;

- (2) not to deliver, or otherwise use, the customized Ambassador Course, materials or representations beyond the renewal anniversary date without having paid the renewal fee as per Schedule 2;
- (3) to deliver the customized Ambassador Course only to its taxicab drivers within its territorial jurisdiction;
- (4) to have all materials customised by the City only, and not to translate, add, delete, change or in any other way modify the materials provided by the City, or convert such materials into any other form, format or medium, or create derivative works based on such materials, in whole or in part, except with the prior written permission of the City's Commissioner of Urban Development Services or the Executive Director of Municipal Licensing and Standards, whose permission may be unreasonably or arbitrarily withheld, and not to combine, merge or co-mingle such materials with other materials;
- (5) to acknowledge and accept City ownership of the intellectual property rights in any City official mark or copyright-protected or other proprietary work, including but not limited to the Ambassador Course name and logo and the customized Ambassador Course materials, including any modifications to them, conversions of them and any derivative works based on them, supplied in relation to the customized Course and to display all related notices, warnings and disclaimers required by the City;
- (6) not to remove, cover, obscure, alter, modify, translate, adapt, misrepresent or use inappropriately or use in a manner not expressly permitted by this agreement any City official mark or copyright-protected or other proprietary work, including but not limited to the Ambassador Course name and logo and the customized Ambassador Course materials, supplied in relation to the customized Course, or any related ownership notices, warnings or disclaimers required by the City, and not to contest or assist another person in contesting the validity, ownership or enforceability of such marks or works or do anything that might tend to disparage them or dilute the value of the goodwill attached to them, either during the term of the agreement (including any renewal) or any time thereafter;
- (7) not to sublicense except in accordance with the terms and conditions set out in Section 7 of this Schedule;

- (8) to submit a list of names of designated Ambassador Course instructors that are to attend the train-the-trainer workshop;
- (9) to fully indemnify and defend the City, and its Councillors, officers, officials, directors employees and agents, and hold each of them harmless against all claims, suits, proceedings, demands, actions of any nature or kind whatsoever, damages, judgements, costs, expenses and fees (including, without limitation, reasonable legal expenses) arising out of or in any way connected with the licensing, delivery, implementation or use in any manner of the customized Ambassador Course or any materials produced or supplied for use with it or otherwise in connection with it, including any City official mark or copyright-protected or other proprietary work;
- (10) to waive the right to any action, claim or demand whatsoever against the City, and its Councillors, officers, officials, directors employees and agents, arising from the inability or failure of the City to deliver the agreed materials and/or services due to circumstances beyond the control of the City (force majeure), including, but not limited to, labour disruptions or arising from the design, development, licensing, delivery, implementation, support, maintenance or use in any manner of the customized Ambassador Course or any materials produced or supplied for use with it or otherwise in connection with it, including any City official mark or copyright-protected or other proprietary work.
- (11) to cease using the customized Ambassador Course immediately upon termination or expiry of the agreement and, if renewed, upon the termination and expiry of such renewal, and, upon such termination or expiry, to return all Course materials to the City immediately or, at the City's option, destroy them immediately, all to be done at the Client Municipality's sole expense.
- (12) to maintain the confidentiality of the agreement and to refuse to disclose the agreement or its terms and conditions except as required by law.
- (13) that the City is in no way a partner, principal, sponsor or guarantor of Client Municipality in the design, development, licensing, delivery, implementation or use of the customized Ambassador Course nor a joint venturer or member of a joint enterprise with the Client Municipality for such purposes and that the Client Municipality shall have no power to obligate or bind the City in any manner whatsoever

in such matters and the Client Municipality will not represent or otherwise hold out that it is or does have the power to do so.

