

CERTIFICATE OF AMENDMENTS

Certified to be a true copy of amendments to:

Deferred Clauses:

Report No. 2 of The Administration Committee, Clause No. 3b
Report No. 3 of The Administration Committee, Clause No. 1a
Report No. 2 of The Community Services Committee, Clause No. 7b
Report No. 3 of The Community Services Committee, Clauses Nos. 8a and 22a
Report No. 3 of The Policy and Finance Committee, Clause No. 5a
Report No. 3 of The Works Committee, Clauses Nos. 3a and 17a
Report No. 1 of The Audit Committee, Clause No. 9a
Report No. 2 of The Striking Committee, Clause No. 2a

New Reports:

Report No. 4 of The Administration Committee
Report No. 4 of The Community Services Committee
Report No. 4 of The Economic Development and Parks Committee
Report No. 6 of The Planning and Transportation Committee
Report No. 4 of The Policy and Finance Committee
Report No. 4 of The Works Committee
Report No. 4 of The Etobicoke Community Council
Report No. 4 of The Humber York Community Council
Report No. 4 of The Midtown Community Council
Report No. 4 of The North York Community Council
Report No. 4 of The Scarborough Community Council
Report No. 5 of The Toronto East York Community Council
Report No. 3 of The Board of Health
Report No. 4 of The Nominating Committee

and Notices of Motions and Additional Matters as adopted by the Council of the City of Toronto at its regular meeting held on May 21, 22 and 23, 2003.

In addition, Council considered the matter of the vacancy in the Office of Councillor - Ward 17, Davenport, at its special meeting held on May 22, 2003.

Unless otherwise noted in this document, the Clauses contained in the aforementioned Reports were approved in the form presented to Council.

DEFERRED CLAUSE FROM REPORT NO. 2 OF THE ADMINISTRATION COMMITTEE

Clause No. 3b - "Tenant Outreach Program 2003 Election Tenant Information Program".

The Clause was 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 regular meeting of City Council scheduled to be held on June 24, 2003, through the Administration Committee, on the source of the additional funds."

DEFERRED CLAUSE FROM REPORT NO. 3 OF THE ADMINISTRATION COMMITTEE

Clause No. 1a - "Review of the Housing First Policy (All Wards)".

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

DEFERRED CLAUSE FROM REPORT NO. 2 OF THE COMMUNITY SERVICES COMMITTEE

Clause No. 7b - "Child Care Occupancy Cost Agreements with the Boards of Education".

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

DEFERRED CLAUSES FROM REPORT NO. 3 OF THE COMMUNITY SERVICES COMMITTEE

Clause No. 8a - "Update on the Recommendations of the Coroner's Inquest into the Death of Kimberly Rogers and the Provincial Zero Tolerance Policy for Social Assistance Fraud".

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

Clause No. 22a - “Outstanding Hydro Charges - Various Non-Profit Agencies”.

Council adopted the following recommendations:

“It is recommended:

- (1) the Commissioner of Community and Neighbourhood Services be authorized to draw on available sources of funding, including the Supporting Communities Partnership Initiative (SCPI) in the amount of \$20,000.00, and the Mayor’s Homelessness Initiative Fund up to a maximum of \$163,979.80, for the payment of the outstanding Hydro bill and part of the go-forward costs, of Chill Out and Furniture Bank, the two occupants of 200 Madison Avenue;
- (2) the funding to cover the outstanding Hydro bill for Chill Out and Furniture Bank be in the form of a loan, and that the agencies be requested to make their best effort to repay the loan to the City; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

DEFERRED CLAUSES FROM REPORT NO. 3 OF THE WORKS COMMITTEE

Clause No. 3a - “Pay-As-You Throw Program for the Residential Sector”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

Clause No. 17a - “Introduction of Photo Radar on City of Toronto Streets and Expressways”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

DEFERRED CLAUSE FROM REPORT NO. 2 OF THE STRIKING COMMITTEE

Clause No. 2a - “Appointment of a Member of Council to the Toronto Transit Commission”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

REPORT NO. 4 OF THE ADMINISTRATION COMMITTEE

Clause No. 1 - “Harmonization of Compensation Related Policies – Non-Union”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

Clause No. 2 - “Elected Officials Pension”.

The Clause was amended by adding thereto the following:

“It is further recommended that a copy of the Clause be forwarded to the Council of the Town of Markham.”

Clause No. 12 - “Alexandra Park Co-operative - Ground Lease Amendments (Ward 20 - Trinity-Spadina)”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

Clause No. 22 - “Other Items Considered by the Committee”.

The Clause was received as information, subject to deferring Item (j), entitled “Amendment to ‘Appendix B – Status of Allocated Sites’, Review of the Housing First Policy (Ward 9 - York Centre)”, to the next regular meeting of City Council scheduled to be held on June 24, 2003.

REPORT NO. 4 OF THE COMMUNITY SERVICES COMMITTEE

Clause No. 1 - “Shelter, Housing and Support Division Activities Related to SARS”.

The Clause was deemed to have been received, having regard that it was submitted to Council for information and was not amended.

Clause No. 4 - “The Evolution of Ontario Works: Critical Issues for Service Delivery”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003, such Clause to be considered with deferred Clause No. 9 of Report No. 4 of The Community Services Committee, headed “Update Regarding the Status of Litigation with The Learning Enrichment Foundation”.

Clause No. 6 - “Update on Ontario Works Incentive Fund - Youth-At-Risk Initiatives”.

The Clause was amended by adding thereto the following:

“It is further recommended that the Commissioner of Community and Neighbourhood Services be requested to submit a report to the Community Services Committee, at the appropriate time, providing an evaluation of the Youth-At-Risk project.”

Clause No. 9 - “Update Regarding the Status of Litigation with The Learning Enrichment Foundation”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003, and the City Solicitor was requested to submit a further report to Council, for such meeting, on the status of litigation between the City of Toronto and the Learning Enrichment Foundation.

REPORT NO. 4 OF THE ECONOMIC DEVELOPMENT AND PARKS COMMITTEE

Clause No. 2 - “Aerospace Sector (All Wards)”.

The Clause was amended by adding thereto the following:

“It is further recommended that:

- (1) the Federal Government be requested to consider supporting the production of the ‘turboprop’ aircraft as a means to achieving its Kyoto Accord obligation;
- (2) the Province of Ontario be requested to provide a financing mechanism for domestic and export sales of aircraft;
- (3) the Mayor be requested to:
 - (a) meet with the Premier of Ontario and the Prime Minister of Canada to communicate the need to develop an aerospace strategy for Toronto and the Province of Ontario; and
 - (b) convene a meeting with the officials of Bombardier to discuss its plans for the future of the plant, in order to ensure the long-term stability for the Downsview Plant and to discuss how the City of Toronto can work with Bombardier to ensure the long-term stability of the aerospace industry in Toronto; and
- (4) the Commissioner of Economic Development, Culture and Tourism be requested to submit a report to the Economic Development and Parks Committee on the following:
 - (a) a comparison of Quebec versus Ontario incentives to support the aerospace industry; and
 - (b) the creation of a tax incentive/tax free zone at the Downsview lands for the aerospace industry.”

Clause No. 7 - “2003 Cultural Grants Recommendations - Major Cultural Organizations (All Wards)”.

The Clause was amended by adding thereto the following:

“It is further recommended that:

- (1) an exemption from the Noise By-law be granted for the period 11:00 p.m. to 1:00 a.m. to accommodate the following Caribbean Cultural Committee events:
 - Friday, August 1, 2003, for the Pan Alive at the CNE Bandshell; and
 - Saturday, August 2 and Sunday, August 3, 2003 for the Caribbean Cultural Committee Concert at the CNE Bandshell;
- (2) the matter of the exemption from the Noise By-law for the Caribbean Cultural Committee’s King and Queen Event to be held on Thursday, July 31, 2003, at Lamport Stadium be referred to the Commissioner of Economic Development, Culture and Tourism, with a request that he consult with the Ward Councillor in this regard; and
- (3) the Malvern and Jane-Finch Junior Carnivals be fully supported by City Departments, that the City’s user fees be waived for these two events and that the parade route for the Malvern Parade be changed as per the recommendation of the Commissioner of Economic Development, Culture and Tourism.”

Clause No. 12 - “Civic Garden Centre - Organizational Name Change (Ward 25 Don Valley West)”.

The Clause was amended by adding thereto the following:

“It is further recommended that Council, in endorsing the name change from the ‘Civic Garden Centre’ to ‘Toronto Botanical Garden’, retains the right, in the future, to also possibly agree to other horticultural places or gardens in the City of Toronto being identified as complementary to, associated with or part of Toronto Botanical Garden and such name need not be exclusively associated with the present Civic Garden Centre location in Edwards Gardens Park.”

Clause No. 14 - “City of Toronto Economic Overview - 2002 (All Wards)”.

The Clause was deemed to have been received, having regard that it was submitted to Council for information and was not held by Council for further discussion or amendment.

REPORT NO. 6 OF THE PLANNING AND TRANSPORTATION COMMITTEE

Clause No. 3 - "Hawker/Pedlars - Proposed Exemption for Event Ticket Sellers".

The Clause was amended by adding to the end of Recommendation No. (3)(a) contained in the report dated April 11, 2003, from the Commissioner of Urban Development Services, as embodied in the Clause, the words "save and except subscribers (season ticket holders)", so that such recommendation shall now read as follows:

"(3) the City consult with the Provincial Government to seek amendments to the Ticket Speculation Act which would enable better enforcement of the Act, including the following amendments:

- (a) all re-sellers of event tickets be designated as agents of the organizer or producer of the event for which the tickets are being sold, save and except subscribers (season ticket holders);".

Clause No. 4 - "Graffiti Transformation Grants Program: 2003 Recommendations".

The Clause was amended by adding thereto the following:

"It is further recommended that City Council authorize the Commissioner of Community and Neighbourhood Services, the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism to prepare and submit applications to Human Resources Development Canada (HRDC) to support the work undertaken by the Mayor's 'Toronto You Belong Here' Task Force on SARS Recovery Initiatives."

Clause No. 6 - "Approval of City of Toronto Official Plan File No. 002050".

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

Clause No. 9 - "Other Items Considered by the Committee".

The Clause was received as information, subject to deferring Item (f), headed "Toronto Police Service Board's Request to Enact City of Toronto By-law with Respect to Demonstrations", to the next regular meeting of City Council scheduled to be held on June 24, 2003.

REPORT NO. 4 OF THE POLICY AND FINANCE COMMITTEE

Clause No. 1 - “City of Toronto Council Governance Review”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

[Note: City Council, on May 21, 22 and 23, 2003, adopted, as amended, Motion F(4), moved by Councillor Moscoe, seconded by Councillor Holyday, headed “Establishment of Four Community Councils”, and, in so doing, elected to establish a four Community Council model to come into effect immediately following the next municipal election. (See Page 36 of this Certificate.)]

Clause No. 2 - “Achieving an Improved Legislative Framework for Toronto, ‘The Right Deal for Toronto is a Great Deal for Ontario’”.

The Clause was amended by adding thereto the following:

“It is further recommended that:

- (a) the City of Toronto establish its seven (7) funding priorities as follows:
 - (1) adequate funding to support public transit rehabilitation and renewal, based on the past provincial model under Premiers Davis and Peterson and Rae, of 75 percent capital and 50 percent operating subsidy;
 - (2) adequate funding for the remediation of crumbling infrastructure, such as roads, sewers and bridges, in the City of Toronto;
 - (3) adequate funding to support affordable housing and legislative authority to preserve rental housing stock, including the City of Toronto being a signatory to Federal/Provincial housing agreements;
 - (4) adequate funding to expand the number of affordable child care spaces, including the City of Toronto being a signatory to Federal/Provincial child care agreements;
 - (5) a fair share of funding for immigration settlement costs, including the City of Toronto being a signatory to Federal/Provincial immigration agreements;
 - (6) authority to levy appropriate fees, including a destination marketing fee; and
 - (7) implementation of the full Rozanski report recommendations, including the community use of schools and related fees;

- (b) a copy of this Clause be forwarded to the Leader of each of Ontario's political parties, with a request of each that a meeting be held to discuss the issues in this report, and advising them that the purpose of the meeting is to explore the extent to which each of them is prepared to commit to the priorities and principles outlined therein;
- (c) the Mayor be requested to include, in these meetings, Members of Council who are members of each of the respective political parties;
- (d) the Mayor be requested to seek a response from each of the Provincial political parties as to their receptiveness to the process and to their proposals for a new deal for Toronto, such responses to be requested for June 6, 2003, in light of the upcoming Provincial election, and to be collected by the Chief Administrative Officer and distributed to Members of Council by June 7, 2003; and
- (e) a copy of this Clause be forwarded to the Federation of Canadian Municipalities and the Association of Municipalities of Ontario."

Clause No. 5 - "Status of Negotiations between the Parks and Recreation Division and the Toronto District School Board (All Wards) and City Incorporation of Toronto's School Boards".

The Clause was amended by:

- (1) further amending the recommendations of the School Advisory Committee, as amended by the Policy and Finance Committee, by:
 - (a) deleting from Recommendation No. (9), the words "where possible", and adding thereto the words "if a City-owned pool is available and located in the same neighbourhood", so that such recommendation shall now read as follows:

“(9) staff continue to migrate City aquatic programs into City-owned pools if a City-owned pool is available and located in the same neighbourhood;” and
 - (b) adding to Recommendation No. (11), the words "and no new or higher user fees will be imposed on residents, including all child care centres funded by the City of Toronto", so that such recommendation shall now read as follows:

“(11) no net increase to fees or charges shall be levied by the TDSB to any Department in the City of Toronto for the duration of this agreement, anticipated to be year end 2004 with an option to extend to 2006, including no charges for parking in school parking lots for participants of City programs while attending at the premises, and no new or higher user fees will be imposed on residents, including all child care centres funded by the City of Toronto;” and

(2) adding thereto the following:

“It is further recommended that:

- (a) the Supervisor of the Toronto District School Board be requested to notify MPPs of any school pool closures in their respective ridings; and
- (b) the Chief Administrative Officer and the Commissioner of Economic Development, Culture and Tourism be requested to submit a joint report to the Policy and Finance Committee on the feasibility of negotiating a lump sum payment to the Toronto District School Board and the Toronto Catholic District School Board, in order to allow Members of Council to use school space for community meetings.”

Clause No. 6 - “City of Toronto Support of the GO Transit Capital Growth/Enhancement Program”.

The Clause was not adopted.

Clause No. 7 - “Debenture Issuance-Restructuring of \$183.75 Million Provincial Loans”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003, and the Mayor was requested to ask the Premier of Ontario, the Leader of the Opposition Party and the Leader of the Third Party to undertake that the loan will be waived, as has been done with other municipalities.

Clause No. 12 - “Development Charges By-law Review Statutory Public Meeting”.

The Clause was 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 statutory public meeting of the Policy and Finance Committee to be held on July 10, 2003, outlining the relative benefits of area specific development charges versus City-wide development charges, and providing comments on which areas of the City of Toronto may be subject to such specific charges.”

Clause No. 19 - “Youth Criminal Justice Act Referral Model”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

Clause No. 24 - “Toronto Library Board Composition”.

The Clause was amended by inserting in Recommendation No. (2) embodied in the report dated February 24, 2003, from the Chief Administrative Officer, after the words “the Mayor”, the words “or designate”, so that such recommendation shall now read as follows:

- “(2) a Library Board Recruitment Panel be constituted at the beginning of the new term of Council by the Striking Committee and be composed of the Mayor, or designate, as Chair of the Panel, two (2) Councillors on the Library Board, and the Chair of the Community Services Committee to recruit, interview and recommend citizen appointees to the Library Board;”.

Clause No. 26 - “Toronto Hydro Energy Services Inc. - Assignment of City’s Natural Gas Supply Contract and Related Matters”.

Council adopted the following recommendations:

“It is recommended that:

- (1) Council adopt the supplementary confidential report dated May 16, 2003, from the Commissioner of Corporate Services, such report to remain confidential in its entirety, in accordance with the provisions of the Municipal Act, having regard that it contains information related to the security of the property of the municipality; and
- (2) the Commissioner of Corporate Services, or her designate, be requested to meet with representatives of Enwave District Energy Limited to discuss potential business arrangements pertaining to the purchase of natural gas, prior to the issuance of a Request for Proposals in this regard, and submit a report thereon to the Policy and Finance Committee by September 2003.”

Clause No. 27 - “Other Items Considered by the Committee”.

The Clause was received as information, subject to deferring Item (a), headed “Status of Alternative Service Delivery (ASD) Consultation Protocol”, to the next regular meeting of City Council scheduled to be held on June 24, 2003.

REPORT NO. 4 OF THE WORKS COMMITTEE

Clause No. 1 - “Security Measures at Water and Wastewater Facilities for Filming”.

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

Clause No. 7 - "Service Improvement Initiatives for Curbside Recycling Collection - District 1 and District 3".

The Clause was amended by adding to Recommendations Nos. (2) and (3) contained in the report dated April 29, 2003, from the Commissioner of Works and Emergency Services, as embodied in the Clause, the words "and such recycling operations be done using existing staff resources", so that the recommendations in such report shall now read as follows:

"It is recommended that:

- (1) the provision of curbside recycling on routes currently contracted out in District 1 and District 3 be provided by municipal staff;
- (2) municipal staff take over the recycling operation in District 3 effective the expiry date of the current contract with Canadian Waste Services Incorporated on June 30, 2003, and such recycling operations be done using existing staff resources;
- (3) municipal staff take over the recycling operation in District 1 on September 1, 2003, following the roll-out of the single-stream recycling operation in District 4, and such recycling operations be done using existing staff resources;
- (4) to bridge the gap between the availability of City vehicles and staff and the roll-out of the single-stream recycling operation and the contract expiry for Capital Environmental Services on July 1, 2003, staff be authorized to extend the current contract or enter into a sole source purchase order with Capital Environmental Services to provide service to the City for the rental of three recycling collection vehicles and operators for the period of July 2, 2003 to August 31, 2003, with the right to extend the work for an additional period of September 1, 2003 to September 30, 2003, as deemed necessary; and
- (5) the appropriate officials be authorized and directed to take the necessary actions to give effect thereto."

Clause No. 11 - "Fire and Explosion at 3885-3887 Bloor Street West".

The Clause was amended by adding thereto the following:

"It is further recommended that:

- (1) the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the discussions taking place with utility companies and the construction industry related to measures that are being considered to prevent future accidents from taking place that result from damage to utilities; and
- (2) appropriate staff from the Works and Emergency Services Department and other City of Toronto departments be requested to attend the June 12, 2003 community meeting that will be held to advise the area residents of the known facts surrounding the tragedy at 3885-3887 Bloor Street West."

- Clause No. 14** - **“Emergency Expenditures - Winter Storms of April 3 and April 7, 2003”.**

The Clause was deemed to have been received, having regard that it was submitted to Council for information and was not amended.

- Clause No. 16** - **“Amendment to Engineering Consulting Agreement for Additional Contract Administration Fees Related to the Prince Edward Viaduct Safety Barriers, Contract No. T-71-99 (Wards 28, 29, 30 and 31)”.**

Consideration of the Clause was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

REPORT NO. 4 OF THE ETOBICOKE COMMUNITY COUNCIL

- Clause No. 15** - **“Avenues Study - Implementation Report (Phase 3) - The Queensway Between the Mimico Creek Valley and Kipling Avenue (Ward 5 - Etobicoke-Lakeshore)”.**

The Clause was amended by adding thereto the following:

“It is further recommended that Council adopt the supplementary report dated May 15, 2003, from the Commissioner of Urban Development Services, embodying the following recommendation:

‘It is recommended that City Council direct staff to amend the draft zoning by-law appended to the staff report dated April 14, 2003 (as Attachment 4), to apply the existing Etobicoke Zoning Code standards, pursuant to Sections 304-36C.(1) and 304-36D.(5), to include the Avenues zoning category.’ ”

- Clause No. 18** - **“Application to Amend the Etobicoke Official Plan and Zoning Code - 125 The Queensway (Baldwin & Franklin, Architects) and 125 QW-1 and 125 QW-2 Inc. (Owners); File No. TA CMB 2002 0008 (Ward 5 - Etobicoke-Lakeshore)”.**

The Clause was amended by striking out the recommendations of the Etobicoke Community Council and inserting in lieu thereof the following:

“It is recommended that Council adopt the report dated April 14, 2003, from the Director, Community Planning, West District, as embodied in the Clause.”

- Clause No. 20** - **“Other Items Considered by the Community Council”.**

The Clause was received as information, subject to striking out and referring Item (d), entitled “Reconstruction of Royal York Road from Mimico Creek to Dundas Street West”, embodied therein, back to the Etobicoke Community Council for further consideration.

REPORT NO. 4 OF THE HUMBER YORK COMMUNITY COUNCIL

Clause No. 10 - "1415 Lawrence Avenue - Site Plan Approval, Keele Lawrence Investments Inc. (Ward 12 - York South-Weston)".

Council adopted the following recommendation:

"It is recommended that Council adopt the report dated May 6, 2003, from the Commissioner of Urban Development Services, embodying the following recommendations:

'It is recommended that, should Council wish to approve the application for Site Plan approval for the property at 1415 Lawrence Avenue West, File No. TC SPC 2001 046 (Revised) containing revised plans A100, A200, A201, A206, A501 and A502, all date stamped as received March 11, 2003, prepared by AJ Tregobov Architect, and L-O1 and L-02, both date stamped as received March 11, 2003, by Douglas W. Kerr & Associates Ltd., appropriate conditions of site plan approval follow:

- (1) The lands shall be developed and maintained in accordance with the approved Site Plan drawings and conditions of approval. The Owner acknowledges that notwithstanding this approval, the lands shall be developed in accordance with the applicable zoning by-law and that it is the responsibility of the Owner to ensure that the development is in conformity with the applicable zoning by-law to the satisfaction of the Chief Building Official.
- (2) The Owner shall obtain and final and binding decision for Minor Variance Application #A143/03HY, pursuant to Section 45 of the Planning Act.
- (3) All of the work shown on the approved drawings and all of the work required by the conditions of this approval shall be completed within 2 years of the date of this approval failing which, this approval shall require an extension by the Director, Community Planning, North District or his/her successor prior to the issuance of any building permit.
- (4) All refuse and recycling storage shall be contained within the building.
- (5) All driveways, loading and parking areas shall be paved with asphalt, concrete or concrete unit pavers.
- (6) All designated parking spaces for persons with disabilities shall be identified with signage and logos to the satisfaction of the Director of Transportation Services - Works and Emergency Services Department, or his/her successor. All designated parking spaces, walkways and curb ramps shall conform to the North York 'Barrier-Free Accessibility, Design Guidelines and Policy Handbook' (Exterior Guidelines).

- (7) No signage, satellite dishes, cellular telephone antennae or associated equipment shall be provided on the roof of the building, without the prior approval of the Director.
- (8) The existing trees to remain on site shall be protected during the construction period, in accordance with the North York Standards for the Protection And Care Of Trees. Any tree that is removed in contravention of the Site Plan Approval, or that is severely damaged, shall be replaced with a tree or trees of similar value to the satisfaction of the Director, Community Planning, North District or his/her successor.
- (9) Drainage shall be directed to ensure that no drainage problems are created on adjacent properties.
- (10) All site illumination shall be designed to prevent the spread of light onto adjacent properties.
- (11) Above-grade electrical transformers, gas regulators, and other equipment are not permitted above grade in any yard abutting a public street unless screened from view with landscaping or fencing to the satisfaction of the Director, Community Planning, North District or his/her successor.
- (12) The owner shall make arrangements to the satisfaction of the affected utility for the installation, relocation and protection of all utilities. All clearances from Toronto Hydro-Electric Commission facilities shall be maintained to the satisfaction of the Toronto Hydro Electric Commission or successor body.
- (13) The municipal address of the project is to be well illuminated, provided in a prominent location and designed to be easily readable from adjacent streets.
- (14) The Owner shall develop the lands in accordance with the requirements and conditions, as contained in the following memoranda:
 - (a) Toronto Hydro dated June 8, 2002;
 - (b) Bell Canada dated March 8, 2002;
 - (c) Works and Emergency Services, dated March 26, 2003;
 - (d) Urban Forestry Services, Economic Development, Culture and Tourism, dated March 18, 2003; and
 - (e) Policy and Development Division, Economic Development, Culture and Tourism, dated March 28, 2002.
- (15) The Owner shall submit 3 copies of a revised site and landscape plan which incorporates the following:
 - (a) remove the asphalt between the curb and sidewalk and replace with sod on Keele Street and Lawrence Avenue to the satisfaction of the Commissioner of Economic Development, Culture and Tourism,

the Commissioner of Works and Emergency Services and the Acting Director of Community Planning, North District;

- (b) provide additional amenity including pedestrian seating including benches or seat walls, pedestrian scale lighting and planting within the northeast portion of the subject site at the corner of Keele Street and Lawrence Avenue West to the satisfaction of the Acting Director of Community Planning, North District;
 - (c) provide minimum tree size of 70 mm caliper for all trees to the satisfaction of the Commissioner of Economic Development, Culture and Tourism and the Acting Director of Community Planning, North District; and
 - (d) provide revised gross floor area statistics which reflect the current proposal, as shown on the site plan as Attachment 1, based on the definition of gross floor area contained in the City of North York Zoning By-law No. 7625 to the satisfaction of the Acting Director of Community Planning, North District.
- (16) The Owner shall provide section and detail drawings of the retaining walls, fence and planting along Keele Street and south and west perimeter conditions to ensure that adequate space exists for the proposed landscape to the satisfaction of the Acting Director of Community Planning, North District.
- (17) The Owner shall provide a lighting plan for the parking area that promotes the safe use of this space at night and maintains comfortable lighting conditions for the adjacent apartments to the satisfaction of the Acting Director of Community Planning, North District.
- (18) Confirmation that arrangements have been made to satisfy the requirements of the Technical Services Division of the Works and Emergency Services Department as noted in their memorandum dated March 26, 2003.
- (19) Confirmation that arrangements have been made to satisfy the requirements of the Urban Forestry Services, Economic Development, Culture and Tourism, as noted in their memorandum dated March 18, 2003.
- (20) Confirmation that arrangements have been made to satisfy the requirements of the Policy and Development Division, Economic Development, Culture and Tourism, as noted in their memorandum, dated March 28, 2002.
- (21) Confirmation that arrangements have been made to satisfy the requirements of Toronto Hydro, as noted in their memorandum dated June 8, 2002.

- (22) Confirmation that arrangements have been made to satisfy the requirements of Bell Canada, as noted in their memorandum dated March 8, 2002.
- (23) All rooftop mechanical equipment shall be screened from view (or integrated into the overall design of the building) to the satisfaction of the Director, Community Planning, North District or his/her successor.
- (24) The Owner shall submit confirmation from a qualified professional (i.e., qualified environmental control consultant) that all intake/exhaust vents and mechanical equipment will not create objectionable noise impacts to the adjacent sites.
- (25) The Owner agrees to provide 176 m² of indoor amenity space on the lower ground floor level for the use of the residents of the proposed development, comprising a 104 m² gym and a 72 m² party room, as shown on the Drawing No. A200 (Overall Lower Level Floor Plan), date stamped as received March 11, 2003.
- (26) The Owner agrees to provide a 50 m² bicycle storage room and 56 storage lockers, comprising a total gross floor area of 276 m² on the lower ground floor level for the use of the residents of the proposed development, as shown on the Drawing No. A200 (Overall Lower Level Floor Plan), date stamped as received March 11, 2003.
- (27) The Owner shall submit the following to the satisfaction of the Director, Community Planning, North District or his/her successor prior to the issuance of any building permit:
 - (a) an executed site plan agreement, shall be registered on title for the approved drawings and conditions of approval, to the satisfaction of the City Solicitor and the Director, Community Planning, North District, or his/her successor. The site plan agreement shall stipulate:
 - (i) The Owner shall agree, to at all times, indemnify and save the City harmless from and against any and all claims, demands, losses, costs, charges, expenses, actions and other proceedings made, brought against, suffered by or imposed on the City in respect of any failure by the Owner to fulfil any of its obligations under this Agreement in respect of its responsibility for any potential soil contamination or remediation of the lands.
 - (ii) The Owner shall submit to the Chief Financial Officer and Treasurer as a deposit a letter of credit or certified cheque for 120 percent of the value of the landscaping including plantings, decorative paving and fencing. The deposit shall be returned to the Owner at such time as the Director, Community Planning, North District, is satisfied that the property has been developed in accordance with the approved drawings and conditions of approval.

- (28) In the event of non-completion of work the Owner:
- (a) acknowledges that where it fails to promptly complete the work required by this Agreement, the City, in addition to and without prejudice to any other rights which it may have pursuant to this Agreement or otherwise at law, may enter onto the lands, perform such work and take any steps as are required, in the sole discretion of the City, to carry out and complete the work;
 - (b) agrees that the City has the right to recover the total cost of all work and materials, plus a management fee equal to 20 percent of the total cost of such work and materials. In addition to any other remedies it may have, the City may collect the sums owing in like manner as municipal taxes, with all such amounts to be payable as directed by City Council pursuant to Section 326 of the Municipal Act; and
 - (c) acknowledges that the City enters onto the lands solely as the agent of the Owner, and such entry shall not be deemed, for any purpose, to constitute acceptance or assumption of all or any portion of the work required by this Agreement.
- (29) The Owner agrees:
- (a) that it shall save harmless, defend and fully indemnify the City, and each of the persons under the City's jurisdiction, from and against all actions, suits, claims, and demands which may be brought against or made upon the City, and any persons under the City's jurisdiction, and from and against all loss, costs, charges, damages and expenses which may be sustained, incurred or paid by the City, and each of any persons under the City's jurisdiction, by reason of, or on account of, or in consequence of this clause;
 - (b) it will pay to the City and to each of any persons under the City's jurisdiction, on demand, any loss, costs, or damages which may be sustained, incurred or paid by the City in consequence of any such action, suit, claim or demand; and
 - (c) on default of such payment all such loss, costs or damages and all such monies so paid or payable may be recovered in any court of competent jurisdiction.' ”

Clause No. 16 - “All Way Stop Control at Culford Road and Gulliver Road (Ward 12 - York South-Weston)”.

The Clause was struck out and referred back to the Humber York Community Council for further consideration.

Clause No. 31 - “Declaration of Bloor West Village Festival as a Community Event (Ward 13 – Parkdale-High Park)”.

The Clause was amended by adding thereto the following:

“It is further recommended that Council, for liquor licensing purposes, declare the Western Beaches Canada Day Festival to be held on July 1, 2003, and the Beachfest Labour Day Festival to be held on September 1, 2003, to be community festivals of municipal significance, and the Alcohol and Gaming Commission of Ontario be advised that the City of Toronto has no objection to these events taking place.”

Clause No. 32 - “Declaration of Bloordale Village Festival as a Community Event (Ward 18 - Davenport)”.

The Clause was amended by adding thereto the following:

“It is further recommended that Council, for liquor licensing purposes, declare the Canada Day Celebrations to be held on July 1, 2003, at the Weston Lions Park, to be a community festival of municipal significance, and the Alcohol and Gaming Commission of Ontario be advised that the City of Toronto has no objection to the event taking place.”

Clause No. 33 - “Declaration of Our Lady of Light Festival as a Community Event (Ward 17 - Davenport)”.

The Clause was amended by adding thereto the following:

“It is further recommended that Council, for liquor licensing purposes, declare the Maltese Annual Mnarja Festival to be held on June 15, 2003, at Runnymede Park, to be a community festival of municipal significance, and the Alcohol and Gaming Commission of Ontario be advised that the City of Toronto has no objection to the event taking place.”

Clause No. 39 - “Renaming of the High Park Adventure Playground to Jamie Bell Adventure Playground (Ward 13 - Parkdale High-Park)”.

The Clause was amended by adding thereto the following:

“It is further recommended that Council adopt the supplementary report dated May 20, 2003, from the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:

‘It is recommended that:

- (1) the Adventure Playground in High Park be named the “Jamie Bell Adventure Playground”; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’ ”

Clause No. 43 - “Request for Traffic Calming on Queens Drive Between Jane Street and Culford Road (Ward 12 - York South-Weston)”.

The Clause was amended by deleting the words “Queens Drive between Jane Street and Culford Road” wherever they occur in the Clause, and inserting in lieu thereof the words “Queens Drive between Upwood Avenue and Culford Road”.

REPORT NO. 4 OF THE MIDTOWN COMMUNITY COUNCIL

Clause No. 8 - “Parking Prohibitions: Blanchard Road (Don Valley West - Ward 25)”.

The Clause was amended by striking out the recommendations of the Midtown Community Council and inserting in lieu thereof the following:

“It is recommended that Council adopt the report dated April 17, 2003, from the Director, Transportation Services, District 3, as embodied in the Clause.”

Clause No. 15 - “357 Bedford Park Avenue - Tree Removal Request (Eglinton-Lawrence - Ward 16)”.

The Clause was amended by adding thereto the following:

“It is further recommended that the request for the removal of one City-owned tree located at 357 Bedford Park Avenue be further conditional on the applicant paying an amount of \$4,133.00 for the appraised value and removal costs of the Green Ash tree.”

Clause No. 21 - “Final Report - Application to Amend the Official Plan for the Former Borough of East York and Zoning By-law 1916 - 150022 Ontario Limited (Turner Fleischer Architects Inc.) 237, 239 and 241 McRae Drive, 207 and 209 Randolph Road - File Number TD CMB 20020008 (Don Valley West - Ward 26)”.

The Clause was struck out and referred back to the Midtown Community Council for further consideration, and the City Arborist was requested to submit a report to the Midtown Community Council, for consideration therewith, providing comments on the retention of trees on the site and on Randolph Road.

REPORT NO. 4 OF THE NORTH YORK COMMUNITY COUNCIL

Clause No. 21 - "Surplus Land Declaration and Proposed Closing of a Portion of Murray Ross Parkway Road Allowance (Ward 8 - York West)".

The Clause was amended by adding thereto the following:

"It is further recommended that:

- (1) the Fred Young Park proposed at the southwest corner of Shoreham Drive and Pond Road be located at the north end of the existing Murray Ross Parkway and abutting the Black Creek;
- (2) a minimum park block of three acres (Fred Young Park) of tableland contiguous to the Black Creek at the north end of Murray Ross Parkway be achieved by including the parkland proposed to be dedicated as part of the Tribute Homes application (estimated at 1.75 acres) and the 0.5 acre parkland credit secured from the previously developed projects, and any additional lands that may be required to provide for a minimum of the three acre contiguous park block referred to herein;
- (3) the Commissioner of Corporate Services be authorized to take appropriate action to declare surplus the westerly half of the Murray Ross Parkway road allowance, together with those portions of the easterly half of the road allowance which are part of the valley corridor and negotiate with the Toronto and Region Conservation Authority; and
- (4) if the City determines that the balance of the unopened Murray Ross Parkway be closed and conveyed to York University, and York University agrees to accept this conveyance, then York University will pay for the land by exchanging an equivalent amount of parkland for expansion of the Fred Young Park."

REPORT NO. 5 OF THE TORONTO EAST YORK COMMUNITY COUNCIL

Clause No. 1 - "Draft By-laws - Official Plan Amendment and Rezoning - 157A-177 Church Street (Toronto Centre-Rosedale, Ward 27)".

The Clause was amended by adding thereto the following:

"It is further recommended that Council adopt the supplementary report dated May 12, 2003, from the City Solicitor, embodying the following recommendation:

'It is recommended that before introducing the necessary Bills in Council, the owner be required to submit to the City Solicitor a letter undertaking to withdraw its appeal of the new Official Plan for the City of Toronto, dated April 9, 2003, once the site specific zoning by-law and Official Plan amendment come into force.' "

- Clause No. 2** - **“Draft By-laws - Official Plan Amendment and Rezoning - 22 and 24 Wellesley Street East (Toronto Centre-Rosedale, Ward 27)”**.

The Clause was amended by adding thereto the following:

“It is further recommended that Council adopt the supplementary report dated May 12, 2003, from the City Solicitor, embodying the following recommendation:

‘It is recommended that before introducing the necessary Bills in Council, the owner be required to submit to the City Solicitor a letter undertaking to withdraw its appeal of the new Official Plan for the City of Toronto, dated April 10, 2003, once the site specific zoning by-law and Official Plan amendment come into force.’ ”

- Clause No. 6** - **“Variance from Chapter 297, Signs, of the former City of Toronto Municipal Code - 220 Bloor Street West (Hotel Intercontinental) (Trinity-Spadina, Ward 20)”**.

Council adopted the following recommendation:

“It is recommended that Council adopt the report dated May 9, 2003, from the Commissioner of Urban Development Services, embodying the following recommendations:

‘It is recommended that:

- (1) the request for variances be approved to replace three existing illuminated fascia signs, for identification purposes, with three newly designed illuminated fascia signs at 220 Bloor Street West; and
- (2) the applicant be advised, upon approval of a variance, of the requirement to obtain the necessary sign permits from the Commissioner of Urban Development Services.’ ”

- Clause No. 40** - **“Requests for Endorsement of Events for Liquor Licensing Purposes”**.

The Clause was amended by:

- (1) amending Recommendation No. (1) of the Toronto East York Community Council as follows:
 - (a) deleting Part (a) and inserting in lieu thereof the following new Part (a):

“(a) 37th Annual CHIN International Picnic to be held at Exhibition Place from June 28 – July 1, 2003;” and

- (b) adding thereto the following new Parts (i), (j) and (k):
- “(i) Inti Raymi festival to be held at Christie Pits Park on June 21 and 22, 2003;
 - (j) the Groundswell Festival of New Works by Women to be held from June 2 to 8, 2003, at the Nightwood Theatre in the Distillery District; and
 - (k) the St. Lawrence Neighbourhood Annual Festival to be held at Crombie Park on June 13 and 14, 2003;”;
- (2) adding the following location to Recommendation No. (2) of the Toronto East York Community Council:
- “The Croissant Tree, 625 Church Street”; and
- (3) adding to Recommendation No. (3) of the Toronto East York Community Council the following new Parts (d) to (o):
- “(d) CHUM Television Fall Programming Schedule Event to be held on Thursday, June 5, 2003, from 5:00 p.m. to 1:00 a.m., in the Chum City Building and Parking Lot located at 299 Queen Street West;
 - (e) Canadian Manda Group BBQ to be held on June 8, 2003, from 8:00 p.m. to midnight, in the Beer Hall and West Patio of the Steam Whistle Brewing Company, 255 Bremner Boulevard;
 - (f) RIV/QM/INC Staff Picnic to be held on Sunday, July 27, 2003, from 2:00 p.m. to 1:00 a.m., at the Ward’s Island Club House at 14 Withrow Avenue;
 - (g) wedding reception to be held on June 7, 2003, at 5:00 p.m., at Berkeley Church, 315 Queen Street East;
 - (h) wedding reception to be held on May 23, 2003, from 5:30 p.m. to 12:30 a.m., at Casa Loma, 1 Austin Terrace;
 - (i) Courier Classic Charity Bicycle Event to be held on May 31, 2003, from 12 noon to 11:00 p.m., at Trinity Bellwoods Park;
 - (j) reception to be held on June 4, 2003, from 4:00 p.m. to 10:00 p.m., at the Blue Dot Gallery;
 - (k) Sounds of Hope Gala to be held on May 29, 2003, at Casa Loma;
 - (l) Torys LLP’s Client Reception to be held on June 4, 2003, from 5:00 p.m. to 1:00 a.m., in the Beer Hall, Tank Room and outdoor, fenced patio area of the Steam Whistle Brewing Company, 255 Bremner Boulevard;

- (m) University of Toronto's Campus Beverage Services use of its caterer's endorsement for the Institute of Child Study's Hot Dog Event to be held on June 3, 2003, from 6:00 p.m. to 8:30 p.m., at the Institute's playground area, 45 Walmer Road;
- (n) University of Toronto's Campus Beverage Services use of its caterer's endorsement for the Faculty of Physical Health Education Sport's Hall of Fame Event to be held on June 4, 2003, from 5:30 p.m. to 9:30 p.m., at Trinity College, 6 Hoskin Avenue, Buttery; and
- (o) the 6th Annual EMI Music Publishing BBQ to be held on June 5, 2003, at 119 Spadina Avenue, on the 12th Floor rooftop gardens;".