7. Terms and Conditions Pertaining to Sublicence

In respect of the Sublicence, the Client Municipality further agrees:

- (1) There shall be no more than one Sublicensee at any given time.
- (2) Any such sublicence shall be for the delivery of the customized Ambassador Course within the territorial jurisdiction of the Client Municipality only.
- (3) No sublicence shall have a term that extends beyond the term of the agreement between the Client Municipality and the City, including any renewal.
- (4) Any such sublicence shall not contain terms and conditions that are less strict than the restrictions that are contained in the agreement between the Client Municipality and the City.
- (5) Any such sublicence shall not grant rights to the Sublicensee that exceeds the rights granted to the Client Municipality for the purpose of sublicensing.
- (6) The Sublicensee shall have no right to further sublicense the delivery of the customized Ambassador Course.
- (7) Any such sublicence shall be in writing and shall have terms and conditions satisfactory to the Commissioner of Urban Development Services and the Executive Director of Municipal Licensing and Standards and, in addition, be in a form satisfactory to the City Solicitor.
- (8) Client Municipality shall ensure that the Sublicensee complies with all of the terms and conditions set out in the agreement and to identify clearly any potential conflicts of interest with regards to their appropriate fulfilment.
- (9) The City shall have the right, on its own behalf or in the name of the Client Municipality, to initiate or participate in any action or proceeding against a Sublicensee in respect of an alleged breach of any

of the Sublicensee's obligations. The City shall have the option of having complete carriage and control of any such action or proceeding, including commencement, prosecution, discontinuance and settlement, and the Client Municipality shall provide the City with all such assistance as the City may reasonably require for these purposes.

- (10) The City shall have the right, in the name of the Client Municipality, to terminate any sublicense in the event of breach by the Sublicensee. Should the City decide to sue the Sublicensee directly, the Client Municipality will assign to the City all causes of action arising out of any such breach of sublicense and all proceed therefrom. In these circumstances the City shall complete carriage and control of any such action or proceeding, including commencement, prosecution, discontinuance and settlement, and the Client Municipality shall provide the City with all such assistance as the City may reasonably require for these purposes.

Accessible Taxicab Training Course  
Non-Exclusive Service and Licensing Agreement Terms and Conditions

An agreement shall include:

1. Terms of Reference

- (1) The City means the City of Toronto, represented by Council and City of Toronto staff.
- (2) The Accessible Course means the Accessible Taxicab Training Course as approved to be customized for and licensed to municipalities by City of Toronto Council.
- (3) The agreement means the formal agreement between the City and the Client Municipality with regards to the customization, licensing, delivery and use of the Accessible Course.
- (4) Client Municipality means the municipality that is to be provided with the customized Accessible Course and is to be granted a license to use and deliver the customized Accessible Course, as per the terms and conditions of the agreement.
- (5) Sublicence means any person other than the Client Municipality that will deliver the Accessible Course on behalf of the Client Municipality. The Sublicensee must be a government-accredited, not-



for-profit community college or other government-accredited, not-for-profit educational institution.

2. Payment and General Terms and Conditions

- (1) Upon execution of the agreement between the City and the client municipality, the Client Municipality shall pay 50 percent of the fee provided for in Schedule 2 (Fees for the Ambassador and Accessible Taxicab Training Courses) and the Addendum to Schedule 2 (Rationale for the Licensing Factor Used to Calculate Fees). Upon completion of the work, which shall be the date on which the City submits the train-the-trainer evaluation report to the Client Municipality, the Client Municipality shall pay the remaining amount of the fee.
- (2) In addition to the above fee, there shall be a \$1,000 licence renewal fee due on every anniversary of the date of the submission of the train-the-trainer evaluation report. This renewal fee will permit the Client Municipality to continue to use the customized Accessible Course and include a review of the curriculum of the Client Municipality's Accessible Course by the City. At the option of the Client Municipality, the City may carry out modifications to the curriculum for fees based on Schedule 2 and calculated at that time. The licensing renewal fee will be incurred automatically by the Client Municipality unless, no later than thirty days prior to expiry, the Client Municipality elects not to renew and notifies the City of the same.
- (3) The Client Municipality shall be responsible for establishing the qualifications for participation in the customized Accessible Course and shall notify the City of the same prior to the commencement of customization of the Course by the City.