REPORT NO. 3 OF THE BOARD OF HEALTH

Clause No. 1 - "Proposed Pesticide By-law".

The Clause was amended:

- (a) in accordance with the following portions of the compromise proposal for the Pesticide By-law, as amended by City Council:

Moved by: Councillor Duguid

Seconded by: Councillor Mihevc

"BE IT RESOLVED THAT:

- (1) an Advisory Committee be formed, called the Pesticide By-law Advisory Committee, which will consist of the following members:
 - two representatives from the Toronto Environmental Alliance;
 - one representative of the Water and Waste Water Division of the Works and Emergency Services Department;
 - one representative of the Economic Development, Culture and Tourism Department;
 - one Public Health official;
 - one representative of the medical profession;
 - two representatives of the lawn care industry;
 - two representatives of Landscape Ontario; and
 - one scientific representative.

The Committee will be Chaired by a designated member of staff to be appointed by the Chief Administrative Officer. The Committee will be requested to consider the issues referred to it in this compromise document and report through the Chief Administrative Officer to the appropriate Standing Committees and City Council with recommendations, including, where appropriate, amendments to the By-law.

- (2) the Pesticide By-law Advisory Committee be requested to further define pest infestation and develop 'action thresholds' for the most common weed and insect pests for which non-exempt pesticides may be used and this be reported to City Council, through the Chief Administrative Officer to the appropriate Standing Committees, and received by City Council for approval by April 2004, such report to include, if appropriate, amendments to the Pesticide By-law, and further, that the Pesticide By-law Advisory Committee be requested to review the Federal Government's pest management research and initiatives, such as the Federal/Provincial/Territorial Healthy Lawns Strategy for Urban Pesticide Reduction, to facilitate the development of 'action thresholds', and report on the status of the initiatives of the Federal Government and/or its agencies in reviewing chemical pesticides as products safe for public sale.
- (3) the Medical Officer of Health (MOH), in collaboration with the Pesticide By-law Advisory Committee, integrate the definition of pest infestation, which is based on 'action thresholds', into the resource materials that will form the basis of a public education campaign and the core of the City enforcement policy for the Pesticide By-law.
- (4) the principles of Integrated Pest Management (IPM) plant health care be supported and integrated into the definition of an 'infestation' and the development of 'action thresholds' under which the use of non-exempt pesticides may be implemented.
- (5) the Pesticides By-law allow the use of non-exempted pesticides for managing an infestation which will be defined by developing 'action thresholds' to be determined through the recommended process.
- (6) in the education program, City residents will be encouraged to consult a professional licensed applicator and make use of their services, if application of non-exempted pesticide is anticipated.
- (7) the proposed Pesticide By-law be amended:
 - (c) to provide that the City Solicitor be requested to prepare a set fine application for the Pesticide By-law for review and approval by the Chief Judge and that the recommended set fine for breach of the By-law be \$250.00.
- (8) the Commissioner of Economic Development, Culture and Tourism, in consultation with the Medical Officer of Health, monitor the Integrated Pest Management Council's Accreditation Program and report back to City Council annually, beginning in October 2004, on its effectiveness in meeting the City of Toronto objective of reducing pesticide use and, further, that consideration be given to replacing references in the By-law to 'an applicator licensed under the Ontario Pesticides Act', to 'an applicator licensed under the Ontario Pesticides Act and accredited through the Integrated Pest Management Council's Accreditation Program', when the Integrated Pest Management Council's Accreditation Program has sufficiently progressed.

- (9) the Medical Officer of Health report to City Council by April 2004 on the details of a cost-effective enforcement plan for the Pesticide By-law, including the provision for 'stepped' enforcement geared towards public education with a provision for warnings for first offenders.
- (10) the Medical Officer of Health ensure that education and by-law compliance measures place high priority on sensitive sites, such as child care facilities, schools and hospitals and sites adjacent to those sensitive locations, as well as properties adjacent to natural bodies of water.
- (11) the Medical Officer of Health, in consultation with the Commissioner of Works and Emergency Services and the Commissioner of Economic Development, Culture and Tourism, report back to City Council on an evaluation of the Pesticide By-law within three years following the phase-in of the By-law.
- (12) the Pesticide By-law be phased in as follows:
 - (a) 2003-2005 - while public education will begin sooner, the By-law comes into effect on April 1, 2004, with a period for continued public education and a transition period for the lawn care industry to expand and enhance the Integrated Pest Management Program, with the issuance of warnings only for non-compliance to begin in spring 2005; and
 - (b) September 2005 - the By-law is fully implemented and enforcement is fully operational, in keeping with the above principles outlined in the Pesticide By-law Compromise;

and the Medical Officer of Health be requested to report to Council, through the Board of Health, on an aggressive public education strategy and program that assists the public in employing lawn and garden maintenance methods that reduce the use of pesticides and, further, that such report include resource requirements, stakeholder involvement, provincial regulatory change, an implementation schedule and a work program.”;

- (b) in accordance with the following recommendations of the Works Committee embodied in the communication dated April 30, 2003, from the City Clerk:

“The Works Committee advises Council of its support for the proposed Pesticide By-law attached to the report dated March 25, 2003, from the Medical Officer of Health, subject to the following amendments:

- (1) amending Section 1, 'Definitions', subsection B(1) to read 'A product that uses pheromones to lure insect pests, sticky media to trap insect pests and "quick-kill" traps for vertebrate species considered "pests" such as mice and rats';

- (2) amending Section 1, 'Definitions', subsection B(2) as follows:
 - (a) changing the preamble to the list to read 'A product that is or contains any of the following active ingredients';
 - (b) changing 'Ferrous phosphate' to 'Ferric phosphate';
 - (c) adding fatty acids and sulphur to the list of products;
 - (d) changing 'horticultural vinegar' to 'Acetic acid'; and
 - (e) changing the definition of 'Borax' to read 'Borax, also called boric acid or boracic acid'; and
- (3) amending Section 2, 'Restrictions', subsection B(7) to read 'To exterminate or repel rodents'.

(c) to provide that:

- (1) dandelions be included in the definition of "infestation" and the Pesticide By-law Advisory Committee be requested to develop action thresholds;
- (2) the Pesticide By-law not be enforced until such time as City Council has approved a definition of "infestation"; and
- (3) for the purposes of monitoring pesticide usage, the City of Toronto consider analyzing pesticide usage and sales at the wholesale or retail level, and not require reporting by individuals; and

(d) by adding thereto the following:

"It is further recommended that:

- (1) the Federal Government be requested to address the following issues:
 - (a) the availability of pesticides and the ability of the public to purchase them; and
 - (b) the use of pesticides by the agricultural industry and the regulations which govern such usage;
- (2) the Commissioner of Urban Development Services and the City Solicitor be requested to submit a joint report to the Board of Health on the feasibility of amending the Licensing By-law to require, as a condition of a business licence, that all vendors of registered control products under the Federal Pest Control Products Act be required to display in a prominent location adjacent to where these substances are being sold, a message approved by the Medical Officer of Health;

- (3) the City establish a demonstration project in one park in each Community Council area for a total of 6 parks in which the City Parks and Recreation Department deploys horticultural methods that are totally pesticide and herbicide free;
- (4) these demonstration parks be used to experiment with methods of creating healthy turf and deploying parks management techniques which could later be incorporated into Standard Park methodology;
- (5) these demonstration parks be selected on the following basis:
 - (a) they possess a variety of physical and use characteristics to reflect most park situations within the City;
 - (b) they not be existing show parks like Edwards Gardens or Rosetta McLean Gardens; and
 - (c) they be selected in co-operation with local Councillors;
- (6) the Commissioner of Economic Development, Culture and Tourism, be requested to submit a report to the Economic Development and Parks Committee on the status of this project as it unfolds, with an annual report to the Committee outlining the results of techniques used and applicability to other park situations;
- (7) these demonstration parks be appropriately signed and the community be invited to share in the work being done by establishing a Citizen Advisory Committee, including the respective local Councillor(s) for each of the demonstration parks;
- (8) the Commissioner of Economic Development, Culture and Tourism, be requested to prepare a proposed budget for the demonstration project for consideration by the Economic Development and Parks Committee and the Budget Advisory Committee; and, in consultation with the Chief Financial Officer and Treasurer and the Chief Administrative Officer, recommend an appropriate source of funds for the project;
- (9) the following portions of the compromise proposal for the Pesticide By-law be referred to the Pesticide By-law Advisory Committee for further consideration:
 - (7) That the proposed Pesticide By-law be amended:
 - (a) by requiring that any person that applies a “non-exempt” pesticide under the By-law report such application to the Medical Officer of Health with in five (5) business days of the application for the purpose of monitoring trends in pesticide use. The Pesticide By-law Advisory Committee should be consulted in determining how that reporting can take place at minimum cost to the City of Toronto and to the lawn care industry. Further, that the reporting system be capable of monitoring non-exempt pesticide application geographically.

- (b) to provide that it is permitted to use a pesticide on a golf course or a lawn bowling green, as long as the following conditions are met:
 - (i) the pesticide is applied by a licensed applicator only;
 - (ii) the pesticide is stored in a fire proof storage area with containment, ventilation, steel shelving and a fireproof sign, and the golf clubs or lawn bowling club must maintain an up-to-date inventory list which must be available to the City's Medical Officer of Health;
 - (iii) the applicator must have and comply with material safety data sheets available for each pesticide they might apply and they must provide the sheet, upon request, to any person abutting the golf club or lawn bowling green property;
 - (iv) there be no application of pesticides within two (2) metres of the golf club or lawn bowling green's property lines;
 - (v) there be no application of pesticides within five (5) metres of any open watercourses; and
 - (vi) on January 31 of each year, the golf clubs or lawn bowling greens must submit to the Medical Officer of Health a written report of all measures which have been taken to reduce the use of pesticides and produce a detailed inventory of all pesticides applied in the previous year on the golf course or lawn bowling club.'; and
- (10) the following motions be referred to the Medical Officer of Health:

Moved by Councillor Di Giorgio:

'That Part (7)(c) of the compromise proposal for the Pesticide By-law be amended to provide that the proposed set fine for breach of the By-law, in the amount of \$250.00, only be applied after the City of Toronto has fully demonstrated the effectiveness of using organic products on City parkland.'

Moved by Councillor Milczyn:

‘That Part (7)(b) of the compromise proposal for the Pesticide By-law be amended to provide that cemeteries be added to the list of land usage where pesticides may be used.’

Moved by Councillor Tziretas:

‘That Part (5) of the compromise proposal for the Pesticide By-law be amended by deleting the words “an infestation”, and inserting in lieu thereof the words “a suspected infestation”, so that Part (5) shall now read as follows:

“(5) the Pesticides By-law allow the use of non-exempted pesticides for managing a suspected infestation which will be defined by developing ‘action thresholds’ to be determined through the recommended process.”’ ”

Clause No. 3 - “West Nile Virus”.

Council adopted the following recommendations:

“It is recommended that:

- (a) Council adopt the supplementary report dated May 20, 2003, from the Medical Officer of Health, embodying the following recommendations:

‘It is recommended that:

- (1) this report be referred to the Toronto Board of Health for information;
- (2) City Council request that Toronto Public Health and Municipal Licensing and Standards report to the Policy and Finance Committee regarding the costs of implementing the West Nile Virus response plan pertaining to standing water hazards on private property; and
- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.’;

- (b) the following motions be referred to the Medical Officer of Health for appropriate action and report back to City Council, through the Board of Health at its next meeting scheduled to be held on June 16, 2003, and the West Nile Virus control program commence as soon as possible and the Medical Officer of Health be requested to notify the municipalities surrounding the City of Toronto and request that similar action be taken:

Moved by Councillor Cho:

‘It is recommended that the Medical Officer of Health be requested to submit a monthly report to City Council, through the Board of Health, on reported and/or confirmed cases of West Nile Virus in humans and animals in each Ward, and what action has been taken by City of Toronto staff to control the outbreak of West Nile Virus.’

Moved by Councillor Flint:

‘It is recommended that the Commissioner of Works and Emergency Services be authorized to spray the ditches in the Leaside Spur line and provide advice and cost estimates as to how this area can be adequately drained in the future.’

Moved by Councillor Kelly:

‘It is recommended that all catch basins in the City of Toronto be treated with larvicide and the Chief Financial Officer and Treasurer be requested to submit a report to Council, through the Policy and Finance Committee, on ways of funding such an expanded program.’

Moved by Councillor Korwin-Kuczynski:

‘It is recommended that the Commissioner of Works and Emergency Services be requested to educate the public on the appropriate materials that can be purchased over the counter and safely used to deal with catch basins and eavestroughs on private property.’

Moved by Councillor Li Preti:

‘It is recommended that the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee on the feasibility of City staff applying larvicide to catch basins on private property and charging home owners a nominal fee of \$10.00.’

Moved by Councillor Milczyn:

‘It is recommended that the Commissioner of Works and Emergency Services, in consultation with the Medical Officer of Health, be requested to develop a public response and inspection strategy for reported potential West Nile Virus hazards in areas of the City of Toronto where drainage of public rights-of-way is achieved by open ditches and culverts.’

Moved by Councillor Minnan-Wong:

‘It is recommended that the City of Toronto provide home owners with an option of having their catch basins treated with larvicide and the Commissioner of Works and Emergency Services be requested to implement such a program and to include a requirement that home owners sign a waiver protecting the City of Toronto from liability.’

Moved by Councillor Moscoe:

‘It is recommended that:

- (1) the City of Toronto publish a 24-hour West Nile Virus hot line number(s), in order that:
 - (a) residents may call in regarding standing water and other West Nile Virus-related complaints;
 - (b) residents may have their questions answered; and
 - (c) Members of Council may obtain a fast response to West Nile Virus-related matters; and
- (2) the Medical Officer and Health be requested to develop a neighbourhood response mechanism to educate communities where cases of West Nile Virus exist.’ ”

ADDITIONAL MATTERS

Union Station Review- Report of The Honourable Coulter A. Osborne

Council adopted the following recommendation:

“It is recommended that the report dated May 22, 2003, from The Honourable Coulter A. Osborne, headed ‘Union Station Review’, be referred to the Administration Committee for consideration at its Special meeting to be held at the Call of the Chair.”

Contributions to the City of Toronto's SARS Recovery Efforts

Council adopted the following recommendation:

"It is recommended that letters of appreciation be sent out, on behalf of all Members of Council, to:

- (1) the people of Prince Edward Island, in recognition of the friendship they have shown to the City of Toronto with their recent donation of 20,000 pounds of mussels to our City's seafood restaurants, and advising them that Mayor Lastman has proclaimed July 28, 2003, as 'PEI Day' in Toronto; and
- (2) the following companies which have contributed to the City's SARS recovery efforts:
 - (a) Air Canada;
 - (b) Jetsgo;
 - (c) Canada's major banks;
 - (d) Mirvish Productions;
 - (e) Molson's Brewery; and
 - (f) The Toronto Blue Jays."

MATTER CONSIDERED BY COUNCIL AT ITS SPECIAL MEETING - MAY 22, 2003

Vacancy in the Office of Councillor - Ward 17 - Davenport

City Council, at its Special Meeting held on May 22, 2003, appointed Mr. Fred Dominelli to the Office of Councillor, Ward 17 - Davenport, for the remainder of this term of City Council.

NOTICES OF MOTION APPEARING UNDER ITEM F

(1) Proposed 'Super Hospital' – Keele Street and Sheppard Avenue

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: Consideration of the Motion was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

(2) **Support to Defend Against the Appeal With Respect to the Sale of Hydro One**

Moved by: Councillor Chow

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."

Disposition: Consideration of the Motion was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

(3) **City Employees Strike - Summer of 2002**

Moved by: Councillor Bussin

Seconded by: Councillor I. Jones

“WHEREAS it has become abundantly clear, in light of the recent decision of the Provincial Arbitrator, Tim Armstrong, that the City employees strike of last summer was eminently avoidable and completely unnecessary, evident in his awarding of the City employees' wage and job security provisions rejected by City management; and

WHEREAS the 16-day strike caused the withdrawal of important City services from the citizens of Toronto resulting in the closure of pools, cancelled summer camps, streets filled with garbage and the loss of public confidence in the City to properly administer its affairs; and

WHEREAS Mr. Armstrong, in his decision, recognized the need for greater co-operation between the City and its Unions, stating in his report: 'The good news is that there is considerable intelligence and talent on both sides... The challenge is to mobilize this talent to work co-operatively and move in constructive directions. But this is unlikely to happen without openly expressed support and encouragement from the most senior levels – bureaucratic/administrative and political.' – clearly placing the onus on the City to 'get its labour relations in order';

NOW THEREFORE BE IT RESOLVED THAT:

- (1) City Council acknowledge and devise strategies on the need to improve its labour relations with City unionized staff to avoid the possibility of future withdrawal of services; and
- (2) City Council also acknowledge that last summer's strike was unnecessary and affirm that it is the dedication and professionalism of City workers that, in large measure, make Toronto '*the greatest City in the World*'."

Disposition: Consideration of the Motion was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

(4) **Establishment of Four Community Councils**

Moved by: Councillor Moscoe

Seconded by: Councillor Holyday

“WHEREAS on October 3, 2000, Council elected to retain six (6) Community Councils; and

WHEREAS on November 6, 7 and 8, 2001, Council adopted, without amendment, Clause No. 10 of Report No. 16 of The Administration Committee, headed ‘Four District Model for City Public Services (All Wards)’; and

WHEREAS on July 30 and 31 and August 1, 2002, Council adopted, as amended, Clause No. 2 of Report No. 10 of The Administration Committee, headed ‘Four District Model for City Public Services (All Wards)’, wherein the Chief Administrative Officer was requested to include in her review of the Council-Committee structure, a review of options for the relationship between Community Councils and service districts; and

WHEREAS the attempt to run six political divisions through four administrative districts has created a significant administrative challenge, particularly in those Wards that fall into more than one administrative zone; and

WHEREAS this has created a dysfunctional structure which is becoming more remote from the citizens it serves; and

WHEREAS the present groupings of some of the Community Councils are artificial constructs that bear little resemblance to the historic communities that existed prior to amalgamation; and

WHEREAS it would be desirable to rationalize the political and administrative boundaries into more functional units;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Administration Committee Report No. 10, Clause No. 2, headed ‘Four District Model for City Public Services (All Wards)’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT Council elect to establish a four Community Council model to come into effect immediately following the next municipal election;

AND BE IT FURTHER RESOLVED THAT staff, after discussion with individual Councillors, particularly those who have dysfunctional Wards, propose alternative Community Council groupings for consideration by the Administration Committee;

AND BE IT FURTHER RESOLVED THAT staff further refine the administrative districts to match the political divisions selected.”

Disposition: *[City Council at its meeting held on February 4, 5 and 6, 2003, re-opened Clause No. 2 of Report No. 10 of The Administration Committee, headed “Four District Model for City Public Services (All Wards)”, for further consideration.]*

The balance of the Motion was adopted, subject to deleting from the third Operative Paragraph, the words “Administration Committee”, and inserting in lieu thereof the words “Policy and Finance Committee”, so that such Operative Paragraph now reads as follows:

“AND BE IT FURTHER RESOLVED THAT staff, after discussion with individual Councillors, particularly those who have dysfunctional Wards, propose alternative Community Council groupings for consideration by the Policy and Finance Committee;”.

(5) **Establishing a Toll Pilot Project**

Moved by: Councillor Moscoe

Seconded by: Councillor Flint

“WHEREAS Council, by adopting the new Official Plan, made a long term commitment to public transit; and

WHEREAS, to support that commitment, the City of Toronto should be expanding and enhancing TTC services and encouraging drivers to favour the use of public transit over cars; and

WHEREAS the only operating tax money that the public transit system receives comes from property taxes collected within the City of Toronto; and

WHEREAS commuters who opt to drive into Toronto from the 905 areas, rather than take the public transit system, place an inordinate burden on the property tax base of Toronto, without contributing to the public transit system; and

WHEREAS the City of London, England, has recently introduced a toll system, in order to encourage commuters to abandon their cars in favour of public transit;

NOW THEREFORE BE IT RESOLVED THAT the City establish a tolling pilot project;

AND BE IT FURTHER RESOLVED THAT it consist of a toll for inbound cars at the Mimico Creek boundary, on the centre core lanes only, of the Queen Elizabeth Highway;

AND BE IT FURTHER RESOLVED THAT the tolls be in place during the hours of 7:00 a.m. to 6:00 p.m. weekdays;

AND BE IT FURTHER RESOLVED THAT the toll be established at the level of the average 'GO' fare and the estimated \$1 million a day that this would raise, after expenses, be directed to support public transit in Toronto;

AND BE IT FURTHER RESOLVED THAT this matter be forwarded to the Chief Administrative Officer, with a request that she report on the operational and policy aspects of this matter to the Planning and Transportation Committee."

Disposition: The Motion was referred to the Planning and Transportation Committee.

(6) **Request for Legislative Authority to Levy Tolls**

Moved by: Councillor Mihevc

Seconded by: Councillor Moscoe

“WHEREAS the City of Toronto will have capital shortfalls in coming years; and

WHEREAS the City of Toronto needs to develop revenues other than property taxes; and

WHEREAS other municipalities have authority to levy tolls on highways (London, England);

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto request the Province of Ontario for legislative authority to develop these rights to tax;

AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer, in consultation with the City Solicitor, be requested to prepare a private Bill for presentation to Provincial parliament;

AND BE IT FURTHER RESOLVED THAT the Mayor's office be requested to develop a special task force of Members of Council and residents to pursue these initiatives;

AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer be requested to prepare a report on these matters to be presented to the Policy and Finance Committee."

Disposition: The Motion was referred to the Planning and Transportation Committee.

(7) **Grants to the Tenants' Associations of 1305 Wilson Avenue and 34 Riverwood Parkway**

Moved by: Councillor Walker

Seconded by: Councillor Milczyn

“WHEREAS City Council established a Tenant Defence Fund to assist tenants of Toronto in disputing above guideline rent increases, participating in Ontario Municipal Board Appeals affecting condominium conversion and demolition applications, and making appeals to Divisional Court in defence of tenants' interests; and

WHEREAS City Council established the Tenant Defence Sub-Committee to monitor the Tenant Defence Fund Program and to recommend to the Community Services Committee actions in defence of tenants in the City of Toronto; and

WHEREAS the Tenants' Associations of 1305 Wilson Avenue and 34 Riverwood Parkway applied for an additional grant, under the Tenant Support Grant Program in May 2002, to appeal to the Divisional Court of the Ontario Superior Court of Justice on an Order issued by the Ontario Rental Housing Tribunal approving the landlord's application for an above-guideline rent increase (AGI) based on a one-time spike in heating costs; and

WHEREAS the appeal hearing for 1305 Wilson Avenue was completed on June 28, 2002, and a decision was released by the Divisional Court on August 26, 2002, ordering that the appeal be dismissed and that costs of \$2,500.00 be paid by the tenants to the landlord; and

WHEREAS despite the decision to dismiss the Wilson Avenue tenants' appeal, the judges who presided over the hearing expressed sympathy for the tenants and suggested that the Minister of Municipal Affairs and Housing review the provisions in the Tenant Protection Act (TPA) relating to applications for above-guideline rent increases based on extraordinary utility costs; and

WHEREAS the Tenants' Association of 1305 Wilson Avenue further made an application for Leave to Appeal to the Ontario Court of Appeals on the Divisional Court decision and requested a further grant of \$10,000.00 for the legal costs of the second appeal and an additional \$2,500.00 to cover the costs awarded against them by the Divisional Court; and

WHEREAS the same solicitor also performed preparatory work to file an application for Leave to Appeal for the Tenants' Association of 34 Riverwood Parkway; and

WHEREAS the report (dated November 8, 2002) from the Commissioner of Community and Neighbourhood Services did not recommend the approval of further funding to the Tenants' Associations, as a second appeal is beyond the mandate of Tenant Support Grant Program; and

WHEREAS on December 12, 2002, the Wilson Avenue tenants' application for Leave to Appeal was denied by the Ontario Court of Appeals and the tenants were ordered to pay \$1,000.00 to the landlord for legal costs; and

WHEREAS at an informal meeting of the Tenant Defence Sub-Committee on March 4, 2003, the matters were discussed and the solicitor for the Wilson Tenants' Association requested \$3,500.00 to cover the total legal costs the two courts had ordered the Tenants' Association to pay to the landlord; and

WHEREAS the Tenant Defence Sub-Committee requested the solicitor to provide staff with further documentation regarding the costs associated with these cases; and

WHEREAS the solicitor has identified a further \$2,675.00 expenditure in his appeal preparation for the 34 Riverwood Parkway Tenants' Association; and

WHEREAS section 113 of the Municipal Act provides that the council of every municipality may, subject to section 111 of the Municipal Act, make grants, on such terms and conditions as to security and otherwise as the council may consider expedient, to any person, institution, association, group or body of any kind or any purpose that, in the opinion of the council, is in the interests of the municipality; and

WHEREAS the issues raised by the Tenants' Association of 1305 Wilson Avenue in the courts may precipitate a review of the TPA by the provincial government that could have a significant impact on other tenants in Toronto and is, therefore, in the interests of the City; and

WHEREAS there are sufficient funds in the 2003 Tenant Support Grants Program to provide a grant to the Tenants' Association of 1305 Wilson Avenue to assist them with paying the legal costs to the landlord as ordered by the Courts; and

WHEREAS there are also sufficient funds in the Program to assist the Tenants' Association of 34 Riverwood Parkway to pay their solicitor's fees for his work in preparing the application for Leave to Appeal;

NOW THEREFORE BE IT RESOLVED THAT City Council grant \$3,500.00 to the Tenants' Association of 1305 Wilson Avenue for payment of the legal costs ordered by the Courts and \$2,675.00 to the Tenants' Association of 34 Riverwood Parkway for its outstanding legal fees, to be allocated from the 2003 Tenant Support Grant Program, and deem such grant to be in the municipal interest.”

Disposition: The Motion was withdrawn.

(8) **Request to Provincial Government to Abandon Electricity Deregulation and Privatization**

Moved by: Councillor Walker

Seconded by: Councillor Moscoe

“**WHEREAS** City Council at its meeting held on February 4, 5, and 6, 2003, adopted, without amendment, Policy and Finance Committee Report No. 1, Clause No. 9, headed ‘For-Profit Status of Toronto Hydro-Electric System Limited – Bill 210, Electricity Pricing, Conservation and Supply Act, 2002’; and

WHEREAS the Ontario government’s electricity deregulation and privatization policy has clearly been a disaster; and

WHEREAS the various electricity policies implemented by this provincial government over the past six years have imposed hundreds of millions of dollars of additional costs on local distribution companies and their customers; and

WHEREAS the government has now enacted Bill 210, The Electricity Pricing, Conservation and Supply Act, 2002 (the ‘Act’), which requires each municipality to decide whether to continue to operate its local distribution utility as a for-profit corporation (as required by previous legislation) or allow it to become a zero-return on equity corporation with various additional restrictions (the so-called ‘non-profit’ status); and

WHEREAS the Act gives only an appearance of choice for citizens and their elected municipal representatives, because it places onerous and punishing financial consequences on the local distribution company (LDC) and the municipal shareholder if it opts for the ‘non-profit’ model; and

WHEREAS this false choice seems only to serve as an attempt to scapegoat municipalities and their local distribution companies (LDC) for the provincial government’s disastrous electricity policies; and

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report No. 1, Clause No. 9, headed ‘For-Profit Status of Toronto Hydro-Electric System Limited – Bill 210, Electricity Pricing, Conservation and Supply Act, 2002’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT City Council call on the Government of Ontario to rescind Bill 210, to abandon plans for deregulation and privatization of Ontario's electricity in accord with the wishes of the people of Ontario, to develop and implement a renewed vision for public power in Ontario, and to:

- (1) stop the sell-off of public generating stations and local hydro utilities;
- (2) stop paying higher deregulated prices to electricity producers; and
- (3) implement genuine energy conservation policies and expand clean, renewable energy sources;

AND BE IT FURTHER RESOLVED THAT this Resolution be sent for action to: the Honourable Ernie Eves, Premier, and the Honourable John Baird, Ontario Minister of Energy; and for information to: Dalton McGuinty, MPP; Howard Hampton, MPP; Shelly Martel, MPP; Michael Bryant, MPP; and for endorsement to: the Association of Municipalities of Ontario, and to all Ontario municipalities with populations greater than 50,000."

Disposition: Consideration of the Motion was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

(9) **Increasing Fines for Illegal Dumping and Littering**

Moved by: Councillor Cho

Seconded by: Councillor Miller

“WHEREAS the City of Toronto has set fines under Municipal Code Chapter 841 and Chapter 844 for illegal dumping and littering; and

WHEREAS illegal dumping, littering and garbage at the curb on wrong collection days continues to be a problem across the City; and

WHEREAS the current set fines for illegal dumping, littering and garbage not stored on private property should be reviewed, in order to ensure maximum effectiveness;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee, as soon as possible, on a review of the current set fines for illegal dumping, littering and garbage not stored on private property, such report to identify where such fines may be increased while continuing to maintain maximum effectiveness;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Works and Emergency Services also be requested to submit a report to the Works Committee on a strategy to encourage property owners to keep the public property, adjacent to their private property, clean, and to restore pride in the cleanliness of our City.”

Disposition: Consideration of the Motion was deferred to the next regular meeting of City Council scheduled to be held on June 24, 2003.

NOTICE OF MOTION APPEARING UNDER ITEM I

- (1) **Request to Incoming Council to Impose Tax Increase to Fund the Toronto Transit Commission Ridership Growth Strategy and Subway Expansion Plan**

Moved by: Councillor Chow

Seconded by: Councillor Soknacki

“BE IT RESOLVED THAT, conditional upon the federal and provincial governments committing their one-third share of the funding for the Subway Expansion Plan and the Ridership Growth Strategy capital programs, in addition to their one-third share of the current Toronto Transit Commission State of Good Repair Budget for 2003, City Council recommend to the next City Council that it implement a one percent property tax increase in 2004, 2005 and 2006, across the entire tax base, to be dedicated to the Subway Expansion Plan and Ridership Growth Strategy.”

Disposition: The Motion was referred to the Policy and Finance Committee.

NOTICES OF MOTION APPEARING UNDER ITEM J

- (1) **Proposed Installation of Speed Humps on Schell Avenue, between Dufferin Street and Fairbank Avenue**

Moved by: Councillor Mammoliti

Seconded by: Councillor Di Giorgio

“WHEREAS residents of Schell Avenue have expressed concern with regard to the vehicle speeds on the roadway between Dufferin Street and Fairbank Avenue; and

WHEREAS residents of Schell Avenue have expressed concern with regard to the volume of traffic on the roadway between Dufferin Street and Fairbank Avenue and have requested the installation of speed humps;

NOW THEREFORE BE IT RESOLVED THAT the appropriate staff be authorized to conduct a poll of eligible residents on Schell Avenue, between Dufferin Street and Fairbank Avenue, in accordance with the traffic calming policy, to determine if the residents of the roadway support the installation of speed humps on the roadway;

AND BE IT FURTHER RESOLVED THAT the appropriate staff convey the results of the survey to the respondents;

AND BE IT FURTHER RESOLVED THAT because the road is being reconstructed in 2004, it is imperative that this matter be dealt with to coincide with the reconstruction;

AND BE IT FURTHER RESOLVED THAT, subject to positive results of the poll, a by-law be prepared for the alteration of Schell Avenue for the installation of speed humps and the speed limit be reduced to 30 kilometres per hour;

AND BE IT FURTHER RESOLVED THAT, pursuant to the requirements of the Municipal Class Environmental Assessment Act, Schedule B, a notice of study commencement be given to the Ministry of the Environment, Fire Services, Emergency Medical Services and the Toronto Police Service and, upon approval of a by-law by Council, Notice of Completion be issued;

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 bills that may be required.”

Disposition: The Motion was adopted, without amendment.

(2) **Proposed Ban or Restriction on Rickshaws in the City of Toronto**

Moved by: Councillor Mammoliti

Seconded by: Councillor Minnan-Wong

“**WHEREAS** the City of Toronto has received hundreds of complaints about rickshaw operators abusing passengers, particularly tourists, in the core of the City; and

WHEREAS rickshaws tend to severely damage the reputation of the City of Toronto’s tourism market; and

WHEREAS rickshaws are a hazard to both pedestrians and traffic; and

WHEREAS the presence of rickshaws in the City of Toronto represents a severe nuisance;

NOW THEREFORE BE IT RESOLVED THAT the Planning and Transportation Committee hold a public meeting to give consideration to amending Toronto Municipal Code Chapter 545, Licensing, to either ban or significantly restrict rickshaws within the City;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism, in consultation with the City Solicitor, be requested to submit a report to the Planning and Transportation Committee on this matter;

AND BE IT FURTHER RESOLVED THAT the City Solicitor be requested to prepare a draft By-law for consideration at the public meeting;

AND BE IT FURTHER RESOLVED THAT notice of the proposed By-law be given in accordance with Toronto Municipal Code Chapter 162, Notice, Public, and s.150(4) of the Municipal Act, 2001.”

Disposition: The Motion was referred to the Planning and Transportation Committee.

(3) **2003 Contribution Rebate Program**

Moved by: Councillor Mihevc

Seconded by: Councillor Bussin

“**WHEREAS** City Council at its meeting held on October 29, 20 and 31, 2002, adopted, as amended, Administration Committee Report No. 13, Clause No. 5, headed ‘2003 Contribution Rebate Program’, and in so doing enacted By-law No. 1011-2002, which establishes the conditions under which payment of rebates to persons who make contributions to candidates for an office on the municipal Council for the 2003 election are made; and

WHEREAS under subsection 82(1) of the Municipal Elections Act, 1996, rebates may be provided to individuals, corporations or trade unions residing within the Province of Ontario; and

WHEREAS it escaped the notice of most members of Council that this By-law restricted the payment of rebates to residents of Toronto only; and

WHEREAS given the structure of the Greater Toronto Area, to impose such a geographic limitation on donors is to ignore the fundamental nature of the urban fabric of our society; and

WHEREAS the establishment of such artificial limitations will simply encourage donors to skirt the Act and promote disrespect for the By-law;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Administration Committee Report No. 13, Clause No. 5, headed ‘2003 Contribution Rebate Program’, be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the phrase ‘residing in the City of Toronto’ be deleted from the By-law (*mutatus mutandis*);

AND BE IT FURTHER RESOLVED THAT the issuance of receipts be permitted in accordance with the full provisions of the Municipal Elections Act, 1996;

AND BE IT FURTHER RESOLVED THAT the necessary Bill be introduced to give effect thereto.”

Disposition: Council re-opened Clause No. 5 of Report No. 13 of The Administration Committee, headed “2003 Contribution Rebate Program”, for further consideration, and adopted the balance of the Motion, without amendment.

(4) **Proposed Traffic Calming Measures - Old Yonge Street, from York Mills Road to Campbell Crescent**

Moved by: Councillor Flint

Seconded by: Councillor Mihevc

“**WHEREAS** the residents of Old Yonge Street have expressed concern with regard to the vehicle speeds on the roadway between York Mills Road and Campbell Crescent; and

WHEREAS staff of District 3, Transportation Services Division has confirmed that the 85th percentile speed on Old Yonge Street, between York Mills Road and Campbell Crescent, is 48 kilometres per hour within the 40 kilometres per hour speed zone;

NOW THEREFORE BE IT RESOLVED THAT the appropriate staff be authorized to conduct a poll of eligible residents on Old Yonge Street, from York Mills Road to Campbell Crescent, to determine resident support for the speed hump plan, in accordance with the City of Toronto Traffic Calming Policy, and public notice be given pursuant to the Municipal Class Environmental Assessment Act, including Notice of Study Commencement to the Ministry of Environment, Fire Services, Emergency Services and the Toronto Police Service;

AND BE IT FURTHER RESOLVED THAT, subject to favourable results of the poll:

- (1) a by-law be prepared for the alteration of sections of the roadway on Old Yonge Street, from York Mills Road to Campbell Crescent, for traffic calming purposes, as shown in the attached speed hump plan No. NY-1451; and
- (2) pursuant to the requirements of the Municipal Class Environmental Assessment Act, Notice of Completion be issued;

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

Disposition: *The Motion was adopted, subject to adding the following new Operative Paragraph:*

“AND BE IT FURTHER RESOLVED THAT the Commissioner of Works and Emergency Services be requested to submit a report to the Works Committee providing a list of all streets which have gone through the approval process, and their rankings.”

- (5) **Technical Amendment to Clause - Final Report - Application to Amend the Official Plan and Zoning By-law 7625 - TB CMB 2002 0005, TB SPC 2002 0034 1314193 Ontario Limited – 27-49 Bales Avenue and 30, 32, 34 and 42 Glendora Avenue – Ward 23 - Willowdale**

Moved by: Councillor Filion

Seconded by: Councillor Shiner

“**WHEREAS** City Council at its meeting held on April 14, 15 and 16, 2003, adopted, without amendment, North York Community Council Report No. 3, Clause No. 19, headed ‘Final Report - Application to Amend the Official Plan and Zoning By-law 7625 - TB CMB 2002 0005, TB SPC 2002 0034 1314193 Ontario Limited - 27-49 Bales Avenue and 30, 32, 34 and 42 Glendora Avenue – Ward 23 - Willowdale’; and

WHEREAS it is noted in the Clause that Councillor Filion voted in favour of the development at the North York Community Council, when in fact Councillor Filion was opposed; and

WHEREAS Councillor Filion wishes it to be noted in the Clause that he did not vote in favour of this development; and this revision will not affect the outcome on this matter;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, North York Community Council Report No. 3, Clause No. 19, headed ‘Final Report - Application to Amend the Official Plan and Zoning By-law 7625 – TB CMB 2002 0005, TB SPC 2002 0034 1314193 Ontario Limited - 27-49 Bales Avenue and 30, 32, 34 and 42 Glendora Avenue - Ward 23 - Willowdale’, be re-opened for further consideration, only insofar as it pertains to the notation in the Clause regarding a recorded vote taken at the North York Community Council with respect to Recommendation No. (1);

AND BE IT FURTHER RESOLVED THAT the notation be amended to reflect Councillor Filion in the negative.”