3. Service Deliverables

- (1) The City will customize the Accessible Course by preparing a participant's manual, facilitator's manual, PowerPoint module-supporting presentations, examinations, quizzes and other additional activities and exercises including their respective answer keys that may be used by the Client Municipality but for taxicab driver training purposes only;
- (2) The City will provide train-the-trainer workshop for designated instructors of the Client Municipality;

- (3) The City will provide the following progress and evaluation reports with regards to the customisation of the Accessible Course and the train-the-trainer workshop:
  - (a) a project plan and overview report, including project schedule;
  - (b) an update report to be submitted upon completion of the draft modules;
  - (c) a train-the-trainer evaluation report; and
  - (d) a final report.

#### 4. Scope of Licence

The Client Municipality will have the following rights:

- (1) the right to deliver the customized Accessible Course to taxicab drivers within its territorial jurisdiction and, for this purpose alone, to reproduce Course materials in such quantities as are reasonably necessary to deliver the Course and distribute the same to persons enrolled in the Course who may keep the materials but whose use shall be subject to all restrictions imposed by all applicable laws;
- (2) the right to sublicense the delivery of the customized Accessible Course to a government-accredited, not-for-profit community college or other government-accredited, not-for-profit educational institution, provided that the terms and conditions set out in Section 7 of this Schedule are strictly adhered to);
- (3) the right to use the Accessible Taxicab Training Course name and representations, i.e. logos, but only in association with the customized Accessible Course and subject to the terms and conditions set out in Section 6 of this Schedule; and
- (4) the right to renew, on an annual basis, such licence to deliver the customized Accessible Course, subject to the terms and conditions of the agreement (Section 6 of this Schedule).

#### 5. Representations and Warranties

- (1) There are no representations or warranties, expressed or implied, made

by the City as to the effectiveness of the customized Accessible Course or any materials produced or supplied for use with it or otherwise in connection with the design, development, licensing, delivery or use of the Course or its materials.

6. Obligations of Client Municipality

The Client Municipality, by entering into the agreement with the City, with regards to the Accessible Course, agrees:

- (1) not to sell, export, license, assign, transfer or otherwise provide the customized Accessible Course, its materials or representations to any third party;
- (2) not to deliver, or otherwise use, the customized Accessible Course, materials or representations beyond the renewal anniversary date without having paid the licence renewal fee as per Schedule 2;
- (3) to deliver the customized Accessible Course only to its taxicab drivers within its territorial jurisdiction;
- (4) to have all materials customised by the City only, and not to translate, add, delete, change or in any other way modify the materials provided by the City, or convert such materials into any other form, format or medium, or create derivative works based on such materials, in whole or in part, except with the prior written permission of the City's Commissioner of Urban Development Services or the Executive Director of Municipal Licensing and Standards, whose permission may be unreasonably or arbitrarily withheld, and not to combine, merge or co-mingle such materials with other materials;
- (5) to acknowledge and accept City ownership of the intellectual property rights in any City official mark or copyright-protected or other proprietary work, including but not limited to the Accessible Course name and logo and the customized Accessible Course materials, including any modifications to them, conversions of them and any derivative works based on them, supplied in relation to the customized Course and to display all related notices warnings and disclaimers required by the City;
- (6) not to remove, cover, obscure, alter, modify, translate, adapt, misrepresent or use inappropriately or use in a manner not expressly permitted by this agreement any City official mark or copyright-protected or other proprietary work, including but not limited to the Accessible Course name and logo and the customized Accessible

Course materials, supplied in relation to the customized Course, or related notices, warnings or disclaimers required by the City, and not to contest or assist another person in contesting the validity, ownership or enforceability of such marks or works or do anything that might tend to disparage them or dilute the value of the goodwill attached to them, either during the term of the agreement (including any renewal) or any time thereafter;