Disposition: *Council re-opened Clause No. 19 of Report No. 3 of The North York Community Council, headed “Final Report - Application to Amend the Official Plan and Zoning By-law 7625 – TB CMB 2002 0005, TB SPC 2002 0034 1314193 Ontario Limited - 27-49 Bales Avenue and 30, 32, 34 and 42 Glendora Avenue - Ward 23 - Willowdale”, for further consideration, only insofar as it pertains to the notation in the Clause regarding a recorded vote taken at the North York Community Council with respect to Recommendation No. (1), and adopted the balance of the Motion, without amendment.*

(6) **Grant to Tenant's Association of 1305 Wilson Avenue**

Moved by: Councillor Walker

Seconded by: Councillor Milczyn

“WHEREAS City Council established a Tenant Defence Fund to assist tenants of Toronto in disputing above-guideline rent increases, participating in Ontario Municipal Board Appeals affecting condominium conversion and demolition application and making appeals to Divisional Court in defence of tenants interests; and

WHEREAS City Council established the Tenant Defence Sub-Committee to monitor the Tenant Defence Fund Program and to recommend to the Community Services Committee actions in defence of tenants in the City of Toronto; and

WHEREAS the Tenants' Association of 1305 Wilson Avenue applied for and received an additional grant of \$10,000.00, under the Tenant Support Grant Program in May 2002, to appeal to the Divisional Court of the Ontario Superior Court of Justice on an Order issued by the Ontario Rental Housing Tribunal approving the landlord's application for an above-guideline rent increase (AGI) based on a one-time spike in heating costs; and

WHEREAS the appeal hearing for 1305 Wilson was completed on June 28, 2002, and a decision was released by the Divisional Court on August 26, 2002, ordering that the appeal be dismissed and that the tenants pay \$2,500.00 to the landlord for legal costs; and

WHEREAS despite the decision to dismiss the Wilson tenants' appeal, the judges who presided over the hearing expressed sympathy for the tenants and suggested that the Minister of Municipal Affairs and Housing review the provisions in the Tenant Protection Act (TPA) relating to applications for above-guideline rent increases based on extraordinary utility costs; and

WHEREAS the Tenants' Association of 1305 Wilson further made an application for Leave to Appeal to the Ontario Court of Appeals on the Divisional Court decision and requested a further grant of \$10,000.00 for the legal expenses of the second appeal and an additional \$2,500.00 to cover the costs awarded against them by the Divisional Court; and

WHEREAS the report dated November 8, 2002, from the Commissioner of Community and Neighbourhood Services, did not recommend the approval of further funding to the 1305 Wilson Tenants' Association, as court costs and second appeals are beyond the mandate of the Tenant Support Grant Program; and

WHEREAS on December 12, 2002, the 1305 Wilson tenants' application for Leave to Appeal was denied by the Ontario Court of Appeal and the tenants were ordered to pay \$1,000.00 to the landlord for legal costs; and

WHEREAS at an informal meeting of the Tenant Defence Sub-Committee on March 4, 2003, the matters were discussed and the solicitor for the 1305 Wilson Tenants' Association requested \$3,500.00 to cover the total legal costs the two courts had ordered the Tenants' Association to pay to the landlord; and

WHEREAS section 107 of the Municipal Act, 2001 provides that the Council of every municipality may, subject to section 106 of the Municipal Act, 2001, make grants, on such terms and conditions as to security and otherwise as the Council may consider expedient, to any person, institution, association, group or body of any kind or any purpose that, in the opinion of the Council, is in the interests of the municipality; and

WHEREAS the issues raised by the Tenants' Association of 1305 Wilson Avenue in the courts may precipitate a review of the TPA by the provincial government that could have a significant impact on other tenants in Toronto and is, therefore, in the interests of the City; and

WHEREAS there are sufficient funds in the 2003 Tenant Support Grants Program to provide a grant to the Tenants' Association of 1305 Wilson to assist them with paying the legal costs to the landlord as ordered by the courts;

NOW THEREFORE BE IT RESOLVED THAT Council grant \$3,500.00 from the 2003 Tenant Support Grant Program to the Tenants' Association of 1305 Wilson Avenue for payment of the legal costs ordered by the courts, and deem such grant to be in the municipal interest."

Disposition: The Motion was adopted, without amendment.

(7) **Grant to the Tenant's Association of 34 Riverwood Parkway**

Moved by: Councillor Walker

Seconded by: Councillor Milczyn

“WHEREAS City Council established a Tenant Defence Fund to assist tenants of Toronto in disputing above guideline rent increases, participating in Ontario Municipal Board Appeals affecting condominium conversion and demolition application, and making appeals to Divisional Court in defence of tenants interests; and

WHEREAS City Council established the Tenant Defence Sub-Committee to monitor the Tenant Defence Fund Program and to recommend to the Community Services Committee actions in defence of tenants in the City of Toronto; and

WHEREAS the Tenants' Association of 34 Riverwood Parkway was approved for a \$10,000.00 grant, under the Tenant Support Grant Program in May 2002, to appeal to the Divisional Court of the Ontario Superior Court of Justice on an Order issued by the Ontario Rental Housing Tribunal approving the landlord's application for an above-guideline rent increase (AGI) based on a one-time spike in heating costs; and

WHEREAS the Riverwood Parkway tenants had been paid \$7,182.35 from the approved \$10,000.00 grant, in October 2002, to cover the legal expenses for the filing of the Divisional Court appeal; and

WHEREAS the Divisional Court's dismissal of the appeal by the 1305 Wilson Tenants' Association on the same issue resulted in a withdrawal of the Riverwood Parkway appeal to the Divisional Court; and

WHEREAS the Tenants' Association of Riverwood Parkway joined with the 1305 Wilson Tenant's Association in applying for a Leave to Appeal to the Ontario Court of Appeal regarding the Divisional Court's original decision on 1305 Wilson; and

WHEREAS the solicitor for 34 Riverwood Parkway requested \$2,675.00 for preparatory work done for the 34 Riverwood Parkway Tenants' Association related to the Leave to Appeal to the Ontario Court of Appeal; and

WHEREAS the report dated November 8, 2002, from the Commissioner of Community and Neighbourhood Services did not recommend the approval of further funding to the Riverwood Tenant's Associations, as a second appeal is beyond the mandate of the Tenant Support Grant Program; and

WHEREAS the solicitor for 34 Riverwood Parkway has provided staff with further documentation regarding the costs associated with this appeal; and

WHEREAS section 107 of the Municipal Act, 2001 provides that the Council of every municipality may, subject to section 106 of the Municipal Act, 2001, make grants, on such terms and conditions as to security and otherwise as the Council may consider expedient, to any person, institution, association, group or body of any kind or any purpose that, in the opinion of the Council, is in the interests of the municipality; and

WHEREAS the issues raised by the Tenants' Association of 34 Riverwood Parkway and other tenants' associations may precipitate a review of the TPA by the provincial government that could have a significant impact on other tenants in Toronto and is, therefore, in the interests of the City; and

WHEREAS there is \$2,817.00 remaining in unexpended funds from the original \$10,000.00 approved grant to the Riverwood Parkway Tenants' Association under the 2002 Tenant Support Grant Program; and

WHEREAS the unexpended amount has been accrued from the 2002 Shelter, Housing and Support Operating Budget and is sufficient to cover the solicitor's costs;

NOW THEREFORE BE IT RESOLVED THAT Council grant \$2,675.00 to the Tenants' Association of 34 Riverwood Parkway for its outstanding legal fees, to be allocated from the 2002 Tenant Support Grant Program, and deem such grant to be in the municipal interest."

Disposition: *The Motion was adopted, without amendment.*

(8) **Proposed Support of Falun Dafa (Falun Gong)**

Moved by: Councillor Walker

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** the City’s Legal Department is of the opinion that the human rights issue surrounding Falun Dafa is not ultra vires to City Council, in light of the fact that, on September 5, 2001, Mayor Mel Lastman wrote Prime Minister Jean Cretien requesting his attention to the plight of 130 Falun Dafa practitioners engaged in a hunger strike in Shenyang City; and

WHEREAS Falun Dafa is a peaceful and non-violent form of personal exercise and philosophical practice, based on the principles of Truthfulness, Compassion and Tolerance, with tens of millions of practitioners in China, Canada and over sixty (60) other countries around the world; and

WHEREAS presently, there are over twelve (12) family members of Toronto residents being persecuted in China for being practitioners of Falun Dafa; and

WHEREAS MPP and past City Councillor Michael Prue, on July 16, 2002, said ‘I have to say, looking down the list of Canadian citizens and permanent residents who are detained in China, it is readily apparent that most of those people are from the Toronto, Ontario area’; and

WHEREAS, since July 20, 1999, the Government of the People’s Republic of China has forbidden Falun Dafa practitioners to practice their beliefs and has systematically attempted to eradicate the practice and those who follow it; and

WHEREAS China’s Government policy violates the Constitution of the People’s Republic of China, as well as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights; and

WHEREAS Amnesty International has proclaimed Falun Dafa practitioners ‘Prisoners of Conscience’, because they continue to refuse to entertain the prospect of violent retaliation, even while under extremely violent conditions, similar to the actions and traditions of Mahatma Gandhi; and

WHEREAS in 2001 and 2002 the founder of Falun Dafa, Mr. Li Hongzhi, was nominated for the Nobel Peace Prize; and

WHEREAS the Government of the People’s Republic of China has created notorious government ‘610’, offices throughout the People’s Republic of China, with the special task of overseeing the persecution of Falun Dafa practitioners through organized brainwashing, torture and murder; and

WHEREAS propaganda from state-controlled media in the People’s Republic of China has inundated the public, in an attempt to breed hatred and discrimination; and

WHEREAS women, in particular, have been the target of numerous forms of sexual violence, including rape, sexual assault and forced abortion; and

WHEREAS the campaign of persecution that has been generated by the Chinese government is carried out by government officials and state police and has permeated every village and every level of government in China; and

WHEREAS Falun Dafa is a system of mind and body which has ancient historical roots in oriental culture; and

WHEREAS between July 20, 1999, and December 1, 2001, in under a year and a half, more than 500 hundred practitioners were sentenced to long prison terms; more than 1,000 practitioners were illegally imprisoned in 43 psychiatric hospitals; over 20,000 practitioners were sent to labour camps without trial; at least 100,000 practitioners were arrested and detained; and at least 319 Falun Dafa practitioners were persecuted to death -- this is an average of 20 deaths per month; and

WHEREAS on October 8, 1999, in Beijing, China, a Secret Press Conference was held by Falun Dafa practitioners to appeal, through the world media, to other countries for help; and

WHEREAS in April 2002, an official document calling for large-scale assault on Falun Dafa practitioners, including a suggestion to use the death sentence, was distributed to middle level officials of some government agencies in Shenyang City, Liaoning Province, China; and

WHEREAS on August 4, 2001, under the headline 'China Systematically Eradicating Group', The Washington Post printed an interview with a Chinese government advisor who revealed three ingredients in the crackdown on Falun Dafa: (1) state sanctioned violence; (2) brainwashing; and (3) propaganda to turn public opinion against the group. 'Each aspect of the campaign is critical, pure violence doesn't work... And none of it would be working if the propaganda hadn't started to change the way the public thinks. You need all three.'; and

WHEREAS in 2000, ABC News in Australia reported that 'over half of all people in labour-camps in China are Falun Dafa practitioners'; and

WHEREAS on April 20, 2000, The Wall Street Journal published a Pulitzer Prize winning article about the Chinese government's sponsored and enforced persecution of Falun Dafa, stating '...the effects on society of such [state sanctioned] systematic brutality is hard to gauge... None of the deaths have been reported in the Chinese media... Only those directly touched by the crackdown know of its scope and ferocity.'; and

WHEREAS Canadian unions, including the Canadian Labour Congress, the Hospital Employees Union and the National Union of Public and General Employees, have written letters supporting Falun Dafa practitioners on behalf of over five (5) million member employees; and

WHEREAS the Mayor of Ottawa, Bob Chiarelli, proclaimed January 24, 2001, Falun Dafa Day; and

WHEREAS nine (9) municipalities in Ontario have proclaimed Falun Dafa Week, namely: Orillia, Elliot Lake, Ajax, Aurora, East Gwillimbury, Spring Water, New Tecumseth, Whitby and Uxbridge; and

WHEREAS on July 19, 2002, nearly the third anniversary of the ongoing Chinese government campaign of persecution, the Councils of six (6) Canadian municipalities passed Resolutions condemning the persecution of Falun Dafa practitioners in China, namely: the Township of Carling, the Town of Harbour Breton, the Town of Torbay, the Township of Coleman, the Municipality of the County of Richmond and the Town of Burin; and

WHEREAS on July 23, 2002, the U.S. Congress unanimously passed Bill 188 condemning China on its persecution of Falun Dafa practitioners; and

WHEREAS on November 6, 2002, Chicago City Council unanimously passed a Resolution condemning China on its persecution of Falun Dafa practitioners;

NOW THEREFORE BE IT RESOLVED THAT City Council request the incoming Council to consider proclaiming May 13 to 20, 2004, 'Falun Dafa Week', in remembrance of the 12th anniversary of the public practice of Falun Dafa;

AND BE IT FURTHER RESOLVED THAT Toronto City Council petition the Federal Government to request the Government of the People's Republic of China to cease its persecution of Falun Dafa practitioners and its representatives in Toronto, to cease their harassment of citizens and residents of Toronto who practice Falun Dafa and to cease their attempts to put pressure on officials of multiple levels of governments in Canada to refuse or withdraw support for Falun Dafa and its practitioners;

AND BE IT FURTHER RESOLVED THAT Toronto City Council and the Federal Government should use every appropriate public and private forum to urge the Government of the People's Republic of China:

- (1) to release from detention all Falun Dafa practitioners and put an end to the practices of torture and other cruel, inhumane and degrading treatment against them and other prisoners of conscience; and
- (2) to abide by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights by allowing Falun Dafa practitioners to pursue their beliefs;

AND BE IT FURTHER RESOLVED THAT Toronto City Council support those who practice Falun Dafa and feel that what they are teaching and what they are practicing is a positive thing and would like the Chinese government to look at Toronto and see what a good thing Falun Dafa has been to Toronto and to believe that, just as there is room for everyone in this City, so there should be room for everyone in a large and increasingly prosperous country like China;

AND BE IT FURTHER RESOLVED THAT Toronto City Council request the Federal Government and its appropriate agencies to investigate allegations of illegal activities in Canada of the Government of the People's Republic of China and its representatives and agents, including allegations of unlawful harassment of Canadian citizens and residents who practice Falun Dafa and of officials of Provincial and local governments in Canada who support Falun Dafa, and should take appropriate action, including but not limited to enforcement of the immigration laws, against any such representatives or agents who engage in such illegal activities;

AND BE IT FURTHER RESOLVED THAT a copy of this Resolution be forwarded to the Honourable Mr. Jean Cretien, Prime Minister of Canada, the Honourable Mr. John Manley, Deputy Prime Minister of Canada, the Honourable Mr. Bill Graham, Minister of Foreign Affairs, the Honourable Kofi Annan, General-Secretary of the United Nations, Mr. Hu Jintao, President of China, Mr. Wen Jiabao, Prime Minister of China, Mr. Jiang Zemin, Chairman of China's Central Military Commission and Mr. Ping Mei, Chinese Ambassador in Canada."

Disposition: The Motion was ruled ultra vires.

(9) **Proposed Ban on the Use of Diesel Powered Generators on City Property**

Moved by: Councillor Berardinetti

Seconded by: Councillor Chow

“WHEREAS the Government of Ontario, in an attempt to avoid blackouts this summer, issued a Request for Proposals on April 28, 2003, for diesel power generators; and

WHEREAS these power generators are mounted on tanker trucks and are comparable to giant construction machines that run at full throttle, for at least four hours, causing unacceptable levels of noise and air pollution; and

WHEREAS these diesel-fueled generators contributed to a record setting 27 smog advisory days last year in Ontario, which contribute to the death of 1,900 Ontarians annually; and

WHEREAS the Provincial Government is planning on installing some of these units close to residential areas;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto ban the use of diesel powered generators on all City of Toronto property;

AND BE IT FURTHER RESOLVED THAT this proposal by the Government of Ontario be examined by Toronto Board of Health for any potential environmental ramifications;

AND BE IT FURTHER RESOLVED THAT the City of Toronto, via letter to the Government of Ontario and all 22 Toronto area MPPs, request the Government of Ontario to look at safe and environmentally friendly alternatives for power generation.”

Disposition: Notice of the foregoing Motion was given to permit consideration at the next regular meeting of City Council scheduled to be held on June 24, 2003.

(10) **Encroachment Agreements - 84 Highland Crescent, 100 Munro Boulevard, 111 Gordon Road and 96 Beechwood Avenue**

Moved by: Councillor Flint

Seconded by: Councillor Johnston

“**WHEREAS** during the recent road construction on Birchwood Avenue, a hedge on the flankage of 84 Highland Crescent, a hedge on the flankage of 100 Munro Boulevard and 111 Gordon Road and various bushes on the flankage of 96 Beechwood Avenue, were removed to facilitate the new sidewalk; and

WHEREAS residents are looking forward to the replacement of the hedges and plantings as agreed, and in the case of 100 Munro Boulevard and 111 Gordon Road, as per Council’s direction; and

WHEREAS to replace the hedges and plantings near to their original location would entail planting on the City boulevard; and

WHEREAS at 84 Highland Crescent, it would be advisable for the new hedge to be located near the new retaining wall for safety reasons; and

WHEREAS at 100 Munro Boulevard, 111 Gordon Road and 96 Beechwood Avenue, the streetscape and adjoining properties would benefit by having the landscaping replaced as near as possible to the original location; and

WHEREAS this would necessitate encroachment agreements;

NOW THEREFORE BE IT RESOLVED THAT the City enter into encroachment agreements with the owners of the above properties to allow the aforementioned landscaping to be located as near as possible to that which was removed;

AND BE IT FURTHER RESOLVED THAT the planting be done by the contractor, as soon as possible, to the satisfaction of the supervising Engineer;

AND BE IT FURTHER RESOLVED THAT the encroachment agreements be registered on title;

AND BE IT FURTHER RESOLVED THAT the costs of the encroachment agreements to the residents be waived.”

Disposition: The Motion was adopted, without amendment.

(11) **Annual Roncesvalles Village Octoberfest and Harvest Festival**

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Silva

“**WHEREAS** the Annual Roncesvalles Village Octoberfest and Harvest Festival is an important festival activity within the City of Toronto and will be held on Saturday, September 20, 2003, from 12:00 noon to 12:00 midnight and Sunday, September 21, 2003, from 12:00 noon to 5:00 p.m.; and

WHEREAS the Annual Roncesvalles Village Octoberfest and Harvest Festival is an enriching event, providing the community with many opportunities for sharing and is organized in co-operation with the Roncesvalles Village Business Association; and

WHEREAS the Annual Roncesvalles Village Octoberfest and Harvest Festival is seeking to have patio liquor license extensions for all participating restaurants, which currently have a liquor licence, during the Roncesvalles Village Octoberfest and Harvest Festival, to operate from 12:00 noon to 12:00 midnight on September 20, 2003 and from 12:00 noon to 5:00 p.m. on September 21, 2003; and

WHEREAS the Annual Roncesvalles Village Octoberfest and Harvest Festival is seeking, on behalf of its participants, a special occasion permit under the Community Festival section of the Ontario Liquor License Act; and

WHEREAS pursuant to Section 40 of the Regulations of the Ontario Liquor Licence Act, an application for a special occasion permit for an event that is a community festival must be accompanied by a Resolution approving an event as a community festival made by the local Council for the municipality in which the event is to occur;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Toronto deem the Annual Roncesvalles Village Octoberfest and Harvest Festival to be a community festival.”