- (7) not to sublicense except in accordance with the terms and conditions set out in Section 7 of this Schedule;
- (8) to submit a list of names of designated Accessible Course instructors that are to attend the train-the-trainer workshop;
- (9) to fully indemnify and defend the City, and its Councillors, officers, officials, directors employees and agents, and hold each of them harmless against all claims, suits, proceedings, demands, actions of any nature or kind whatsoever, damages, judgements, costs, expenses and fees (including, without limitation, reasonable legal expenses) arising out of or in any way connected with the licensing, delivery, implementation or use in any manner of the customized Accessible Course or any materials produced or supplied for use with it or otherwise in connection with it, including any City official mark or copyright-protected or other proprietary work;
- (10) to waive the right to any action, claim or demand whatsoever against the City, and its Councillors, officers, officials, directors employees and agents, arising from the inability or failure of the City to deliver the agreed materials and/or services due to circumstances beyond the control of the City (force majeure), including, but not limited to, labour disruptions or arising from the design, development, licensing, delivery, implementation, support, maintenance or use in any manner of the customized Accessible Course or any materials produced or supplied for use with it or otherwise in connection with it, including any City official mark or copyright-protected or other proprietary work.
- (11) to cease using the customized Accessible Course immediately upon termination or expiry of the agreement and, if renewed, upon the termination and expiry of such renewal, and, upon such termination or expiry, to return all Course materials to the City immediately or, at the City's option, destroy them immediately, all to be done at the Client Municipality's sole expense.

- (12) to maintain the confidentiality of the agreement and to refuse to disclose the agreement or its terms and conditions except as required by law.
- (13) that the City is in no way a partner, principal, sponsor or guarantor of Client Municipality in the design, development, licensing, delivery, implementation or use of the customized Accessible Course nor a joint venturer or member of a joint enterprise with the Client Municipality for such purposes and that the Client Municipality shall have no power to obligate or bind the City in any manner whatsoever in such matters and the Client Municipality will not represent or otherwise hold out that it is or does have the power to do so.

7. Terms and Conditions Pertaining to Sublicence

In respect of the Sublicence, the Client Municipality further agrees:

- (1) There shall be no more than one Sublicensee at any given time.
- (2) Any such sublicence shall be for the delivery of the customized Accessible Course within the territorial jurisdiction of the Client Municipality only.
- (3) No sublicence shall have a term that extends beyond the term of the agreement between the Client Municipality and the City, including any renewal.
- (4) Any such sublicence shall not contain terms and conditions that are less strict than the restrictions that are contained in the agreement between the Client Municipality and the City.
- (5) Any such sublicence shall not grant rights to the Sublicensee that exceeds the rights granted to the Client Municipality for the purposes of sublicensing.
- (6) The Sublicensee shall have no right to further sublicense the delivery of the customized Accessible Course.
- (7) Any such sublicence shall be in writing and shall have terms and conditions satisfactory to the Commissioner of Urban Development Services and the Executive Director of Municipal Licensing and Standards and, in addition, be in a form satisfactory to the City

Solicitor.

- (8) Client Municipality shall ensure that the Sublicensee complies with all of the terms and conditions set out in the agreement and to identify clearly any potential conflicts of interest with regards to their appropriate fulfilment.
- (9) The City shall have the right, on its own behalf or in the name of the Client Municipality, to initiate or participate in any action or proceeding against a Sublicensee in respect of an alleged breach of any of the Sublicensee's obligations. The City shall have the option of having complete carriage and control of any such action or proceeding, including commencement, prosecution, discontinuance and settlement, and the Client Municipality shall provide the City with all such assistance as the City may reasonably require for these purposes.
- (10) The City shall have the right, in the name of the Client Municipality, to terminate any sublicense in the event of breach by the Sublicensee. Should the City decide to sue the Sublicensee directly, the Client Municipality will assign to the City all causes of action arising out of any such breach of sublicense and all proceed therefrom. In these circumstances the City shall complete carriage and control of any such action or proceeding, including commencement, prosecution, discontinuance and settlement, and the Client Municipality shall provide the City with all such assistance as the City may reasonably require for these purposes.