Disposition: The Motion was adopted, without amendment.

(12) **FoodShare - Field to Table Day June 9, 2003**

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor McConnell

“**WHEREAS** the City of Toronto is a leader in working towards food security, having adopted Canada’s first Food Charter and established Canada’s first Food Policy Council, and is dedicated to ensuring that all residents have access to affordable and healthy food; and

WHEREAS the City of Toronto supports many innovative and important initiatives, from farmers markets to community gardens in Toronto's Parks and Housing buildings, to over 250 school and community-based student nutrition programs; and

WHEREAS food brings people together in celebration of community and diversity and is an important part of Toronto's dynamic culture; and

WHEREAS FoodShare's successful 'Field to Table Program', which was launched at Nathan Phillips Square on June 5, 1992, by then Mayor June Rowlands, now embarks on its second decade, and FoodShare will launch its new 'Field to Table Campaign' in June 2003;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto declare June 9, 2003, 'Field to Table Day', continuing its commitment to diverse and healthy food and communities."

Disposition: The Motion was adopted, without amendment.

(13) **Rescheduling of Community Services Committee Meeting from June 5, 2003 to June 9, 2003**

Moved by: Councillor Chow

Seconded by: Councillor Walker

"**WHEREAS** the Community Services Committee is scheduled to meet on June 5, 2003; and

WHEREAS the Toronto City Summit Alliance has announced that it plans to convene a second Toronto City Summit on June 5, 2003, to discuss implementation of its report, entitled 'Enough Talk: An Action Plan for the Toronto Region'; and

WHEREAS City Council in August 2000, in its adoption of the Toronto Economic Development Strategy, identified as one of its priorities the convening of an annual City Summit and the establishment of a partnership to bring together representatives from business, labour, academia, arts and culture, not-for-profit, government and community organizations to promote Toronto, to advocate on behalf of Canada's largest City, and to strengthen relationships between Toronto's diverse communities; and

WHEREAS Toronto is now suffering extreme economic hardship, as a result of the recent SARS outbreak and participation at the Summit is of critical importance to the City of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the Community Services Committee meeting be re-scheduled from Friday, June 5, 2003 to Monday, June 9, 2003."

Disposition: The Motion was adopted, without amendment.

(14) **Request to Continue Funding for Senior and Adult Community-Based Educational Activities**

Moved by: Councillor I. Jones

Seconded by: Councillor Johnston

“**WHEREAS** the provincially-appointed Supervisor of the Toronto District School Board, Paul Christie, and the Director of the Toronto District School Board, David Reid, announced that the TDSB will no longer offer General Interest and Seniors’ Programs after the 2003 spring session; and

WHEREAS Citizens for Lifelong Learning has been formed to fight this decision and is asking Council to help in its efforts to persuade the provincial government to reverse the decision to cut programs for seniors; and

WHEREAS this action by the provincial government ends a proud tradition of over 100 years of delivery of important senior and adult programs across the City of Toronto; and

WHEREAS lifelong learning programs contribute to the health and well being of our citizens;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council request the Province of Ontario to amend the funding formula to authorize funds to continue the senior and adult community-based educational activities by Ontario School Boards;

AND IT BE FURTHER RESOLVED THAT Council request the Ministry of Education and the Toronto District School Board to reaffirm, by policy, declaration and action, the social importance of ‘local and affordable’ educational activities for seniors and working adults.”

Disposition: The Motion was adopted, without amendment.

(15) **Implementation of Overnight On-Street Permit Parking - Crewe Avenue between Westlake Avenue and Chisholm Avenue (Beaches-East York, Ward 31)**

Moved by: Councillor Tziretas

Seconded by: Councillor Soknacki

“**WHEREAS** City Council, at its meeting held on April 14, 15 and 16, 2003, adopted, without amendment, Clause No.33 of Report No. 4 of The Toronto East York Community Council, headed ‘Implementation of Overnight On-Street Permit Parking – Crewe Avenue between Westlake Avenue and Chisholm Avenue (Beaches-East York, Ward 31)’; and

WHEREAS, since that time, communications have been received by the Ward Councillor from concerned citizens respecting the implementation of overnight on-street permit parking on Crewe Avenue; and

WHEREAS the Ward Councillor desires, in view of the communications received, to conduct further community consultation on this matter;

NOW THEREFORE BE IT RESOLVED THAT, in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Clause No. 33 of Report No. 4 of The Toronto East York Community Council, headed 'Implementation of Overnight On-Street Permit Parking - Crewe Avenue between Westlake Avenue and Chisholm Avenue (Beaches-East York, Ward 31)', be re-opened for further consideration;

AND BE IT FURTHER RESOLVED THAT the Clause be struck out and referred to the Manager, Right-of-Way Management, Transportation Services, District 1, and the Ward Councillor, with a request that they conduct further community consultation on this matter, and submit a report to the Toronto East York Community Council upon completion of the community consultation process.”

Disposition: Council re-opened Clause No. 33 of Report No. 4 of The Toronto East York Community Council, headed “Implementation of Overnight On-Street Permit Parking - Crewe Avenue between Westlake Avenue and Chisholm Avenue (Beaches-East York, Ward 31)”, for further consideration, and adopted the balance of the Motion, without amendment.

In so doing, Council struck out and referred the Clause to the Manager, Right-of-Way Management, Transportation Services, District 1, and the Ward Councillor, with a request that they conduct further community consultation on this matter, and submit a report to the Toronto East York Community Council upon completion of the community consultation process.

(16) **Application for Demolition Approval - 1120 Weston Road**

Moved by: Councillor Nunziata

Seconded by: Councillor Di Giorgio

“**WHEREAS** an application for a demolition permit has been submitted to the City by Ronald D. Gagliardi, Venchiarutt, Gagliardi Architect, on behalf of Mr. Martin Caplan, owner of the subject property; and

WHEREAS the subject property has been an eyesore to the community for a long period of time; and

WHEREAS the subject property will provide parking for a proposed new development by the owner adjacent to 1120 Weston Road; and

WHEREAS the proposed development is important to the revitalization of the Mount Denis Business Improvement Area; and

WHEREAS delay in issuing the demolition permit will compromise the proposed development at 1120 Weston Road, and thus jeopardise the efforts of the business owners to revitalise the Mount Dennis BIA; and

WHEREAS the subject property will also provide much needed parking to the existing business operated by the owner across from the subject lands;

NOW THEREFORE BE IT RESOLVED THAT Council consider the attached report dated May 12, 2003, from the Commissioner of Urban Development Services and that such report be adopted.”

Disposition: *The Motion was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated May 12, 2003, from the Commissioner of Urban Development Services, embodying the following recommendations:*

“It is recommended that:

- (1) the application to demolish the building at 1120 Weston Road be approved pursuant to By-law No. 3102-95 of the former City of York subject to a beautification agreement containing a beautification plan to be entered into with the City and registered on title to the lands prior to a demolition permit being issued;*
- (2) staff be authorized to prepare the agreement in consultation with the Ward Councillor and the owner;*
- (3) the owner be advised of the following:*
 - (a) the requirement to receive the approval of the Commissioner of Works and Emergency Services and to obtain any construction and/or streetscape permits for all proposed work within the abutting public rights-of way prior to commencement of the work;*
 - (b) the requirement to receive the approval of the Commissioner of Works and Emergency Services for any new access to the lot and for grading and drainage plans and any associated storm water management and sewer connection works prior to commencement of the work;*

(c) *a Building (Plumbing) permit will be required for any water or sewer system work that is to be undertaken on the site in relation to grading and drainage and/or storm water management; and*

(d) *that the conditions and requirements outlined in the Works and Emergency Services comments dated May 13, 2003, will be applied as part of the condition of approval for any development proposal for 1120 Weston property; and*

(4) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*

(17) **Renewal of the City’s 2002-2003 Insurance Program**

Moved by: Councillor Holyday

Seconded by: Councillor Ashton

“**WHEREAS** City Council approval is required for renewal of the City’s insurance policies at the May 1st and June 1st expiry dates; and

WHEREAS turbulence within the insurance industry prevented negotiations of the insurance policy details for the May 1st and June 1st, 2003 renewal to be finalized in sufficient time to meet City Council’s reporting requirements before the May 1st expiry date; and

WHEREAS at its meeting held on April 14, 15 and 16, 2003, City Council, by its adoption, as amended, of Clause No. 37 of Report No. 3 of The Administration Committee, headed ‘2002 – 2003 Insurance Program Renewal’, delegated authority to the Chief Financial Officer and Treasurer to negotiate the renewal of the City’s insurance policies at the May 1, 2003 and June 1, 2003 expiry dates, and on an interim basis to execute contracts of insurance and to report directly to the May 21, 2003 meeting of City Council on matters relating to the 2002-2003 Insurance Program;

NOW THEREFORE BE IT RESOLVED THAT the recommendations contained within the attached report dated May 15, 2003, from the Chief Financial Officer and Treasurer, entitled ‘2002 - 2003 Insurance Program Renewal’, be adopted in order to finalize the City’s insurance program for the term May 1, 2003 to June 1, 2004, and to complete the requirements of Council’s delegated authority.”

Disposition: *The Motion was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated May 15, 2003, from the Chief Financial Officer and Treasurer, embodying the following recommendations:*

“It is recommended that:

- (1) *the City renew the following insurance policies effective May 1, 2003, for a term of thirteen months and the June 1, 2003 policies, as outlined below in Table 1 (and as detailed in Attachment 1), plus applicable provincial taxes;*

*Table 1
Expiring vs. Renewal*

<i>Insurance Policy</i>	<i>Policy Term</i>	<i>P r e m i u m</i>		
		<i>Expiring</i>	<i>12 Month</i>	<i>For Common June 1, 2004 Expiry Date</i>
<i>Liability – Umbrella Excess</i>	<i>May 1, 2003 to June 1, 2004</i>	<i>520,000</i>	<i>1,173,198</i>	<i>1,272,920</i>
<i>Crime</i>	<i>May 1, 2003 to June 1, 2004</i>	<i>103,290</i>	<i>152,857</i>	<i>165,595</i>
<i>Property</i>	<i>June 1, 2003 to June 1, 2004</i>	<i>2,295,953</i>	<i>2,358,567</i>	<i>2,358,567</i>
<i>Boiler & Machinery</i>	<i>June 1, 2003 to June 1, 2004</i>	<i>126,256</i>	<i>165,195</i>	<i>165,195</i>
<i>Total</i>		<i>3,045,499</i>	<i>3,849,817</i>	<i>3,962,277</i>

- (2) *authority be granted to the Chief Financial Officer and Treasurer to enter into a Financial Security Agreement with ACE INA Insurance as required for the provision of automobile insurance with such agreement in a form and content satisfactory to the City Solicitor and to require from the City up to the maximum amount of \$5,000,000.00 in Government of Canada Bonds to be held in trust by ACE INA until such time as they are no longer required;*
- (3) *a premium expense of \$291,505.00 in addition to the \$6,724,461.00 amount previously authorized by Council be authorized for liability policies to provide the same insurance limits as the expiring program for the term May 23, 2003 to June 1, 2004, as outlined below in Table 2 (and as detailed in Attachment 1), plus applicable provincial taxes; and*

*Table 2
Additional Liability Premium for Excess Policies*

<i>Insurance Company</i>	<i>Insurance Limit \$</i>	<i>13 Month Premium \$</i>
<i>AIG (London)</i>	<i>\$5M XS of \$53M underlying liability policies XS of \$3M SIR</i>	<i>61,630</i>
<i>Gerling</i>	<i>\$15M XS of \$58M underlying liability policies XS of \$3M SIR</i>	<i>162,750</i>
<i>St. Paul</i>	<i>\$25M XS of \$73M underlying liability policies XS of \$3M SIR</i>	<i>67,125</i>
<i>Total</i>	<i>\$45M XS of \$53M underlying liability policies XS of \$3M SIR for a total insured limit of \$101M</i>	<i>291,505</i>

(4) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*

(18) **Request for Removal of Tree – 2 Edilou Drive**

Moved by: Councillor I. Jones

Seconded by: Councillor Nunziata

“WHEREAS the Norway Maple tree on the lawn at 2 Edilou Drive is in decline, although by no means does it pose any danger to persons or property; and

WHEREAS the owner of the property has repeatedly requested that the tree be removed; and

WHEREAS the owner of the property has requested that a Japanese Lilac tree be planted in place of the Norway Maple tree; and

WHEREAS the owner of the property, Ms. Helen Wursta, has agreed to bear the expense of the Japanese Lilac tree;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the Forestry Division to remove the Norway Maple tree from 2 Edilou Drive and replace it with a Japanese Lilac tree, the expense of this to be borne by Ms. Helen Wursta.”

Disposition: *The Motion was adopted, without amendment.*

(19) **First Parliament Site – 265-271 Front Street East**

Moved by: Councillor McConnell

Seconded by: Councillor Ootes

“**WHEREAS** on February 24, 1997, the former City of Toronto Council designated the site of the First Parliament of Upper Canada at 265 – 271 Front Street East and 25 Berkeley Street under the Ontario Heritage Act; and

WHEREAS the King-Parliament Community Improvement Plan, adopted by the former City of Toronto Council on September 23, 1997, identified the First Parliament site as a community improvement project; and

WHEREAS archaeological studies conducted at the direction of City Council and undertaken in October and November 2000, have proven the existence of the remains of First Parliament buildings at this site; and

WHEREAS these remains include limestone foundations, burnt floorboards from the War of 1812 and various artifacts; and

WHEREAS in September 2002, the Ontario Municipal Board approved a site plan application made by the current owners of 265 Front Street East to facilitate the construction of a Porsche dealership; and

WHEREAS archaeology is primarily a provincial responsibility; and

WHEREAS widespread community support exists both within the City of Toronto and throughout the Province of Ontario to bring the site into public ownership and to preserve and recognize the site;

NOW THEREFORE BE IT RESOLVED THAT:

- (1) City Council call on the Ontario Government to immediately declare a provincial interest in the lands containing the remains of Upper Canada’s First Parliament Site and acquire the site for public use;
- (2) the Province be requested to explore locating the Provincial Archives to this site;
- (3) City Council instruct our staff negotiations team, working under the direction of the Commissioner of Economic Development, Culture and Tourism, to work in tandem with the Province and its agencies to find a rapid resolution to this issue;
- (4) the staff team involve the Toronto Parking Authority, the Toronto Public Library Board and/or any other appropriate City agencies to help find a creative and affordable solution;
- (5) the staff team, in concert with the Province, develop a comprehensive package of options to be forwarded to the owners, and that these options include, but not be limited to, the following:
 - (a) the ORC-owned site on Eastern Avenue, formerly known as the Elte Carpet site;

- (b) the partial severing of the current Toronto Library Board site on Parliament Street and the reconfiguration of the existing buildings;
 - (c) the provincial purchase of other lands currently in private hands with the intention of facilitating a land swap; and
 - (d) the provincial purchase of the site; and
- (6) the staff team report back directly to the June 2003, meeting of City Council on the progress of negotiations and/or a resolution.”

Disposition: ***The Motion was adopted, subject to amending Part (5) of the Operative Paragraph by:***

- (1) ***adding the following new Part (5)(a) and renumbering the remaining Parts accordingly:***

“(a) any available City-owned lands;”; and

- (2) ***adding to the new Part (5)(b), the words “or any other Provincially-owned lands”***;

so that Part (5) of the Operative Paragraph, as amended, shall now read as follows:

“(5) the staff team, in concert with the Province, develop a comprehensive package of options to be forwarded to the owners, and that these options include, but not be limited to, the following:

- (a) ***any available City-owned lands;***
- (b) ***the ORC-owned site on Eastern Avenue, formerly known as the Elte Carpet site, or any other Provincially-owned lands;***
- (c) ***the partial severing of the current Toronto Library Board site on Parliament Street and the reconfiguration of the existing buildings;***
- (d) ***the provincial purchase of other lands currently in private hands with the intention of facilitating a land swap; and***
- (e) ***the provincial purchase of the site; and”***.

(20) **City of Toronto's Economic Recovery from the SARS Outbreak**

Moved by: Councillor Shiner

Seconded by: Councillor Ootes

“WHEREAS Council at its special meeting held on April 24, 2003, was advised by Mayor Lastman that he had established the SARS Advisory Task Force to the Mayor (now known as the Mayor's 'Toronto You Belong Here' Task Force), with a mandate to address the City's social and economic recovery following the SARS outbreak by addressing the public health needs of the City, combating fears, promoting Toronto to Torontonians, business and leisure travellers, and ensuring economic relief for individuals and businesses; and

WHEREAS the Task Force has been working actively since April 24th to develop and implement a comprehensive campaign along with detailed workplans to address these objectives; and

WHEREAS Council at its special meeting held on April 24, 2003, requested the Chief Financial Officer and Treasurer to report on a financing source for the City's share of funding for economic relief to businesses for the year 2003 due to Severe Acute Respiratory Syndrome (SARS) related costs incurred up to May 2, 2003; and

WHEREAS the City has committed to co-finance with the other levels of government, a program to assist with economic recovery of business, the City's share being \$5 million of the initial \$25 million and a further \$500,000.00 as seed funding to develop a comprehensive action plan to address economic and tourism impacts of SARS; and

WHEREAS the 2003 Operating Budget contains no provision for unanticipated expenditures nor is there a contingency account set up for such purposes, and any incremental SARS related expenditures will result in a pressure on the 2003 Operating Budget; and

WHEREAS a recommended interim financing source for the \$5 million economic recovery commitment is the Land Acquisition Reserve Fund; the purpose of this reserve fund is to provide funding for various capital projects from the net sale proceeds generated from the disposal of surplus properties; and

WHEREAS authorization is required to close the Marketing Campaign Reserve Fund (\$4,257.00), the Special Events Reserve Fund (\$216,166.00), the Special Festival Events Reserve Fund (\$48,479.00), the Bi-Centennial Celebrations Reserve Fund (\$108,563.00) and the 200th Birthday Reserve Fund (\$2,468.00) with a total balance of \$379,933.00; and

WHEREAS the \$500,000.00 seed funding could be partially financed from balances in a number of inactive reserve funds totalling \$379,933.00 and the net shortfall of \$120,067.00 would be temporarily financed from the Land Acquisition Reserve Fund;

NOW THEREFORE BE IT RESOLVED THAT Council consider the following reports and that such reports be adopted:

- (1) (May 15, 2003) from the Chief Financial Officer and Treasurer, entitled 'Funding the City's Contribution to Economic Recovery from SARS'; and
- (2) (May 21, 2003) from the Chief Administrative Officer and the Commissioner of Economic Development, Culture and Tourism, entitled 'Mayor's SARS Recovery Task Force – Status Report'."