**ATTACHMENT NO. 5 [Notice of Motion J(17)]**

Report dated October 17, 2002, from the Commissioner of Urban Development Services, entitled "Request for Direction, Ontario Municipal Board Appeal, Application to Amend Oakridge Community Zoning By-law, Trivest Development Corporation, 66 Byng Avenue, Lots 93 and 94 and Part of Lot 92, Registered Plan 1952, TF ZBL 2002 0005, Ward 35". (See Minute No. 8.64, Page 137):

Purpose:

To seek Council direction respecting a proposed settlement of the appeal.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendation:

It is recommended that the City Solicitor be authorized to attend the Ontario Municipal Board in support of the proposed settlement as outlined in this report.

Background:

The application is to amend the zoning on the property from Highway Commercial (HC) Zone to Two-Family Residential (T) Zone specifically T-7-23-29-41-48-66-88.

A specific development concept was not filed and Council at its meeting of July 30, 31 and August 1, 2002, adopted Clauses Nos. 7 and 8 of Report No. 7 of The Scarborough Community Council, thereby requiring a specific development concept, directing staff not to process the application until the information has been received and instructing the Solicitor to appear at the Ontario Municipal Board in support of Council's position.

A concept plan showing five single family dwellings now has been submitted for staff review. A consent application to create five lots is expected shortly.

A pre-hearing is to occur on November 20, 2002. A hearing is scheduled for February 4, 5 and 6, 2003, in the event there is no agreement upon settlement.

Comments:

The application is to amend the zoning on the property from the Highway Commercial (HC) Zone, which likely reflects the former use of the site as a veterans hall, to the same zoning as the surrounding properties, being Two-Family Residential (T) Zone, specifically, "T-7-23-29-41-48-66-88". The concept plan shows five single family

dwellings.

The property is designated Low Density Residential in the Oakridge Community Secondary Plan, which provides for the proposed use.

Surrounding land uses include existing single-detached dwellings immediately north and south of this site. A mixture of single-detached and semi-detached dwellings exist to the west and on the east side of Byng Avenue opposite the subject site.

The property is subject to site plan control reflecting the current zoning potential.

The proposed site plan, lotting and elevations (Attachments 1, 2 and 3) have been reviewed by Planning staff in consultation with Works and Emergency Services staff and have been discussed with the Ward Councillor.

We have concluded the proposal represents good planning consistent with the purpose and intent of the Official Plan. Technical requirements can be secured through the necessary consent application.

Conclusions:

Council should authorize settlement based on the current proposal as reflected in the draft by-law attached (Attachment 4) and subject to the necessary consent applications being filed prior to the next prehearing of the Ontario Municipal Board scheduled for November 20, 2002. Upon the decision of the Ontario Municipal Board becoming final and binding, the lands could be removed from site plan control.

Contact:

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List of Attachments:

Attachment No. 1: Site Plan  
Attachment No. 2: Elevation Plan  
Attachment No. 3: Lot Plan  
Attachment No. 4: Draft Zoning By-law

(A copy of the attachments referred to in the foregoing report is on file in the Office of the



City Clerk.)

**ATTACHMENT NO. 6 [Notice of Motion J(19)]**

Report dated October 21, 2002, from the Commissioner of Urban Development Services, entitled "Proposed Interim Control By-law to Prohibit Industrial Redevelopment Applications in the Area of Musgrave Street, from Dengate Road to Victoria Park Avenue, 600 Victoria Park Avenue, and all parts of the North Side of Gerrard Street East Between the Ted Reeve Arena to Victoria Park Avenue that are Zoned 'I', Beaches-East York, Ward 32". (See Minute No. 8.66, Page 140):

Purpose:

To propose an Interim Control By-law to prohibit non-residential development in the areas described above for a period of 1 year. The By-law will enable the Commissioner of Urban Development Services to review the impact of the wide spectrum of industrial/commercial uses that are permitted in the study area on the adjacent low density residential neighbourhood and to recommend more appropriate zoning standards.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) City Council adopt the following Resolution:

"Whereas Section 38 of the Planning Act authorizes Council to pass resolutions directing that a review or study be undertaken in respect of land use planning policies within the area of the municipality which is to be the subject of an Interim Control By-law, therefore be it resolved that Council request the Commissioner of Urban Development Services to undertake a review or study in respect of land use policies for those lands in the areas as described above and as shown on Attachment 1."; and

- (2) City Council, after adopting the Resolution in Recommendation No. (1), above, grant authority for the introduction of the necessary Bills in Council to substantially give effect to the following:

"No person shall, in the area referred to in Recommendation No. (1), above, use any lot or erect or use any building or structure, save the buildings existing or under construction at the time of the passage of these Bills, for any

industrial use that is specified in the draft Interim Control By-law for a period of one year.”

Comments:

All of the study area shown on Attachment 1 is zoned for industrial use.

The parts of the study area on the north side of Gerrard Street East between Main Street and Victoria Park Avenue are comprised of various industrial uses that include a lumber yard, a warehouse storage facility and an equipment rental operation.

The part of the study area located on the south side of Musgrave Street between Degrate Road and Victoria Park Avenue includes 7 buildings on comparatively small sites. Most are single-storey and many are occupied by auto-related uses (e.g., auto body, battery reconditioning, etc.).

The last piece of the study area, 600 Victoria Park Avenue, is owned by Loblaws. The greater portion of the site is currently under redevelopment for a gas bar. Neither the opening nor the continued operation of this gas bar will be affected by the proposed Interim Control By-law. Buildings and structures that are lawfully existing or under construction on the date of passage of the proposed Interim Control By-law will be exempt.

The northerly third of 600 Victoria Park Avenue is used for parking overflow and, seasonally, as a garden centre for the new large-format Loblaws store now located on the north side of Musgrave Street.

The location of C.N.R.'s marshalling yard north and west of the study areas had the effect of reducing the desirability of the immediately adjacent lands for residential development. Industrial uses historically located on these lands (the study areas) with the result of forming a buffer or a transition between the rail yard and the existing residential neighbourhood to the south.

With the departure of the rail yard and the construction of approximately 500 new homes and 2.4 hectares of parkland in its place, it is apparent that the character of the area is rapidly changing. In particular, the industrial uses of the Gerrard Street portions of the study area, lands that once formed a transitional area between the rail yard and the existing neighbourhood to the south, are now surrounded on all sides by new and existing low density residential neighbourhoods. Clearly, since the rail yard no longer exists, the usefulness of an industrial transitional area is an unnecessary and inappropriate use of the land.

Rationale for an Interim Control By-law

Section 38 of the Planning Act authorizes City Council to pass resolutions directing that a review or study shall be undertaken in respect of land use policies for the affected properties. Given that the rail yard is gone and is being replaced by a new residential community, issues of land use compatibility, impact and transition from industrial to residential require review.

The study will review the existing uses and the list of uses permitted on these lands with the objective of introducing an appropriate zoning and use list that is more compatible with the new and the established residential development pattern. The study will set a direction for appropriate future change in the area.

Conclusions:

The enactment of an Interim Control By-law for the lands identified in Attachment 1 will allow the City to undertake the necessary review of the impact of the industrial zoning on the changing land use in the area which will result in more appropriate land use designations.

Contact:

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List of Attachments:

Attachment 1: Proposed Interim Control By-law Area

(A copy of the attachment referred to in the foregoing report is on file in the Office of the City Clerk.)