Disposition: *The Motion was adopted, subject to adding thereto the following new Operative Paragraphs:*

“AND BE IT FURTHER RESOLVED THAT Council:

- (1) *affirm the necessity of developing federal policies, programs and funding models sufficient to ensure a comprehensive, co-ordinated, tri-level response to public health issues like SARS; and*
- (2) *request the Federation of Canadian Municipalities, in co-operation with the City of Toronto and other appropriate City partners, to request the Prime Minister to convene a panel composed of City and federal officials to address this nationally important issue,*

and that these initiatives be conveyed to the Federation of Canadian Municipalities at its annual meeting to be held in Winnipeg from May 30 - June 2, 2003;

AND BE IT FURTHER RESOLVED THAT *the Mayor, in consultation with the Chief Administrative Officer, be requested to convene a 'SARS Review Panel' to review and evaluate the response by the City of Toronto and its Agencies, Boards and Commissions, to the SARS outbreak;*

AND BE IT FURTHER RESOLVED THAT *the Chief Administrative Officer, be requested to:*

- (1) *prepare a summary of actions needed from the Province of Ontario, with issues including public health funding, release of the \$10 million, tourism promotion, hardship relief through Ontario Works and the creation of an emergency fund, and that the summary be sent to the Association of Municipalities of Ontario (AMO) for support, and further, that the Mayor and the Task Force members seek an urgent meeting with the Premier of Ontario to press for an immediate response to the City's request;*

- (2) *prepare a summary of actions needed from the Federal Government, with issues such as Employment Insurance criteria, tourism promotion outside Toronto and Canada and emergency funding for hardship relief, and that the summary be sent to the Federation of Canadian Municipalities (FCM) for its annual meeting in Winnipeg for support, and further, that the Mayor and the Task Force members seek an urgent meeting with the Prime Minister of Canada and/or his designate (HRDC, Industry Canada, Health Canada, Chair of Toronto Caucus and federal leadership candidates) to press for an immediate response to the City's request;*
- (3) *prepare a strategic advocacy program designed to promote funding policies and practices that include, but are not limited to, defined funding models and designated, reserved funding sources (e.g. National Health Disaster Relief Fund), necessary to enshrine high level public health response capabilities and economic and social recovery mechanisms;*
- (4) *prepare a position paper respecting the City of Toronto and the provincial and federal government roles, mandates and programs relative to the economic and social impact of public health issues like SARS, and that this position paper be presented to the Federation of Canadian Municipalities and the Association of Municipalities of Ontario at the earliest possible time; and*
- (5) *report on opportunities to engage the U.S. National League of Cities in promoting Toronto's message and sharing Toronto's experiences in combating the SARS outbreak;*

AND BE IT FURTHER RESOLVED THAT the Public Health Unit be authorized to immediately begin the process of staged hiring of staff on a temporary basis (approximately 46 new hires) to manage SARS on a more adequate basis, and that this be funded 100 percent by the Province, and further, that the Chief Administrative Officer and the Medical Officer of Health be requested to submit a joint report to the Policy and Finance Committee and the Board of Health should this funding not be forthcoming;

AND BE IT FURTHER RESOLVED THAT the Mayor and the Chair of the Board of Health, supported by appropriate City officials, be requested to meet with the Provincial Minister of Health, on an urgent basis, to urge the Province to reimburse the City's costs related to SARS and to support on-going SARS work;

AND BE IT FURTHER RESOLVED THAT the City of Toronto recognize the hardship suffered by laid-off hotel, restaurant and hospitality workers by supporting the Hotel Employees, Restaurant Employees Union Local 75 (HERE), in a joint labour-management adjustment retention project, and specifically by providing 3000-4000 square feet of space in a City-owned facility for one year, or by paying for leased space for one year, such funding and support to be contingent on the Federal and Provincial Governments providing the necessary training and education funding;

AND BE IT FURTHER RESOLVED THAT Council adopt the following motion:

'Moved by Councillor Shiner

Seconded by Councillor Rae

WHEREAS the Sudden Acute Respiratory Syndrome (SARS) outbreak in Toronto has resulted in financial hardship to hospitality-related businesses; and

WHEREAS hospitality-related businesses contribute significantly to the City's employment, economic and property tax base; and

WHEREAS Toronto City Council, at its meeting of April 24, 2003, recognized the need to provide hardship relief to businesses affected by SARS, in conjunction with other recovery initiatives; and

WHEREAS the requirement to pay the final instalment of 2003 property taxes in full, over three instalments with due dates of July 2, August 1, and September 2, 2003, may result in financial hardship for SARS-affected businesses; and

WHEREAS the City currently offers the option to spread the final tax bill over six instalments, from July through December, through its pre-authorized property tax payment program provided the tax account is in good standing and an application is received prior to March 14th, 2003; and

WHEREAS spreading the final property tax bill over 6 instalments from July through December will ameliorate some of the financial hardship being experienced by these businesses;

NOW THEREFORE BE IT RESOLVED THAT businesses who have not previously enrolled in the City's 2003 pre-authorized property tax payment program (PTP) and whose tax account is in good standing, be permitted to make application up to June 16, 2003, to enrol in this program to allow the 2003 final tax bill to be paid over six instalments by way of pre-authorized payment, subject to the other terms and conditions of the PTP program;

AND BE IT FURTHER RESOLVED THAT, where assessed owners of commercial properties who have not enrolled in the City's 2003 pre-authorized property tax payment program (PTP) and whose tax account is in good standing, be permitted to apply to the Chief Financial Officer and Treasurer up to June 16, 2003, to enrol in a new program to allow the 2003 final tax bill to be paid over six instalments by way of post-dated cheque delivered to the Treasurer by June 16, 2003, which cheques shall be dated as follows:

- July 2, 2003;*
- August 1, 2003;*
- September 2, 2003;*
- October 1, 2003;*
- November 3, 2003; and*
- December 1, 2003;*

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

AND BE IT FURTHER RESOLVED THAT the Commissioner of Economic Development, Culture and Tourism be requested to join with officials from the Toronto Zoo to establish a strategic plan to assist with promotion of the Toronto Zoo, including advertising and other related activities;

AND BE IT FURTHER RESOLVED THAT the hours of the SARS hotline be extended to operate between the hours of 7:30 a.m. and 8:30 p.m., as needed.”

Council, by its adoption of Motion J(20), as amended, adopted, without amendment, the following reports:

(I) (May 15, 2003) from the Chief Financial Officer and Treasurer, embodying the following recommendations:

“It is recommended that:

- (1) the Chief Financial Officer and Treasurer be authorized to recover all SARS related operating expenditures from the Province;**
- (2) the \$5 million committed by City Council to assist with the economic recovery of businesses in the City of Toronto be financed temporarily from the Land Acquisition Reserve Fund;**
- (3) Council authorize closure of the Marketing Campaign (\$4,257.00), Special Events (\$216,166.00), Special Festival Events (\$48,479.00), Bi-centennial Celebrations (\$108,563.00) and 200th Birthday (\$2,468.00) Reserve Funds with a total balance of \$379,933.00;**
- (4) the balances of the reserve funds identified for closure in Recommendation No. (3) above, totalling \$379,933.00 be transferred to a non-program account for the purpose of partially financing the City’s \$500,000.00 seed funding commitment to develop a comprehensive action plan to address the economic and tourism impacts of SARS, and further, that the difference of \$120,067.00 be financed temporarily from the Land Acquisition Reserve Fund;**
- (5) staff from all City Agencies, Boards, Commissions and Departments be directed to make every effort to minimize reallocation of under-expenditures during the 2003 fiscal year and that any available surplus at year end be first used to reimburse the Land Acquisition Reserve Fund for the \$5,120,067.00 borrowed to temporarily finance Council’s SARS initiatives;**

- (6) *the 2003 Operating Budget be adjusted by \$5.5 million gross and zero net, to be financed first from the balances in special events reserve funds identified for closure and then through contributions from the Land Acquisition Reserve Fund, be approved and that the budget for SARS economic recovery be placed in a non-program account;*
 - (7) *the Chief Financial Officer and Treasurer be authorized to draw up to \$5,120,067.00 from the Land Acquisition Reserve Fund on an as needed basis;*
 - (8) *the Chief Financial Officer and Treasurer monitor City spending and report back on the status of SARS related costs and spending, as part of the quarterly variance reports; and*
 - (9) *the appropriate City officials be authorized to the necessary action to give effect thereto.”; and*
- (II) *(May 21, 2003) from the Chief Administrative Officer and the Commissioner of Economic Development, Culture and Tourism, embodying the following recommendations:*
- “It is recommended that:*
- (1) *Council endorse and provide concurrence with the actions taken to-date by the SARS Advisory Task Force to the Mayor;*
 - (2) *the City’s SARS economic recovery and hardship relief initiatives be deemed to be municipal purposes and that the Chief Financial Officer and Treasurer be directed to issue income tax receipts for eligible donations;*
 - (3) *the 2003 operating budgets for the donation programs be increased commensurate with the value of donations received and that the Task Force and appropriate City staff be authorized to approve expenditures equivalent to the value of donations received for each of the two purposes;*
 - (4) *staff report back in September on the actions of Task Force to that date, the impact of the ‘Toronto: You Belong Here’ campaign, and the value of donations received; and*
 - (5) *the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*

(21) **Installation of Street Lighting – Mathersfield Drive (Ward 27 – Toronto Centre-Rosedale)**

Moved by: Councillor Rae

Seconded by: Councillor Pitfield

“**WHEREAS** residents of Mathersfield Drive have requested permission from the City of Toronto to replace, at the residents’ own expense, the existing street lights on Mathersfield Drive with more attractive street lights; and

WHEREAS the residents wish to have the new street lights installed as soon as possible; and

WHEREAS by a report dated May 21, 2003 to City Council, the Commissioner of Works and Emergency Services recommends that permission be granted, subject to certain conditions;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the report dated May 21, 2003, from the Commissioner of Works and Emergency Services.”

Disposition: *The Motion was adopted, without amendment, and in so doing, Council adopted, without amendment, the report dated May 21, 2003, from the Commissioner of Works and Emergency Services, embodying the following recommendations:*

“It is recommended that:

- (1) the South Rosedale Subdivision Agreement be amended in accordance with the contents of this report to release the developer and the builder from responsibilities regarding street lighting on Mathersfield Drive, such amending agreement to be to the satisfaction of the Commissioner of Works and Emergency Services and the City Solicitor;*
- (2) the amendment of the South Rosedale Subdivision Agreement in Recommendation No. (1) be approved on condition that:*
 - (a) the residents of Mathersfield Drive enter into a contract with a contractor acceptable to the Commissioner of Works and Emergency Services for the installation of seventeen (17) street lights on Mathersfield Drive, such installation to be in accordance with plans and specifications approved by the Street and Expressway Lighting Unit of the Works and Emergency Services Department;*

- (b) *the contract for the installation of the street lighting provide for a minimum maintenance/warranty period of one year from the date of substantial completion;*
 - (c) *the residents provide evidence to the satisfaction of the Commissioner of Works and Emergency Services that adequate funds have been raised by the residents to cover the entire cost of the contract for the installation of the street lights and that the contract will be administered to comply with the provisions of the Construction Lien Act and all other applicable legislation; and*
 - (d) *the resident's contractor obtain a right-of-way management permit from the Works and Emergency Services Department with respect to the proposed street lighting installation; and*
- (3) *the appropriate City officials be authorized and directed to take the necessary actions to give effect to the above."*
- (22) **Funding for Additional TTC Services for Scadding Court Community Centre Events**

Moved by: Councillor Miller

Seconded by: Councillor Moscoe

“WHEREAS the City of Toronto has implemented a SARS Economic Recovery initiative, known as ‘Toronto: You Belong Here’, the objective of which is to help reverse the negative economic effects of the SARS episode; and

WHEREAS as part of this initiative, the City of Toronto is encouraging citizens, community groups, and business associations to help re-energize and revitalize the spirit, liveliness, and economic strength of our City; and

WHEREAS consistent with this concerted effort, the Scadding Court Community Centre is co-ordinating two major events known as Dragon Fest and the Downtown Chinatown Festival which are targeted at attracting tourists and residents to visit and patronize Toronto’s local Chinese business communities; and

WHEREAS the occurrence of these two events will require the Toronto Transit Commission to alter and augment its services which operate through these communities, at a cost to the TTC of approximately \$20,000.00; and

WHEREAS in its ongoing efforts to balance its budget, the TTC has a policy of recovering such additional costs from the groups which sponsor the events or festivals; and

WHEREAS the Scadding Court Community Centre is a non-profit organization which does not have the financial resources to pay the TTC for these additional costs; and

WHEREAS these events should take place because they are an important part of the City's efforts to revive its economy;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto agrees to fully compensate the TTC for the \$20,000.00 cost which it will incur as a result of the service changes necessary to accommodate the Dragon Fest and Downtown Chinatown Festival events;

AND BE IT FURTHER RESOLVED THAT Council refer this matter to the Mayor's 'Toronto: You Belong Here' Task Force to ensure that this payment to the TTC is transacted in a timely way."

Disposition: The Motion was adopted, without amendment.

(23) **Indemnification of Police Officers**

Moved by: Councillor Walker

Seconded by: Councillor Sutherland

“WHEREAS Police Officers of the Toronto Police Service are requesting the continuance of a condition of their employment that indemnifies Police Officers against costs if named in a civil lawsuit stemming from the performance of their duties; and

WHEREAS Police Officers were indemnified by the former Metropolitan Toronto against all civil actions until the amalgamation of Toronto in 1997; and

WHEREAS the appointment of the present Members of the Toronto Police Services Board expires with the upcoming provincial and municipal elections; and

WHEREAS civil charges can be made against Police Officers for many reasons including frivolous and vexatious reasons; and

WHEREAS it should not be a discretionary power of the Toronto Police Services Board to grant insurance coverage to a Police Officer for legal representation in a civil law suit based upon their interpretation of whether that Officer was 'acting in good faith'; and

WHEREAS the policy of the Toronto Police Services Board of providing indemnification of Police Officers subjected to civil law suits while acting in the line of duty in an arbitrary, case-by-case basis, puts Officers under the threat of significant personal financial loss; and

WHEREAS such a policy is open to subjective interpretation, favouritism and other forms of abuse that can lead to declining morale among individual Police Officers and their families and the Force as a whole; and

WHEREAS it is simply wrong in principle that a Police Officer could be ‘left out to dry’ by his/her employer without legal representation;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council state to the Toronto Police Services Board its desire that all Members of the Toronto Police Service must receive legal representation for any civil action that results from the performance of their duties and instruct its representatives to vote for this insurance coverage;

AND BE IT FURTHER RESOLVED THAT Toronto City Council re-iterate its’ continued confidence in the Police Officers of the Toronto Police Service.”

Disposition: The Motion was ruled ultra vires.

- (24) **Settlement Offer - Official Plan and Zoning By-law Amendments – 4691 Bathurst Street, 500 Ellerslie Avenue and 45-51 Farrell Avenue (Ward 23 – Willowdale)**

Moved by: Councillor Filion

Seconded by: Councillor Mammoliti

“**WHEREAS** at its meeting held on April 14, 15 and 16, 2003, City Council adopted, as amended, Clause No. 18 of Report No. 3 of The North York Community Council, headed “Final Report - Application to Amend the Official Plan and Zoning By-law 7625 - TB CMB 2002 0010 - 1379288 Ontario Corporation - 4691 Bathurst Street, 500 Ellerslie Avenue and 45-51 Farrell Avenue - Ward 23 - Willowdale”, and thereby directed the City Solicitor to oppose at the OMB the applications for Official Plan and Zoning By-law Amendments and site plan approval with respect to a proposed 61-unit townhouse project at 4691 Bathurst Street, 500 Ellerslie Avenue and 45-51 Farrell Avenue; and

WHEREAS the OMB has scheduled a Motion on June 13, 2003 to determine the key issue of road width; and

WHEREAS the applicant has made a settlement offer and has revised the site plan with respect the eastern transition of the project and the channelization of the road; and

WHEREAS the City Solicitor wishes to report upon the proposed settlement and obtain further directions in respect of the OMB Motion; and

WHEREAS it is appropriate to consider the confidential report dated May 15, 2003, from the City Solicitor at this meeting as it is time sensitive having regard to the June 13, 2003 OMB Motion; and

WHEREAS it is appropriate to consider the report of the City Solicitor in camera as it relates to litigation and solicitor-client privilege;

NOW THEREFORE BE IT RESOLVED THAT Council adopt the confidential report dated May 15, 2003, from the City Solicitor.”

Disposition: The Motion was adopted, without amendment, and in so doing, Council adopted, without amendment, the confidential report dated May 15, 2003, from the City Solicitor, such report to remain confidential, in accordance with the provisions of the Municipal Act, having regard that it contains information pertaining to litigation or potential litigation and is subject to solicitor-client privilege, save and except the following recommendations embodied therein:

“It is recommended that:

- (1) the City Solicitor be instructed to settle the appeals substantially in accordance with the provisions set out in the ‘Comments’ section of this report; and*
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”*

(25) Proposal for City Council Meeting to be Held at the Toronto Zoo

Moved by: Councillor Mammoliti

Seconded by: Councillor Mihevc

“WHEREAS Severe Acute Respiratory Syndrome (SARS) reached Toronto in late March 2003, with a returning Hong Kong traveller; and

WHEREAS the impact was swift and devastating in Toronto, with the first individuals succumbing to the disease and several other people becoming sick and/or exhibiting symptoms; and

WHEREAS while Toronto Public Health and the local medical community were fast to take action in the containment of the disease, the World Health Organization (WHO) issued a worldwide travel advisory for Toronto on April 22, 2003; and

WHEREAS business and tourism in the City had already experienced significant losses, with visitors and local residents alike staying home and avoiding public spaces; and

WHEREAS the decision by the WHO, broadcast around the world, intensified the fear of travelling to Toronto resulting in a huge loss of business and tourism for the City; and

WHEREAS on April 29, 2003, through the collective efforts of Federal, Provincial and Municipal officials, the WHO lifted the travel advisory placed on Toronto; and

WHEREAS a co-operative effort between the three levels of government is underway to help reverse public perception about health safety in Toronto, restore public confidence and regain business and the tourism lost; and

WHEREAS the Toronto Zoo revenues ending April 2003, were below budget by \$648,145.00 and below last year to date by \$198,726.00; and

WHEREAS the Regular Visitor and Group Admission revenue accounts for 92 percent of the shortfall and it is projected that Zoo revenues for the year could potentially be under-budget by \$2,000,000.00; and

WHEREAS in the month of April 2003, the Zoo's attendance was 24 percent below budget and 23 percent behind last year; and

WHEREAS more damaging has been the impact to the Zoo's school groups and general groups business to June; and

WHEREAS April groups were 48 percent below 2002, May groups are 43 percent below, and June is currently lagging last year by 65 percent; and

WHEREAS by the end of June 2003, it is projected that Zoo attendance may be close to 100,000 below budget, which represents about \$2,000,000 in lost revenue by year end;

NOW THEREFORE BE IT RESOLVED THAT the first day of the meeting of Toronto City Council scheduled to be held on July 22, 23 and 24, 2003, be held at the Toronto Zoo to showcase the Zoo as the place for Torontonians and the rest of the world to visit and for Council to show support for tourism in the City of Toronto;

AND BE IT FURTHER RESOLVED THAT the City of Toronto take a public relations initiative to inform the global media about this event and how it relates to the City of Toronto's SARS recovery;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take necessary action to give effect thereto, including the introduction in Council of any bills that may be required."

Disposition: The Operative part of this Motion was considered with Motion J(20), moved by Councillor Shiner, seconded by Councillor Ootes, headed "City of Toronto's Economic Recovery from the SARS Outbreak".

(26) **Implementation of Municipal Act, 2001 - Revision to Notice Provisions**

Moved by: Councillor Moscoe

Seconded by: Councillor Soknacki

“**WHEREAS** City Council, at its meeting held on November 26, 27 and 28, 2002, adopted By-law No. 1096-2002 to adopt a new City of Toronto Municipal Code Chapter 162, Notice, Public; and

WHEREAS the By-law sets out requirements for giving notice on a variety of matters as prescribed by the Municipal Act, 2001; and

WHEREAS section 251 of the Municipal Act, 2001 allows City Council to determine the form, manner and time that it considers adequate to give reasonable notice; and

WHEREAS Chapter 162 of the Toronto Municipal Code sets out requirements that exceed reasonable notice by requiring paid advertisements to be placed in a newspaper of general circulation two weeks in advance of the Committee meeting at which a matter is first discussed; and

WHEREAS this imposes considerable financial costs in light of the effectiveness of a notice in a single newspaper as a method of reaching the public; and

WHEREAS in 2003 the costs of placing newspaper advertisements will exceed \$125,000.00; and

WHEREAS the City Clerk routinely publishes the agendas of Council and Committees and the schedule of Council and Committee meetings in advance of scheduled meetings; and

WHEREAS the City has established a central Web page for statutory notices under the Municipal Act, 2001; and

WHEREAS Council’s definition of adequate notice represents a minimum standard for notice that does not prevent Council or a Committee from requiring more extensive notice or consultation on any individual matter as it may deem appropriate;

NOW THEREFORE BE IT RESOLVED THAT in accordance with §27-49 of Chapter 27 of the City of Toronto Municipal Code, Policy and Finance Committee Report No. 15, Clause No. 2, headed ‘Municipal Act, 2001 Implementation’ be re-opened for further consideration, only insofar as it pertains to the notice provisions of Chapter 162, Notice, Public;

AND BE IT FURTHER RESOLVED THAT Chapter 162 of the Toronto Municipal Code be amended to delete the requirement for a paid advertisement in a general circulation newspaper, so that notice will be given through the City's web site and through the normal advance publication of agendas of Committees and Council."

Disposition: Council re-opened Clause No. 2 of Report No. 15 of The Policy and Finance Committee, headed "Municipal Act, 2001 Implementation", for further consideration, only insofar as it pertains to the notice provisions of Chapter 162, Notice, Public, and adopted the balance of the Motion, subject to adding the following new Operative Paragraph:

"AND BE IT FURTHER RESOLVED THAT when the By-law has been passed, this policy be applied to the supplementary Taxi Rate increase so that it can be referred to the Planning and Transportation Committee for its next meeting scheduled to be held on June 3, 2003, and not delayed for an extra two months."

(27) **Automobile Damage Claim Against the City of Toronto**

Moved by: Councillor Mammoliti

Seconded by: Councillor Milczyn

WHEREAS on March 2, 2003, Ms. Mary Bianchini was travelling west bound on Wilson Avenue, just before Weston Road where Ms. Bianchini went over a very large pothole in the road; and

WHEREAS the pothole was approximately 4 feet long, 2.5 feet wide and 8 inches deep; and

WHEREAS resulting from the pothole both tires and rims on the passenger side were damaged; and

WHEREAS two sets of tires and rims had to be changed at a cost of \$1,153.90 at a registered Honda Dealership; and

WHEREAS Ms. Bianchini reported the incident to the City of Toronto's dispatch centre where Ms. Bianchini was told that numerous calls had been received concerning the same pothole; and

WHEREAS consequently, City of Toronto staff placed a pylon the next day to caution drivers; and

WHEREAS Ms. Bianchini forwarded a letter to the Office of the City Clerk on March 4, 2003, outlining the events and requesting that the City reimburse her for the incurred expenses; and

WHEREAS the City of Toronto forwarded Ms. Bianchini's letter to Ponton Coleshill Edwards & Associates who are the Independent Insurance Adjusters acting on behalf of the City of Toronto; and

WHEREAS on April 30, 2003, the City of Toronto's Independent Insurance Adjusters, Ponton Coleshill Edwards & Associates advised Ms. Bianchini that under the Municipal Act, Section 44, a municipality shall keep the road in a reasonable state of repair and that a municipality can not be held negligent if they did not know and could not reasonably have been expected to know about the state of repair; and

WHEREAS the City's Independent Insurance Adjusters investigation indicated that the City inspected and acted in a reasonable time to repair the road and accordingly did not find any negligence against the City and Ms. Bianchini's claim was denied; and

WHEREAS on reporting the incident to the City of Toronto's dispatch centre, Ms. Bianchini was told that numerous calls had been received concerning the same pothole; and

WHEREAS since the City of Toronto in accordance with the Municipal Act, Section 44, shall keep the road in a reasonable state of repair; and

WHEREAS the City of Toronto was indeed aware of the state of repair due to the high number of calls to the dispatch office;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto accept full responsibility for the lack of a reasonable state of repair and that the City of Toronto reimburse Ms. Bianchini in the amount of \$1,153.90;

AND BE IT FURTHER RESOLVED THAT the appropriate City officials be authorized and directed to take necessary action to give effect thereto, including the introduction in Council of any bills that may be required."

Disposition: Notice of the foregoing Motion was given to permit consideration at the next regular meeting of City Council scheduled to be held on June 24, 2003.

(28) **Ontario Municipal Board Hearing – 5318 Finch Avenue East**

Moved by: Councillor Balkissoon

Seconded by: Councillor Altobello

“WHEREAS the Committee of Adjustment (East District) at its meeting held on February 12, 2003, denied application No. A169/02SC, to vary the existing Zoning By-law for the property at 5318 Finch Avenue East, Units 1 – 4; and

WHEREAS the applicant has recently appealed the Committee's decision to the Ontario Municipal Board; and

WHEREAS the City has recently been advised that the Ontario Municipal Board will be hearing this matter on June 23, 2003;

NOW THEREFORE BE IT RESOLVED THAT City Council direct the appropriate staff from the Legal Division and Urban Development Services to defend the decision of the Committee of Adjustment at any future Ontario Municipal Board hearings with respect to this application.”

Disposition: The Motion was adopted, without amendment.

(29) **Support for National and Provincial Sex Offender Registries**

Moved by: Councillor Korwin-Kuczynski

Seconded by: Councillor Silva

“**WHEREAS** the Chief of Police has expressed his frustration over the lack of a national sex offender registry; and

WHEREAS a high concentration of sex offenders reside in the City of Toronto and is a public safety concern; and

WHEREAS the Province of Ontario launched its sex offender registry on April 23, 2001; and

WHEREAS the Federal Government has been working on a national sex offender registry over the last two years; and

WHEREAS Bill C-23, to establish a National Sex Offender Registry, was introduced by the Federal Government in December 2002, and received second reading on April 8, 2003; and

WHEREAS there is a need for compatibility between the National and Provincial Registries; and

WHEREAS there is a need for more stringent legislation to deal with sex offenders upon their release;

NOW THEREFORE BE IT RESOLVED THAT Toronto City Council urge the Federal Government to ensure the expeditious passage of Bill C-23;

AND BE IT FURTHER RESOLVED THAT the Federal Government ensure the compatibility of the National and Provincial Sex Offender Registries;

AND BE IT FURTHER RESOLVED THAT Toronto City Council urge the Federal Government to enact legislation requiring all convicted sex offenders to submit to mandatory DNA testing;

AND BE IT FURTHER RESOLVED THAT Toronto City Council urge the Federal Government to review legislation to ensure that there is mandatory surveillance of convicted sex offenders and mandatory participation in rehabilitation programs and to ensure that there are mechanisms in place to avoid the high concentration of convicted sex offenders within the City.”

Disposition: The Motion was adopted, without amendment.

(30) **Request for Report Regarding Properties in Ward 16 - Harmonized Tree Protection By-law**

Moved by: Councillor Johnston

Seconded by: Councillor Miller

“**WHEREAS** the Planning and Transportation Committee will consider a further review report respecting the new Toronto Ravine By-law, defining Toronto Ravine Protection, at its meeting to be held on June 3, 2003; and

WHEREAS portions of Ward 16 lack private tree protection due to the lack of a Toronto-wide harmonized tree protection on property;

NOW THEREFORE BE IT RESOLVED THAT the Commissioner of Urban Development Services be requested to submit a report to the Planning and Transportation Committee for consideration at its meeting to be held on July 2, 2003, on temporary measures to protect the Ward 16 properties without a harmonized tree protection by-law.”

Disposition: The Motion was adopted, without amendment.

(31) **Promotion of Peacock Circus International Inc.**

Moved by: Councillor Silva

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** Toronto is in much need of the enthusiasm and positive media coverage to encourage a large number of visitors and tourists to revitalize our local economy; and

WHEREAS the principals of Peacock Circus International Inc. have entered into a lease agreement with Exhibition Place to run shows and events in our Queen Elizabeth Theatre; and

WHEREAS Peacock Circus has arranged and scheduled the Great Moscow State Circus to come to Toronto this July and August 2003, for a series of shows; and

WHEREAS this event will provide an excellent opportunity for children of all ages to participate in a unique celebration and festival of excitement, adventure and fun; and

WHEREAS Peacock Circus has generously offered to provide, as part of their efforts to encourage visitors and tourists to Toronto and Exhibition Place, to deduct 25 percent off their regular ticket prices for all weekend matinee shows; and

WHEREAS Peacock Circus has further offered to provide regular show tickets with a 20 percent discount as part of any tourist packages being co-ordinated as part of the 'Toronto: You Belong Here' campaign;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize City staff to support, in every manner possible, through advertising, promotion and co-ordination in the 'Toronto: You Belong Here' campaign, this great opportunity being presented to the City of Toronto by Peacock Circus International Inc."

Disposition: The Motion was adopted, without amendment.

(32) **"Portugal Day" in the City of Toronto**

Moved by: Councillor Silva

Seconded by: Councillor Pantalone

WHEREAS Saturday, June 7, 2003, marks the annual Portugal Day Parade in Toronto; and

WHEREAS this year marks the 50th anniversary of the Portuguese Canadian community in Canada; and

WHEREAS on May 13, 1953, the first group of Portuguese immigrants, officially recognized as such by the Government of Canada, arrived at Pier 21 in Halifax; and

WHEREAS the June 10th celebrations commemorate Portugal's National Day; and

WHEREAS upwards of 200,000 people each year gather for this very special day of music, culture and enjoyment; and

WHEREAS this year the Prime Minister of Portugal will be in attendance; and

WHEREAS this event offers free concerts in Trinity Bellwoods Park and other special events; and

WHEREAS Portugal Day Parade events are broadcast, both locally and internationally; and

WHEREAS Toronto is in much need of the enthusiasm, positive media coverage and also the large number of visitors for the Portugal Day Parade;

NOW THEREFORE BE IT RESOLVED THAT City Council authorize the appropriate staff to fully support, in every manner possible, through advertising, promotion (including the 'Toronto: You Belong Here' campaign) and logistical support for the Portugal Day Parade;

AND BE IT FURTHER RESOLVED THAT City Council deem this event one of Municipal significance and request Mayor Mel Lastman to declare June 10th as Portugal Day in the City of Toronto.”

Disposition: The Motion was adopted, without amendment.

(33) **Grant to Dovercourt Boys & Girls Club**

Moved by: Councillor Silva

Seconded by: Councillor Korwin-Kuczynski

“**WHEREAS** the people of the City of Toronto are deeply saddened by the tragic death of Holly Jones; and

WHEREAS the people of this City are committed to protecting the safety and security of our children; and

WHEREAS there is a need for enhanced programs to 'street-proof' our children; and

WHEREAS the Perth Randolph Community Centre (operated by the Dovercourt Boys & Girls Club) is located in the neighbourhood where the Jones Family lives; and

WHEREAS the Centre has been providing community meeting space and supervised recreational space for the students of St. Luigi's Catholic School during the current school closure; and

WHEREAS the Centre's request for funding from the City for a \$16,000.00 drug prevention program has been denied; and

WHEREAS without this operating grant, the Centres' youth outreach worker position will be eliminated, causing the curtailment of operating hours of the Centre to half days only; and

WHEREAS the community has also requested a community safety awareness campaign; and

WHEREAS a community safety awareness date has been set for Saturday, May 31, 2003, at Exhibition Place to provide street-proofing education for children in the west-end of Toronto;

NOW THEREFORE BE IT RESOLVED THAT the appeal fund for the Drug Prevention Grants be increased by an amount of \$16,000.00, to be allocated to Dovercourt Boys & Girls Club on a one-time basis for the Youth Program, to be funded from unexpended allocations within the Consolidated Grants Budget;

AND BE IT FURTHER RESOLVED THAT City Council hereby provide \$6,000.00 on a one-time basis to undertake the community safety awareness program to be held at Exhibition Place.”

Disposition: The Motion was adopted, without amendment.

(34) **Proposal Regarding 1415 Lawrence Avenue**

Moved by: Councillor Di Giorgio

Seconded by: Councillor Li Preti

“**WHEREAS** the City of Toronto is involved in the resolution of an environmental issue respecting 1415 Lawrence Avenue; and

WHEREAS it is in the best interest of all parties to continue the process in a spirit of co-operation;

NOW THEREFORE BE IT RESOLVED THAT City Council consider the attached proposal respecting this matter, in camera, having regard that it pertains to potential litigation.”

Disposition: The Motion was referred to the Policy and Finance Committee, and the City Solicitor was requested to submit a report to the Committee for consideration with this matter.

(35) **Appointment of Councillor Fred Dominelli to Various Committees**

Moved by: Mayor Lastman

Seconded by: Councillor Ootes

“**WHEREAS** the resignation of Betty Disero as Councillor for Ward 17 - Davenport was accepted and the office declared vacant by Council at its meeting held on March 26, 2003; and

WHEREAS it is necessary to make appointments to fill those positions held by the former Councillor Betty Disero; and

WHEREAS Council, at its special meeting held on May 22, 2003, has appointed Fred Dominelli to replace Betty Disero as Councillor for Ward 17 - Davenport;

NOW THEREFORE BE IT RESOLVED THAT the relevant portions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, be waived to permit the appointment of Councillor Fred Dominelli to the following Boards and Committees without advising all Members of the vacancy and permitting them to submit names for consideration, and without referral to the Striking Committee;

AND BE IT FURTHER RESOLVED THAT Councillor Fred Dominelli be appointed to the following Boards and Committees for a term of office expiring November 30, 2003, and until his successor is appointed:

- (1) Corso Italia Business Improvement Area;
- (2) Planning and Transportation Committee;
- (3) St. Clair Avenue West Business Improvement Area;
- (4) St. Clair Gardens Business Improvement Area; and
- (5) York Eglinton Business Improvement Area;

AND BE IT FURTHER RESOLVED THAT, in accordance with the provisions of Chapter 27, Council Procedures, of the City of Toronto Municipal Code, the following positions held by the former Councillor Betty Disero be referred to the Striking Committee for recommendation to City Council, and that the City Clerk be requested to canvass Members of Council for their interest in these appointments, and submit a list of interested Members to the Striking Committee for its consideration:

- (i) Association of Municipalities of Ontario Board of Directors;
- (ii) Clean Streets Working Group;
- (iii) Culture Plan Steering Committee;
- (iv) Development Approvals Task Force;
- (v) Hockey Hall of Fame Board of Directors;
- (vi) Resource Diversion Implementation Working Group;
- (vii) Service Delivery Survey Working Group;
- (viii) Transit Funding Committee; and
- (ix) Waterfront Reference Group.”

Disposition: *The Motion was adopted, without amendment.*

(36) **Taxi Drivers' Appreciation Day**

Moved by: Councillor Minnan-Wong

Seconded by: Councillor Moscoe

“WHEREAS the City’s taxi drivers work numerous hours a week to provide safe and reliable transportation for our businesses, tourists and employees; and

WHEREAS the City did not declare a ‘Taxi Appreciation Day’ for 2002; and

WHEREAS taxi cab-drivers have often not received sufficient public recognition in the past for their added value in keeping Toronto running smoothly; and

WHEREAS the City has been supportive in the past in recognizing the role of our cabbies through such programs as annual awards, the Ambassador program and the uniform cab-colour program, all to improve the value and performance of our cab companies; and

WHEREAS Canyon Creek Chophouse has successfully set aside a special day to serve free lunches to taxi cab drivers for the last two years at its locations in Etobicoke and Mississauga; and

WHEREAS employees at Canyon Creek’s Front Street restaurant would like to hold the same event in appreciation of all taxi cab drivers for downtown Toronto;

NOW THEREFORE BE IT RESOLVED THAT City of Toronto declare Monday, June 9, 2003, an official ‘Taxi Cab Driver Appreciation Day’ and support the efforts of Canyon Creek’s Front Street restaurant in their taxi cab initiative that day.”

Disposition: *The Motion was adopted, without amendment.*

(37) **Ontario Municipal Board Hearing – 946 Lawrence Avenue East**

Moved by: Councillor Flint

Seconded by: Councillor Walker

“WHEREAS the Committee of Adjustment has granted variance Application No. A104/02M with respect to 946 Lawrence Avenue East to permit site specific Zoning By-law No. 31617 to be applied to the entire site notwithstanding any subsequent land division of the site, subject to conditions; and

WHEREAS the Don Mills Residents Incorporated have appealed the Committee of Adjustment Decision to the Ontario Municipal Board; and

WHEREAS the Ontario Municipal Board hearing is scheduled for June 16, 2003;

NOW THEREFORE BE IT RESOLVED THAT the City Solicitor be instructed to attend at the Ontario Municipal Board hearing in opposition to the Committee of Adjustment decision as it pertains to the landscaping requirements being permitted to include landscaping on the roof and within the building and further that the City Solicitor be authorized to retain any consultants, as may be necessary.”

Disposition: The Motion was adopted, without amendment.

CONDOLENCE MOTIONS

(1) **Moved by: Councillor Korwin-Kuczynski**

Seconded by: Mayor Lastman

“**WHEREAS** the Davenport community is deeply saddened by the terrible loss experienced by the family of Holly Jones; and

WHEREAS the entire City of Toronto is in shock and consumed with grief at the loss of one of our innocent and precious young citizens; and

WHEREAS the Council of the City of Toronto shares these feelings of outrage, sadness and grief; and

WHEREAS the citizens of Toronto will forever remember Holly Jones as a bright, lovely and innocent young child who will remain in our hearts always;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be requested to convey on behalf of the Members of City Council, our sincere sympathy to the Jones family on their tragic personal loss.”

Disposition: The Motion was adopted unanimously.

(2) **Moved by: Councillor Minnan-Wong**

Seconded by: Councillor Moscoe

“**WHEREAS** the Members of City of Toronto Council are deeply saddened to learn of the tragic death of Mohamad Nakib-Arbaji at a Toronto convenience store on Monday, April 21, 2003; and

WHEREAS Mr. Nakib-Arbaji died after coming to the aid of an innocent victim in an attempted robbery by confronting the perpetrator and may well have saved her life by his intervention; and

WHEREAS Mr. Nakib-Arbaji worked in the City of Toronto as an Ambassador taxicab owner since December 1999 and a licenced taxicab driver since June 1982;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of City Council, our sincere sympathy to his wife, his five children and his family.”

Disposition: The Motion was adopted unanimously.

(3) **Moved by: Councillor Miller**

Seconded by: Councillor Pantalone

“**WHEREAS** the Members of City of Toronto Council are deeply saddened to learn that James ‘Jimmy’ Fuller passed away suddenly on Thursday, May 22, 2003, in his 83rd year; and

WHEREAS Jimmy Fuller was the president of IATSE Local 58 for 36 years and member of IATSE Local 58 for 54 years; and

WHEREAS Jimmy Fuller was a long time stagehand at the Hummingbird Centre and the first electrician from 1960 to 1987; and

WHEREAS Jimmy Fuller loved and supported live theatre and entertainment for many years in the City of Toronto and across Canada, including the Halifax Tattoo and Charlettetown Festival; and

WHEREAS he will be sorely missed by the Toronto entertainment community, colleagues, friends and family;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk be directed to convey, on behalf of Members of the Council of the City of Toronto, our sincere sympathies to his wife Eleanor, their family and his IATSE Local 58 family.”

Disposition: The Motion was adopted unanimously.

Toronto, Ontario
May 29, 2003

City Clerk